

# PUBLIC ACTS OF THE FIFTY-SIXTH CONGRESS

OF THE

## UNITED STATES

*Passed at the second session, which was begun and held at the city of Washington, in the District of Columbia, on Monday the third day of December, 1900, and was adjourned without day on Monday the fourth day of March, 1901.*

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 In relation to the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia.

December 7, 1900.

Whereas the Senate and House of Representatives have each appointed a committee to act with other committees appointed respectively by the President of the United States and by the citizens of the District of Columbia (in a mass meeting assembled), which committees have in charge the celebration of the centennial anniversary of the establishment of the permanent seat of government in the District of Columbia; and

Preamble.

Whereas said committees have in joint session adopted a plan of celebration which has been submitted to the President of the United States and by him transmitted to Congress, such plan proposing as a feature of the celebration the holding by the Senate and House of Representatives, jointly, commemorative exercises in the Hall of the House of Representatives in the afternoon of the twelfth day of December, nineteen hundred, in honor of the centennial anniversary of the first session of Congress held in the permanent capital: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the two Houses of Congress shall assemble in the Hall of the House of Representatives on the twelfth day of December, nineteen hundred, at the hour of half past three o'clock post meridian, and that addresses on subjects bearing on the celebration shall be made by Senators and Representatives to be chosen by the joint committee mentioned in the preamble; that the President and ex-Presidents of the United States, the heads of the several Executive Departments, the Justices of the Supreme Court, representatives of foreign Governments accredited to this Government, the governors of the several States and Territories, the Commissioners of the District of Columbia, the Lieutenant-General of the Army and the Admiral of the Navy, officers of the Army and Navy who have received the thanks of Congress, and all persons who have the privilege of the floor either of the Senate or the House, be, and are hereby, invited to be present on the occasion, and that the members of the committee from the country at large, the members of the said citizens' committee, and the

District of Columbia.  
Celebration authorized of centennial anniversary of establishment of seat of government in.

Invitations to exercises.

—Cards of admission,  
etc.

Day of celebration a  
legal holiday.  
Loan of flags.

Regulations, etc.

chairmen and vice-chairmen of the committees of the national capital centennial, are hereby granted the privilege of the floor of the House during the exercises; that the said citizens' committees shall issue cards of admission to such portions of the public galleries of the Hall of the House as may be set apart by the Doorkeeper of the House for that purpose. That the Speaker of the House shall call the assembly to order and the President pro tempore of the Senate shall act as presiding officer during the exercises. That the twelfth day of December, nineteen hundred, be a legal holiday within the District of Columbia. That the Secretary of War and the Secretary of the Navy are authorized to deliver to the Architect of the Capitol, for the purpose of decorating the Capitol, its approaches, and the reviewing stands in the Capitol grounds for the occasion, such United States ensigns and flags, except battle flags, and such signal numbers and other flags as may be spared, the same to be delivered to the Architect immediately, and returned by him not later than the thirty-first day of December, nineteen hundred. That admission of the general public to the southern portion of the Capitol, including the Rotunda, on the said twelfth day of December, nineteen hundred, shall be by card only, under the direction of the Doorkeeper of the House. That the Commissioners of the District of Columbia are authorized and directed, for the occasion, to make all reasonable regulations necessary to secure the preservation of public order and protection of life and property, and to grant authority or permits for the use of such thoroughfares and sidewalks in the city of Washington as may be necessary for parades, and that the citizens' committee are authorized to erect for the occasion a reviewing stand at the east side of or on the east steps of the Capitol.

Approved, December 7, 1900.

December 19, 1900.

**CHAP. 3.**—An Act To provide for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio.

Ohio, northern ju-  
dicial district.  
Additional district  
judge authorized.

Vacancy in existing  
judgeship not to be  
filled.

*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 northern judicial district of the State of Ohio an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and have the same power and jurisdiction now prescribed by law in respect to the present district judge therein.

**SEC. 2.** That no vacancy in the office of the existing district judge of said northern judicial district of Ohio shall be filled by appointment, and in case of such vacancy there shall be thereafter one district judge only for said district.

Approved, December 19, 1900.

December 21, 1900.

**CHAP. 6.**—An Act To amend an Act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March sixth, nineteen hundred.

Bridge of Dubuque  
and Wisconsin Bridge  
Co., over the Missis-  
sippi River at Du-  
buque.

Length of spans  
changed.  
Act, p. 41.

*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 authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March sixth, nineteen hundred, is hereby amended by striking out the words "two hundred" and inserting in lieu thereof the words "one hundred and seventy-five."

Approved, December 21, 1900.

**CHAP. 8.**—An Act Making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

January 4, 1901.

*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 certain appropriations for the fiscal year nineteen hundred and one, and for other objects, namely:

Urgent deficiencies.  
Appropriations.

SENATE.

Senate.

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

Folding.

HOUSE OF REPRESENTATIVES.

House of Representatives.

For miscellaneous items and expenses of special and select committees for fiscal years as follows:

Miscellaneous, etc.

For the fiscal year nineteen hundred, ten thousand dollars.

For the fiscal year nineteen hundred and one, twenty thousand dollars.

INDIAN AFFAIRS.

Indian service.

For surveying and allotting Indian reservations in severalty, ten thousand five hundred dollars.

Surveying, etc.

For completing the allotments provided for in the agreement with the Comanche, Kiowa, and Apache Indians in Oklahoma, ratified by Act approved June sixth, nineteen hundred, including the necessary resurveys, seventy-five thousand dollars, or so much thereof as may be necessary: *Provided*, That the Secretary of the Interior is hereby authorized, in his discretion, to contract with responsible parties for retracing the lines and reestablishing the monuments found necessary in making said allotments; and he is hereby authorized to extend the time for making said allotments and opening of the land to settlement for a period not exceeding eight months from the sixth day of December, nineteen hundred: *Provided further*, That the Secretary of the Interior may temporarily employ such persons as may be necessary to make such allotments.

Comanche, Kiowa,  
and Apache Indians,  
Oklahoma.  
Completing allot-  
ments to, etc.  
*Ante*, p. 676.  
*Provisos*.  
Reestablishing  
monuments, etc.

Temporary employ-  
ees, etc.

GEOLOGICAL SURVEY.

Geological Survey.

That the Public Printer be, and he is hereby, authorized to have the necessary illustrations for the Twenty-first Annual Report of the Director of the United States Geological Survey reproduced, payment for the same in excess of allotment made in sundry civil Act approved June sixth, nineteen hundred, to be made from the appropriation for public printing and binding.

Report of Director.  
Reproduction of il-  
lustrations.  
*Ante*, p. 617.

DISTRICT OF COLUMBIA.

District of Columbia.

For an additional assistant attorney in the office of the attorney for the District of Columbia for the remainder of the fiscal year nineteen hundred and one, at the rate of one thousand six hundred dollars per annum, eight hundred and fifty dollars, or so much thereof as may be necessary, 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.

Attorney for Dis-  
trict.  
Additional assistant  
authorized.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Volunteer Soldiers'  
Homes.

At the Central Branch, at Dayton, Ohio: For household expenses, namely: For coal, fifteen thousand dollars.

Dayton, Ohio.

Milwaukee, Wis.

At the Northwestern Branch, at Milwaukee, Wisconsin: For current expenses, namely: For fire apparatus, one thousand dollars.

Togus, Me.

For household expenses, namely: For coal, seven thousand dollars.  
At the Eastern Branch, at Togus, Maine: For current expenses, namely: For fire apparatus, two thousand dollars.

Hampton, Va.

At the Southern Branch, at Hampton, Virginia: For current expenses, namely: For fire apparatus, three thousand five hundred and seventy-five dollars.

For household expenses, namely: For coal, seven thousand five hundred 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 in the sundry civil appropriation Act for the fiscal year nineteen hundred and one, three thousand dollars.

For household expenses, namely: For coal, twelve thousand five hundred dollars.

Santa Monica, Cal.

At the Pacific Branch, at Santa Monica, California: For current expenses, namely: For fire apparatus, three thousand six hundred and twenty-five dollars.

Marion, Ind.

At the Marion Branch, at Marion, Indiana: For current expenses, namely: For fire apparatus, three thousand four hundred and twenty-five dollars.

Danville, Ill.

At the Danville Branch, at Danville, Illinois: For current expenses, namely: For fire apparatus, three thousand five hundred and twenty-five dollars.

For transportation of members of the Home, one thousand dollars.

For repairs, including the same objects specified under this head for the Central Branch in the sundry civil appropriation Act for the fiscal year nineteen hundred and one, three thousand dollars.

Naval Observatory.

## NAVAL OBSERVATORY.

Observation eclipse of sun.

Observation of total eclipse of the sun in May, nineteen hundred and one: 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, ten thousand dollars.

Approved, January 4, 1901.

January 11, 1901.

**CHAP. 9.**—An Act Providing for the payment of electoral messengers.

Payment of electoral messengers authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the payment of the messengers of the respective States for conveying to the seat of government the votes of the electors of said States for President and Vice-President of the United States, at the rate of twenty-five cents for every mile of the estimated distance by the most usual roads traveled from the place of meeting of the electors to the seat of government of the United States, computed for one distance only, the sum of twelve thousand seven hundred dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Approved, January 11, 1901.

**CHAP. 10.**—An Act Providing for the resurvey of township numbered eight, of range numbered thirty west, of the sixth principal meridian, in Frontier County, State of Nebraska.

January 14, 1901.

*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 to cause to be made a resurvey of the lands in township numbered eight, in range numbered thirty west, of the sixth principal meridian, in Frontier County, in the State of Nebraska; and all rules and regulations of the Interior Department requiring petitions from all settlers of said township asking for resurvey and agreement to abide by the result of the same, so far as these lands are concerned, are hereby abrogated: *Provided,* That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands so occupied.

Resurvey of township eight, etc., Frontier County, Nebr., authorized.

*Proviso.*  
Claims of occupants.

Approved, January 14, 1901.

**CHAP. 11.**—An Act Permitting the building of a dam across the Osage River at the city of Warsaw, Benton County, Missouri.

January 14, 1901.

*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 city of Warsaw, being a city incorporated and organized under the laws of the State of Missouri, its successors or assigns, to construct, erect, and maintain a dam across the Osage River, in Benton County, in the State of Missouri, at said city of Warsaw, and all work necessarily incident thereto: *Provided,* That the said city of Warsaw, its successors or assigns, shall make such change and modification in the works as the Secretary of War may from time to time deem necessary in the interest of navigation, at its own cost and expense: *Provided further,* That in case any litigation arises from the building of said dam, the maintaining of the same, or from the obstruction of the said river by said dam or appurtenant works, cases may be tried in the proper courts as now provided for that purpose in the State of Missouri and the courts of the United States.

Warsaw, Mo., may dam Osage river.

*Provisos.*  
Changes in construction.

Litigation.

SEC. 2. That the right to amend, alter, or repeal this Act is hereby expressly reserved: *And provided further,* That suitable fishways shall be constructed and maintained at said dam by said city, its successors and assigns, as may be required from time to time by the United States Fish Commissioner.

Amendment.

*Proviso.*  
Fishways.

SEC. 3. That this Act shall be null and void unless the dam herein authorized shall be completed within three years of the date hereof: *And provided further,* That such dam shall be constructed in such manner as not to injure or diminish the water power of any person or company having a dam or hydraulic works constructed: *And provided further,* That before the construction of said dam compensation shall be made to any person or company whose lands may be taken or overflowed in the construction or maintenance of such dam, in accordance with the laws of the State of Missouri.

Completion.

*Provisos.*  
Hydraulic works not to be impaired.

Damages.

Approved, January 14, 1901.

**CHAP. 12.**—An Act For relief of occupants of lands included in the Algodones grant, in Arizona.

January 14, 1901.

Whereas the title to the lands in that section of the country in the county of Yuma and the Territory of Arizona, and included within the boundaries of the old Mexican land grant known as the Algodones

Algodones grant, Arizona. Preamble.

grant, was tried by the United States Court of Private Land Claims, created for the settlement of titles to such grants, in the years eighteen hundred and ninety-five and eighteen hundred and ninety-six; and

Whereas in the hearing of said contest before said court the alleged grantees under said grant were successful and their title thereto by said trial court confirmed, and immediately thereafter the said alleged grantees, for large and valuable considerations, sold to numbers of people, citizens and bona fide settlers on said lands, in tracts of less than forty acres to each, and said settlers, then believing that they had a bona fide title to said lands sold, made lasting and valuable improvements and permanent homes thereon; and

Whereas the Government of the United States appealed said cause from the decision of said court below, and on said appeal the said decision of the said court below was reversed, and the title to said grant in said alleged grantees adjudged to be void, and that the said lands included within the boundaries of said grant, and sold as aforesaid, belonged to the United States; and if said settlers, citizens, and occupants of said lands who so purchased the same as aforesaid be not permitted to retain the same, and pay the Government therefor, they will be deprived of their homes, at ruinous consequences to them: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That where such persons in good faith and for valuable considerations purchased from the grant claimants prior to May twenty-third, eighteen hundred and ninety-eight, portions of the land covered by the said grant, and have occupied and improved the same, such persons may, within six months from and after the passage of this Act, or within three months after the said lands shall be restored to entry, purchase the same at the price of one dollar and twenty-five cents per acre, upon making proof of the facts required by this Act under regulations to be provided by the Commissioner of the General Land Office and approved by the Secretary of the Interior, joint entries being admissible where two or more persons have purchased lands on the same forty-acre tract: *Provided,* That no one person shall purchase more than forty acres, and no purchase shall be allowed for a less quantity than that contained in the smallest legal subdivision.

SEC. 2. That where persons duly qualified to make entry under the homestead or desert-land laws have occupied any of said lands with the intention of entering the same under the homestead or desert-land laws, such persons shall be allowed three months from and after the passage of this Act, or after the said lands shall be restored to entry, within which to make their entries, and the fact that such persons have improved or reclaimed such desert lands shall be no bar to their making such entries.

Approved, January 14, 1901.

Settlers on, who purchased from grant claimants may retain and repurchase land, etc.

*Proviso.*  
—limit.

Entries under homestead or desert-land laws.

January 14, 1901.

**CHAP. 13.**—An Act To amend an Act approved June first, anno Domini nineteen hundred, entitled "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."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section one of an Act entitled "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." approved June first, nineteen hundred, be amended by striking out the words "on the third Monday of May and the fourth Monday of September of each year" and inserting in lieu thereof the following words, to wit: "on the fourth Tuesday in March and the third Tuesday in October of each year."

Iowa southern judicial district.

Terms of court at Creston changed. *Aut.*, p. 249.

SEC. 2. That section two of said Act is amended by adding to the said section two the words "and all civil suits now pending in other divisions of said circuit court for said southern district which, if commenced after the passage hereof, would be brought in said southern division shall, upon the application of either party, be removed for trial, judgment, or decree to said southern division."

Where suits to be brought.

Approved, January 14, 1901.

CHAP. 75.—An Act To provide for the establishment of the intersection of the true one hundredth meridian with Red River, to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County and the expenditures made on account of said county by said State, and for other purposes.

January 15, 1901.

Whereas there was a controversy of long standing between the United States and the State of Texas as to the ownership of the territory formerly known as Greer County, Texas, which was finally determined in favor of the United States by decree of the Supreme Court of the United States, March sixteenth, eighteen hundred and ninety-six, in a suit in equity brought by the United States against the State of Texas in that court; and

Greer County, Tex. Preamble.

Whereas the treaty between the United States and Spain which was ratified February nineteenth, eighteen hundred and twenty-one, fixed the boundary between the United States and Spain, and this became the boundary between the United States and the Republic of Texas and the State of Texas, successively; and

Whereas it was provided by said treaty that the boundary line "west of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River and running thence by a line due north to the river Arkansas, and so forth;" and

Whereas the Supreme Court of the United States in said cause adjudged that the words of said treaty "then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River," referred to the true one hundredth meridian astronomically located; and

Whereas the true intersection of said one hundredth meridian with Red River, or what, prior to said decision, was known sometime as the South Fork of Red River, or Prairie Dog Town Fork, has never been fixed by the United States and the State of Texas, acting together and in the manner provided by said treaty, nor was said true intersection fixed by the decree in said cause; and

Whereas the said territory formerly known as Greer County was formed into a county in eighteen hundred and sixty, and duly organized as a county in eighteen hundred and eighty-six, under the laws of the State of Texas, and continued as such organized county until the decree aforesaid, with all the rights, duties, powers, and privileges of an organized county of said State; and

Whereas during the period of time the State of Texas claimed ownership of and exercised jurisdiction over said territory the said State of Texas patented lands situated in other parts of the State to said Greer County, as one of the counties within the jurisdiction thereof, for school purposes, and which lands said Greer County used and alienated and appropriated the proceeds thereof exclusively for school purposes within its limits; and

Whereas during the period of time the State of Texas claimed ownership of and exercised jurisdiction over said territory the said State of Texas collected taxes from inhabitants of said territory and upon lands and other property situated therein, and expended money for school purposes, the enforcement of law and order, the care of the deaf, dumb, blind, and insane, and generally for the protection of life, liberty, and property therein and the establishment and maintenance of a government for the inhabitants thereof; and

Whereas the Supreme Court of the United States, in the opinion in said cause, entitled *The United States against The State of Texas* (162 U. S., 1, 89-90), said: "It is further said that the State, since it assumed to create Greer County, has expended a large amount of money in providing a public-school system for the inhabitants of that locality. To what extent moneys have been so expended is not clearly shown. Whatever may be the facts touching this point, we do not feel at liberty to give weight to them in this case. The question before us, we repeat, is one of law, and must be determined according to law. What may be fairly and justly demanded by the State on account of moneys expended for the benefit of the inhabitants of the disputed territory is a matter for the consideration of the legislative branch of the National Government.

"In the argument it was suggested that this court ought not to forget how much was added to the power and wealth of this Nation when Texas, with its imperial domain, came into the Union and her people became a part of the political community for whom the Constitution of the United States was ordained and established. This fact can not, of course, be forgotten by any American who takes pride in the prestige and greatness of the Republic. But the considerations which it suggests can not affect the decision of legal questions, and must be addressed to another branch of the Government. The supposition is not to be indulged that that department of the Government will fail to recognize any duty imposed upon it by the circumstances arising out of this vexed controversy." Therefore,

*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 cause to be established and fixed the intersection of the true one hundredth meridian with Red River, or what, prior to said decision, was known sometime as the South Fork of Red River, or Prairie Dog Town Fork, by the most accurate and scientific methods, and at said intersection cause a suitable monument to be erected on the ground.

SEC. 2. That the Secretary of the Interior is also authorized and directed to inquire and ascertain what lands, if any, the State of Texas has patented to the said Greer County for school purposes; in whom title to said lands is now vested; whether said lands were alienated by said Greer County, and if so, the price paid therefor and what disposition was made thereof; and the present market value of said lands; and to ascertain the sum received from sale, if any of any public lands, sold or disposed of, in Greer County, by the State of Texas and the present value of such lands.

SEC. 3. That the Secretary of the Interior is also authorized and directed to inquire and ascertain, first, the total taxes collected by the State of Texas for any and all purposes from inhabitants of Greer County, or upon lands or other property located therein, from eighteen hundred and sixty to eighteen hundred and ninety-six; second, the total amount paid by the State of Texas to said Greer County, or its officers or agents, for school purposes, other than lands, from eighteen hundred and sixty to eighteen hundred and ninety-six, and the disposition made thereof by said county; and, third, the total of all other expenses incurred by the State of Texas from eighteen hundred

Establishment of intersection of true one hundredth meridian with Red River, etc., authorized.

Inquiry directed.

—as to disposition, etc., of public lands patented to Greer Co., for school purposes.

—taxes collected.

—amount paid by State to county for school purposes.

—other expenses incurred by State.



and sixty to eighteen hundred and ninety-six in the enforcement of law and order, the care of the deaf, dumb, blind, and insane, and generally for the protection of life, liberty, and property in said county, and the establishment and maintenance of a government for the inhabitants thereof, or a fair estimate of the same.

SEC. 4. That to enable him to execute the provisions of this Act the Secretary of the Interior is authorized to employ such persons and adopt such measures as to him may seem proper and necessary. He is also authorized to receive and consider duly certified copies of patents, deeds, conveyances, transcripts of court records, and certificates from any department of the Government of the United States or the State of Texas, under the seal thereof as to official records therein. He may also receive and consider depositions of witnesses, and in such cases the United States shall be represented by the Attorney-General thereof, or some person designated by him, and the State of Texas shall be represented by the attorney-general thereof, or some person designated by him; and these officials may appear and represent their respective governments before the Secretary of the Interior in all other matters provided for by this Act. He may also receive and consider any testimony taken by either party in said cause entitled The United States against The State of Texas, in the Supreme Court of the United States, reported in One hundred and sixty-second United States, page one, and may receive and consider any testimony which he may consider to be pertinent to the subject of such inquiry.

Employees.

Testimony, etc.

SEC. 5. That the sum of seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to properly care for the interests of the United States in making such investigation and in carrying out the purposes of this Act; and he shall report in detail to the Congress at the next session, or as soon thereafter as may be practicable: *Provided*, That the State of Texas shall defray the expenses of presenting its own case and claims.

Expenses of inquiry.

Approved, January 15, 1901.

CHAP. 92.—An Act To provide for the holding of the circuit and district courts of the United States for the eastern district of Arkansas.

January 16, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the regular terms of the circuit and district courts for the eastern district of Arkansas shall be held at the times and places as follows, to wit:

Arkansas eastern judicial district. Terms of court.

For the western division, at Little Rock on the first Monday in April and the third Monday in October;

For the eastern division, at Helena on the second Mondays in March and October;

For the northern division, at Batesville on the fourth Monday in May and the second Monday in December.

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

Approved, January 16, 1901.

CHAP. 93.—An Act Making an apportionment of Representatives in Congress among the several States under the Twelfth Census.

January 16, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That after the third day of March, nineteen hundred and three, the House of Representatives

House of Representatives to consist of 386 members.

—apportionment. shall be composed of three hundred and eighty-six members, to be apportioned among the several States as follows: Alabama, nine; Arkansas, seven; California, eight; Colorado, three; Connecticut, five; Delaware, one; Florida, three; Georgia, eleven; Idaho, one; Illinois, twenty-five; Indiana, thirteen; Iowa, eleven; Kansas, eight; Kentucky, eleven; Louisiana, seven; Maine, four; Maryland, six; Massachusetts, fourteen; Michigan, twelve; Minnesota, nine; Mississippi, eight; Missouri, sixteen; Montana, one; Nebraska, six; Nevada, one; New Hampshire, two; New Jersey, ten; New York, thirty-seven; North Carolina, ten; North Dakota, two; Ohio, twenty-one; Oregon, two; Pennsylvania, thirty-two; Rhode Island, two; South Carolina, seven; South Dakota, two; Tennessee, ten; Texas, sixteen; Utah, one; Vermont, two; Virginia, ten; Washington, three; West Virginia, five; Wisconsin, eleven; and Wyoming, one.

Representatives from new States to be in addition.

SEC. 2. That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number three hundred and eighty-six.

Districts.

SEC. 3. That in each State entitled under this apportionment, the number to which such State may be entitled in the Fifty-eighth and each subsequent Congress shall be elected by districts composed of contiguous and compact territory and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative.

Elections where increase of representatives under apportionment.

SEC. 4. That in case of an increase in the number of Representatives which may be given to any State under this apportionment such additional Representative or Representatives shall be elected by the State at large, and the other Representatives by the districts now prescribed by law until the legislature of such State in the manner herein prescribed, shall redistrict such State; and if there be no increase in the number of Representatives from a State the Representatives thereof shall be elected from the districts now prescribed by law until such State be redistricted as herein prescribed by the legislature of said State; and if the number hereby provided for shall in any State be less than it was before the change hereby made, then the whole number to such State hereby provided for shall be elected at large, unless the legislatures of said States have provided or shall otherwise provide before the time fixed by law for the next election of Representatives therein.

—no increase.

—diminished.

Repeal.

SEC. 5. That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved, January 16, 1901.

January 19, 1901.

CHAP. 101.—An Act Relating to the accounts of United States marshals and clerks of the district courts of the Territory of Utah.

Utah Territory. Clerks and marshals liable only for fees earned in United States cases.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States marshals and the clerks of the district courts of the Territory of Utah prior to its admission to the Union as a State shall be held accountable only for fees earned in United States cases, in accordance with a decision of the Attorney-General dated December second, eighteen hundred and ninety-one, and all unclosed accounts of such officers shall be settled and closed accordingly, and the fees earned in United States cases, and withheld from them, shall be paid to them out of any money not otherwise appropriated.

Approved, January 19, 1901.

**CHAP. 102.**—An Act To change and fix the time for holding the district and circuit courts of the United States for the northeastern division of the eastern district of Tennessee.

January 19, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the terms of the circuit and district courts of the United States for the northeastern division of the eastern district of Tennessee, held at Greeneville, Tennessee, shall commence on the second Monday in November and May of each year, instead of the fourth Monday in August and February, as is now provided by law; and each of said terms shall continue as long as the presiding judge may deem necessary.

Tennessee eastern judicial district, northeastern division. Terms of court at Greeneville.

**SEC. 2.** That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for.

Pending cases not to abate.

**SEC. 3.** That all laws and parts of laws conflicting with this Act be, and are hereby, repealed.

Repeal.

Approved, January 19, 1901.

**CHAP. 103.**—An Act For the relief of Edward Everett Hayden, an ensign on the retired list of the Navy.

January 19, 1901.

Whereas Ensign Edward Everett Hayden, United States Navy, was placed upon the retired list of the Navy by reason of the loss of a leg, resulting from an accident incurred in the line of duty; and

Preamble.

Whereas sections fourteen hundred and ninety-three and fourteen hundred and ninety-four of the Revised Statutes of the United States permit an officer of the Navy who has been wounded in the line of duty to remain upon the active list while capable of performing other than sea duty; and

Whereas several other officers of the Navy suffering from similar disability for sea duty have been, and are now, retained on the active list, in accordance with the above-mentioned sections of the Revised Statutes; and

Whereas the said Edward Everett Hayden has been, since his retirement, engaged in scientific study and work of value to and under the direction of the Navy Department, including service during the war with Spain, when he volunteered for active duty and served creditably and longer than any other retired officer of the Navy: Therefore, that justice may be done the said Edward Everett Hayden and that the Navy Department may be enabled to command his services during peace as well as war, in accordance with the above-mentioned sections of the Revised Statutes,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of law regulating appointments in the Navy by promotion in the line and limiting the number of lieutenants to be appointed in the United States naval service are hereby suspended for the purpose of this Act only, and only so far as they affect Edward Everett Hayden; and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate and, by and with the advice and consent of the Senate, to appoint said Edward Everett Hayden, now an ensign on the retired list of the Navy of the United States, to the grade and rank of lieutenant on the active list of the Navy, as of the date of May first, eighteen hundred and ninety-five, and to place his name in the Register of the Navy next after that of his classmate, John

Navy. Edward Everett Hayden may be appointed lieutenant on active list.

*Provisos.*  
Examination,  
R. S., secs. 1496, 1493,  
pp. 259, 258.

No pay, etc.

Hood: *Provided*, That the said Hayden shall establish to the satisfaction of the Secretary of the Navy, upon examination by a board of officers convened pursuant to the provisions of section fourteen hundred and ninety-six of the Revised Statutes, his mental, moral, and professional fitness to perform the shore duties of a lieutenant, and before a medical board, pursuant to the provisions of sections fourteen hundred and ninety-three and fourteen hundred and ninety-four of said statutes, that his existing physical disqualification was occasioned by wounds received in the line of his duty, and that such wounds do not incapacitate him for duties other than sea duty in the grade of lieutenant: *And provided further*, That he shall receive no pay or emoluments by reason of such reappointment to the active list of the Navy except from the date of such reappointment, and that he shall be additional to the number of officers prescribed by law for the grade of lieutenant in the Navy, and in any grade to which he may hereafter be advanced.

Approved, January 19, 1901.

January 22, 1901.

**CHAP. 105.**—An Act To divide the State of West Virginia into two judicial districts.

West Virginia divided into two judicial districts.  
R. S., sec. 531, p. 89, amended.

—northern district, of what constituted.

—southern.

Existing judicial officers to act in northern district.

Marshal and district attorney.  
Northern district.

Southern district.  
Judge.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section five hundred and thirty-one of the Revised Statutes is hereby amended by striking therefrom the words "West Virginia."

**SEC. 2.** That the State of West Virginia is divided into two judicial districts, which shall be called the northern and southern judicial districts of the State of West Virginia. The northern district includes the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof; the southern district includes the residue of said State of West Virginia, with the waters thereof.

**SEC. 3.** That the district judge of the judicial district of West Virginia as heretofore constituted and in office at the time this Act takes effect shall be the district judge for the northern judicial district of West Virginia as constituted by this Act; that the clerk of the circuit court and the clerk of the district court in said judicial district of West Virginia as heretofore constituted and in office at the time this Act takes effect shall be the clerks of the circuit and district courts of the northern judicial district of West Virginia, respectively, as hereby constituted, until their successors, respectively, shall be appointed and qualified.

**SEC. 4.** That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal and district attorney for the northern judicial district of West Virginia as hereby constituted, who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively. All other officers residing within said northern district as hereby constituted shall continue to be and act as such officers within their respective jurisdictions in said northern district as hereby constituted until their successors, respectively, are duly appointed and qualified under the provisions of existing law.

**SEC. 5.** That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the southern judicial district of West Virginia, 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 southern judicial district as hereby constituted, or transferred thereto, succeed to and possess the same powers and perform the same duties within the said southern judicial district as are now possessed by and performed by the district judge of the district of West Virginia.

SEC. 6. That the marshal and district attorney of the judicial district of West Virginia as heretofore constituted and in office at the time this Act takes effect shall be the marshal and district attorney, respectively, for the southern judicial district of West Virginia as constituted by this Act until the expiration of their respective terms, or until their successors, respectively, shall be appointed and qualified. All other officers residing within said southern district of West Virginia as constituted by this Act shall continue as such officers until the expiration of their respective terms and until their successors, respectively, shall be duly appointed and qualified. The clerk of the circuit and district courts in the southern judicial district of West Virginia as hereby constituted shall be appointed under the provisions of existing law.

Existing marshal and district attorney to act in southern district.

—other officers to complete term, etc.

SEC. 7. That the salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the judicial district of West Virginia as heretofore constituted.

Existing salaries unchanged.

SEC. 8. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of West Virginia as heretofore constituted, whereof the courts of the northern judicial district of West Virginia 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 northern judicial district of West Virginia as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said northern judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of West Virginia as heretofore constituted, whereof the courts of the southern judicial district of West Virginia 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 southern judicial district of West Virginia as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said southern judicial district of West Virginia, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That all motions and causes submitted and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy now pending in said judicial district of West Virginia as heretofore constituted, in which the evidence has been taken in whole or in part before the present district judge of the judicial district of West Virginia as heretofore constituted, or taken in whole or in part and submitted and passed upon by the said district judge, shall be proceeded with and disposed of in said northern judicial district of West Virginia as constituted by this Act.

Pending cases transferred to northern district.

—to southern district

*Proviso.*  
Disposition of cases in which evidence has been taken before present district judge.

SEC. 9. That the regular terms of the circuit and district courts of the United States for the northern district of West Virginia shall begin at the following times and places in each year: At Wheeling on the first Tuesday of April and third Tuesday of September. At Clarks-

Terms of court, northern district.

burg on the third Tuesday of April and first Tuesday of October. At Martinsburg on the third Tuesday of October. And the circuit court shall be held at Parkersburg, beginning on the second Tuesday of January and second Tuesday of June of each year.

—southern district.

That the regular terms of the circuit and district courts of the United States for the southern district of West Virginia shall begin at the following times and places in each year: At Charleston on the first Tuesday of May and second Tuesday of November. At Huntington, in the county of Cabell, on the first Tuesday of April and third Tuesday of September. At Bluefield, in the county of Mercer, on the first Tuesday of June and the first Tuesday of December.

Adjournment, etc.

SEC. 10. That the terms of said courts shall not be limited to any particular number of days, nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

Adjournment in case of nonattendance of judge.  
R. S., sec. 584, p. 103.

SEC. 11. That the provisions of section five hundred and eighty-four of the Revised Statutes are hereby extended to said districts hereby created.

Jurisdiction of future crimes, etc.

SEC. 12. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this Act in which indictments have not been found or proceedings instituted shall be cognizable within the district as hereby constituted in which such crimes or offenses were committed.

Repeal.

SEC. 13. That all laws and parts of laws so far as inconsistent with the provisions of this Act are hereby repealed.

Effect.

SEC. 14. That this Act shall take effect on the first day of July, nineteen hundred and one.

Approved, January 22, 1901.

January 22, 1901.

**CHAP. 106.**—An Act To authorize the Postmaster-General to lease suitable premises for use of the Post-Office Department.

Postal service.  
Lease of premises for rural free-delivery system authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Postmaster-General be empowered to lease suitable premises in the city of Washington for the purposes of the rural free-delivery system, at a cost not to exceed four thousand dollars per annum, payable out of the appropriation for that service.

Approved, January 22, 1901.

January 22, 1901.

**CHAP. 107.**—An Act To supply a deficiency in the appropriation for transcripts of records and plats in the General Land Office.

General Land Office.  
Deficiency appropriation for transcripts of records and plats.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of nine thousand three hundred and fifty dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supply a deficiency in the appropriation made for the fiscal year nineteen hundred and one, for furnishing transcripts of records and plats, General Land Office, to be expended under the direction of the Secretary of the Interior: *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 exigencies of the work may demand.

Proviso.  
Employment of copyists.

Approved, January 22, 1901.

**CHAP. 164.**—An Act To create a new division in the western judicial district of the State of Missouri.

January 24, 1901.

*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 western judicial district of the State of Missouri, to be known as the southwestern division judicial district of Missouri, be, and the same is hereby, established, to be composed of the following counties, to wit: Jasper, Newton, Barton, Vernon, Barry, Lawrence, McDonald, and Stone; and said counties be, and the same are hereby, transferred to said southwestern division of said western district of Missouri; but no additional clerk or marshal shall be appointed in or for said division of said district.

Missouri, western judicial district. Southwestern division established.

—composition.

No additional clerk, etc.

**SEC. 2.** That terms of the circuit court and of the district court of the southwestern division judicial district of Missouri shall be held at Joplin, at said State, each year, on the second Mondays of June and of January, after this Act goes into effect.

Terms of court at Joplin.

**SEC. 3.** That the clerks of the district and circuit courts for the western district of Missouri, and the marshal and attorney of the United States for said district, shall perform the duties appertaining to their offices, respectively, for said courts of said southwestern division judicial district, and the clerk's office of the said courts shall be at Springfield, where all records of said courts may be kept and all duties performed except when court is in session at Joplin; but should, in the judgment of the district judge, the business of said courts hereafter warrant a deputy clerk at Joplin, Missouri, new books and records may be opened for the courts herein created, and kept at Joplin, and a deputy clerk appointed to reside and keep his office at Joplin.

Existing judicial officers to act, etc.

Clerk's office at Springfield.

Deputy clerk at Joplin.

**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.

Suits against one or more defendants, where brought.

**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 western district of Missouri, as heretofore constituted, shall be commenced and proceeded with as if this Act had not been passed.

Crimes, where prosecuted.

**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 any of the divisions.

Jurors. Process.

**SEC. 7.** That in all cases of removal of suits from courts of the State of Missouri to the courts of the United States in the western district of Missouri 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 southwestern division judicial district.

Removal of suits.

**SEC. 8.** That this Act shall be in force from and after the first day of July, anno Domini nineteen hundred and one, and all Acts or parts of Acts so far as inconsistent herewith are hereby repealed.

Effect. Repeal.

Approved, January 24, 1901.

January 25, 1901.

**CHAP. 166.**—An Act Revoking and annulling the subdivision of Pencote Heights, in the District of Columbia.

District of Columbia.  
Subdivision of Pencote Heights annulled.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the subdivision of Pencote Heights, in the District of Columbia, be, and the same is hereby, revoked and annulled.

Approved, January 25, 1901.

January 25, 1901.

**CHAP. 167.**—An Act To provide for the closing of part of an alley in square one hundred and sixty-nine, in the city of Washington, District of Columbia, and for the sale thereof to the Young Men's Christian Association of the city of Washington.

District of Columbia.  
Closing of alley in square 169 authorized.

*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 are hereby authorized and directed, on the petition of the Young Men's Christian Association of the city of Washington, the owner of all the property abutting on that part or portion of an alley thirty feet wide in square numbered one hundred and sixty-nine, in the city of Washington, District of Columbia, and running east and west through said square for a distance of eighty-nine and eighty-three one-hundredths feet, to declare said part or portion of said alley to be closed, and to convey the title thereof to the said Young Men's Christian Association of the city of Washington by deed in fee simple in the name of the United States (the said Commissioners being hereby vested with power and authority so to do) upon payment to said Commissioners by said association of a price per square foot in current money of the United States equal to the assessed valuation per square foot of subplot numbered fifty-nine in said square numbered one hundred and sixty-nine, according to the most recent assessment of said last-mentioned lot, which said deed of conveyance, upon its execution and delivery and the payment of such purchase price aforesaid, shall operate to divest the United States of their title in the land so conveyed and vest the same in the said Young Men's Christian Association of the city of Washington. And it is further enacted that said Commissioners, upon receipt of the purchase money, shall cover same into the Treasury of the United States.

Approved, January 25, 1901.

January 26, 1901.

**CHAP. 180.**—An Act To allow the commutation of homestead entries in certain cases.

Public lands.  
R. S., sec. 2301, p. 421.  
Commutation to settlers under free homestead law authorized.

*Auth.* p. 179.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of section twenty-three hundred and one of the Revised Statutes of the United States, as amended, allowing homestead settlers to commute their homestead entries be, and the same hereby are, extended to all homestead settlers affected by or entitled to the benefits of the provisions of the Act entitled "An Act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose." approved the seventeenth day of May, anno Domini nineteen hundred: *Provided, however,* That in commuting such entries the entryman shall pay the price provided in the law under which original entry was made.

*Proviso.*  
Price.

Approved, January 26, 1901.



**CHAP. 181.**—An Act To authorize the construction of a bridge across the Mississippi River at or near Grays Point, Missouri.

January 26, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Southern Illinois and Missouri Bridge Company, a corporation created and organized under and by virtue of the laws of the State of Illinois, its successors and assigns, be, and the same are hereby, authorized and empowered to erect, construct, maintain, and operate a bridge and approaches thereto over the Mississippi River from a point on the Mississippi River in Alexander County, in the State of Illinois, opposite the terminus of the Saint Louis Southwestern Railway, at or near Grays Point, in Scott County, in the State of Missouri, or from some other convenient point on said river in said Alexander County, Illinois, to some opposite point on said river in the State of Missouri, within the distance of three miles above or below the terminus of said railway. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of said corporation, its successors or assigns, may be so constructed as to provide for and be used also for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable tolls as may be approved from time to time by the Secretary of War.

Southern Illinois and Missouri Bridge Company may bridge Mississippi River.

—location.

Transit, etc.

Tolls.

Lawful structure and post route.

**SEC. 2.** That the bridge built, operated, and maintained 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 the transportation of the same over the railroads or public highways leading to said bridge, and it 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 or for telephone purposes.

Telegraph, etc., companies.

**SEC. 3.** That any bridge built under this Act shall be a high bridge, with unbroken and continuous spans, and shall have at least one channel span, with a clear channel way at low water of not less than six hundred and fifty feet, and all other spans over the waterway, at a bank full stage, shall each have a clear channel way at low water of not less than five hundred feet, and all said spans shall have a clear headroom of not less than sixty-five feet, measured from extreme high water as determined at the location of the bridge, to the lowest part of the superstructure of the bridge or anything attached thereto: *Provided,* That such number of channel spans shall be built as may be recommended for the approved location by the board of engineers hereinafter provided, and that all channel ways shall be measured at right angles to the current of the river at the stage of water that is most important to navigation.

Spans, etc.

*Proviso.*  
Channel spans.

**SEC. 4.** That all piers shall be built parallel to the current of the river at the stage of water that is most important to navigation; and the bridge itself shall be built as nearly as may be at right angles thereto; and that riprapping or other protection from imperfect foundations, which will lessen the required waterway, shall not be permitted; also that piers which would produce cross currents or bars dangerous to navigation shall not be constructed; and, if after construction, any piers or accessory works are found to produce the above-mentioned effects, or if any riprapping or other protection prohibited by this section is found to exist, the nuisance shall be abated or corrected in accordance with existing law.

Piers, etc.

**SEC. 5.** That the approaches to the bridge built under this Act shall be so designed and constructed as not to interfere with the free dis-

charge of the river in seasons of flood; and any encroachment on the high-water cross sections by piers, solid embankments, or otherwise, which might result in unduly accelerating the high-water current at the site of the bridge shall not be allowed. If, by reason of the location of a bridge in or near a city harbor, or from any other cause, the channel span next the shore shall appear or become difficult of access at any season, because of the proximity of the river craft which are or may be moored at the bank, or from any other cause, then the person, company, or corporation owning, controlling, or operating said bridge shall either increase the width of the opening or span sufficiently, or shall, by purchase or otherwise, extinguish the right to obstruct the entrance to said span for a distance of from five hundred to one thousand feet above and below the bridge, as may appear necessary to the Secretary of War.

Aids to navigation.

SEC. 6. That any person, company, or corporation constructing any bridge under authority of this Act shall build and maintain at all times, as accessory works to such bridge, such booms, piers, dikes, guard fences, and other devices as may be necessary to insure at all times a permanent channel for a sufficient distance above and below the bridge site, and for the guiding of rafts, steamboats, and other water craft safely under said bridge; and if at any time after the construction of the bridge and its accessory works the approaches to the channel spans in the bridge built under this Act are found to be dangerous or difficult of access by any important class of river traffic the nuisance shall be abated or corrected in accordance with existing law.

Plans, examination of, etc.

SEC. 7. That the said company shall submit in triplicate to the Secretary of War, for his examination, upon a convenient scale, 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 two miles 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, and this map shall be accompanied by another drawn on a scale of one inch to two hundred feet, giving, for a space of one-half mile above the proposed site and a quarter of a mile below, an accurate representation of the bottom of the river by contour lines two feet apart determined by accurate soundings, and also showing over the whole width of this part of the river the force and direction of the currents at low water, at high water, and at least one intermediate stage, by triangulated observations on suitable floats; and these maps shall also show the location of other bridges, coal tipples, cribs, and all other structures projecting into the river at bank-full stage, in the vicinity, and shall give such other information as the Secretary of War may require for a full and satisfactory understanding of the subject. Said maps and drawings shall be referred to the board of officers of the Corps of Engineers, United States Army, for examination and report, which board shall personally examine the site of the proposed bridge and shall hold a public session in the city of St. Louis, Missouri, to hear all objections thereto, of which public session due notice and invitation to be present shall be given to all interested parties by advertising, and such parties shall be allowed sufficient time for a full examination and consideration of the plans; and if said board of engineers reports that the location selected is unsuitable for a bridge, the bridge shall not be built at that location, or if said board reports that the plans presented are unfavorable to the interests of navigation at the site proposed the Secretary of War shall be authorized, on recommendation of said board, to refuse permission for the construction of a bridge at the proposed site until such changes in the design of the bridge or the location of its piers as may be deemed necessary shall have been made, and to require, in the same way, at the expense of the parties constructing such bridge, the construction of such dikes and other auxiliary struc-

Board to examine site, etc.

tures as may be needed for confining the flow of water to a permanent channel for a distance of not less than one mile above the bridge site for a proper distance below, but in no case shall there be a reduction in the width or headroom of channel or other spans, or in the arrangement and length of accessory works required by this Act, unless such reduction is made necessary by the physical characteristics of the river in the locality where the bridge is proposed, or is shown clearly to be not injurious to the interests of navigation; and the proposed bridge shall be a lawful structure only when built in accordance with the plans as recommended by the said board of engineers and approved by the Chief of Engineers, United States Army, and the Secretary of War, and while so managed and kept in repair as to offer at all times reasonable and proper means for the passage of rafts, steamboats, and other water craft under said bridge, and while all the requirements of this Act are observed.

Approval.

SEC. 8. That all persons, companies, or corporations owning, controlling, or operating the bridge authorized by this Act, shall maintain at their expense such lights and other signals on the bridge as may be required by the Light-House Board, as well as such other lights and signals as may be necessary for the security of navigation in the vicinity of the bridge; and shall also be required to maintain such indications of the stage of water and the headroom under the bridge as the Secretary of War may direct.

Lights.

SEC. 9. That all railroad companies desiring the use of any bridge constructed under this Act 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 circuit court of the United States in and for any district in which any portion of said bridge may be.

Rights of railroads to use.

SEC. 10. That such alterations and changes as may be required by the Secretary of War, in accordance with existing law, in the bridge constructed under the provisions of this Act, so as to preserve free and convenient navigation, shall be made under the direction of the Secretary of War at the expense of the persons, companies, or corporations owning, controlling, or operating said bridge; and the fact that said bridge was constructed under the supervision of the United States shall not be held to be a bar to the enforcement of this requirement.

Changes.

SEC. 11. That the bridge constructed under the authority of this Act shall be built under the general supervision of the Secretary of War, and no changes or alterations in plans shall be made during construction of said bridge or after its completion unless said changes or alterations conform to the provisions of this Act and are recommended by the Chief of Engineers and approved by the Secretary of War. 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 thereof, 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 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.

Secretary of War to supervise construction.

Changes.

Securing navigation during construction.

Amendment

SEC. 12. That the right to alter, amend, or repeal this Act is hereby expressly reserved, and the right to require, at the expense of the owners, the entire removal of any bridge constructed under the provisions of this Act whenever Congress shall decide that the public interests so require is also expressly reserved; and the United States shall not be liable for damages arising from the exercise of the rights thus expressly reserved.

Commencement and completion.

SEC. 13. That if the construction of the bridge hereby authorized shall not be commenced within one year and be completed within three years from the date of approval of this Act, then this Act shall be null and void, and all rights hereby conferred shall cease and determine.

Approved, January 26, 1901.

January 28, 1901.

CHAP. 183.—An Act To amend the Act entitled "An Act to amend the criminal laws of the District of Columbia," approved July eighth, eighteen hundred and ninety-eight.

District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section one of an Act entitled "An Act to amend the criminal laws of the District of Columbia," approved July eighth, eighteen hundred and ninety-eight, be, and the same is hereby, amended so that the same shall read:

Police court.  
Security for appearance for trial.  
Vol. 30, p. 724,  
amended.

"That every person charged with an offense triable in the police court of the District of Columbia may give security for his appearance for trial or for further hearing either by giving bond to the satisfaction of the court or by depositing money as collateral security in such amount as the court, the assistant attorney for the United States, the special assistant attorney for the District of Columbia, or the lieutenant or acting lieutenant of police of the precinct in which the person is detained may determine with the clerk of the police court, or the lieutenant or acting lieutenant of police, or the station keeper of the police precinct within which such person may be apprehended. And whenever any sum of money shall be deposited as collateral security as hereby provided it shall remain, in contemplation of law, the property of the person depositing it until duly forfeited by the court; and when forfeited it shall be, in contemplation of law, the property of the United States of America or of the District of Columbia, according as the charge against the person depositing it is instituted on behalf of the said United States or the said District; and every person receiving any sum of money deposited as hereby provided shall be deemed in law the agent of the person depositing the same or of the said United States or the said District, as the case may be, for all purposes of properly preserving and accounting for such money. And all fines payable and paid under judgment of the said police court shall, upon their payment, immediately become, in contemplation of law, the property of the said United States or the said District, according to the charge upon which such fine may be adjudged; and the person receiving any such fine shall be deemed in law the agent of the said United States or the said District as aforesaid, as the case may be; and any person, being an agent as hereinbefore contemplated and defined, who shall wrongfully convert to his own use any money received by him as hereinbefore provided shall be deemed guilty of embezzlement, and upon conviction thereof be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding five years, or both: *Provided,* That nothing herein contained shall affect the ultimate rights under existing law of the Washington Humane Society, or the policeman's fund (by whatever name the same may be called or known), or the firemen's relief fund, of the District of Columbia, in or to any fines or forfeitures paid and collected in the said police court."

—amount.

—property in.

Fines.

—property in, etc.

—penalty for conversion, etc.

*Proviso.*  
Rights of Washington Humane Society.  
Policeman's fund.  
Fireman's relief fund.

Approved, January 28, 1901.

**CHAP. 184.**—An Act To establish a branch soldiers' home at or near Johnson City, Washington County, Tennessee.

January 28, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Board of Managers of the Home for Disabled Volunteer Soldiers are hereby authorized and directed to locate a branch of the Home at Johnson City, Washington County, Tennessee, or within a radius of five miles thereof. The same shall not be located on a tract of land less than three hundred acres in extent.

Johnson City, Wash-  
ington County, Tenn.  
Branch Soldiers'  
Home established at.

**SEC. 2.** That said branch home shall be located and the ground purchased (unless the same be donated) by said Board of Managers within three months, or as soon thereafter as practicable, from the approval of this Act.

Limit of time for  
location.

**SEC. 3.** That within six months, or as soon thereafter as practicable, from the approval of this Act, the said Board of Managers shall commence the erection or purchase of a suitable building or buildings on the grounds so purchased for the use of said branch home. That said building or buildings shall be completed at as early a day as possible.

Erection of build-  
ings.

**SEC. 4.** That the sum of two hundred and fifty thousand dollars is hereby appropriated for the purposes hereinbefore mentioned and the improvement of the grounds of said branch home.

Appropriation.

**SEC. 5.** That all honorably discharged soldiers and sailors who served in the war of the rebellion and the Spanish-American war, and the provisional army and the volunteer soldiers and sailors of the war of eighteen hundred and twelve and of the Mexican war, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, shall be admitted into the Home for Disabled Volunteer Soldiers.

Who may be admit-  
ted to Home.

Approved, January 28, 1901.

**CHAP. 186.**—An Act Extending the mining laws to saline lands.

January 31, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all unoccupied public lands of the United States containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, are hereby declared to be subject to location and purchase under the provisions of the law relating to placer-mining claims: *Provided,* That the same person shall not locate or enter more than one claim hereunder.

Public lands.  
Mining laws ex-  
tended to saline lands.

Proviso.  
Limit of entry.

Approved, January 31, 1901.

**CHAP. 189.**—An Act To amend the law establishing a port of delivery at Des Moines, Iowa.

February 1, 1901.

*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 establishing a port of delivery at Des Moines, Iowa," approved April seventh, eighteen hundred and ninety-two, be, and is hereby, amended by striking out after the word "port," in said section, the words "whose salary shall be the usual fees and commissions," so as to read as follows:

Des Moines, Iowa.  
Surveyor of cus-  
toms.  
Vol. 27, p. 14.

"**SEC. 2.** That there shall be appointed a surveyor of customs, to reside at said port."

Approved, February 1, 1901.

February 1, 1901.

**CHAP. 190.**—An Act Providing for leaves of absence to certain employees of the Government.

Leaves of absence allowed employees of navy-yards, etc.

*Provisos.*  
Pro rata leave.

Time when leave shall be taken.

Deduction for sickness.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That each and every employee of the navy-yards, gun factories, naval stations, and arsenals of the United States Government be, and is hereby, granted fifteen working days' leave of absence each year without forfeiture of pay during such leave: *Provided,* That it shall be lawful to allow pro rata leave only to those serving twelve consecutive months or more: *And provided further,* That in all cases the heads of divisions shall have discretion as to the time when the leave can best be allowed without detriment to the service, and that absence on account of sickness shall be deducted from the leave hereby granted.

Approved, February 1, 1901.

February 1, 1901.

**CHAP. 191.**—An Act To provide for the construction of a bridge by the Fargo, Duluth and Northwestern Railroad Company across the Red River of the North at Fargo, North Dakota.

Fargo, Duluth and Northwestern Railroad may bridge Red River of the North at Fargo, N. Dak.

Secretary of War to approve plans.

*Provisos.*  
Elevation, spans, etc.

Draw.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Fargo, Duluth and Northwestern Railroad Company, a corporation duly organized under the general incorporation laws of the State of North Dakota, its successors and assigns, is hereby authorized to construct and maintain a bridge across the Red River of the North at or near the city of Fargo, Cass County, North Dakota, and also to lay on and over said bridge a railway track or tracks for the passage of railway trains.

**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-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 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 one 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 one 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 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 expense, 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: *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.

—opening of.

Lights.  
Maintenance of  
channel within the  
draw spans.

Rights of railroads  
to use.

Notice of approval  
of plans.

Changes.

Litigation.

Provisions.  
Existing law unaf-  
fected.

Removal of piling,  
etc.

Lawful structure  
and post route.

Freight, etc.,  
charges.

Government tele-  
graph lines.

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 North 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.

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.

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.

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 of approval thereof.

Amendment.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this Act at any time.

Approved. February 1, 1901.

February 2, 1901.

**CHAP. 192.**—An Act To increase the efficiency of the permanent military establishment of the United States.

Army.  
Reorganization of.  
R. S., sec. 1094, p. 202,  
amended.  
Composition.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the approval of this Act the Army of the United States, including the existing organizations, shall consist of fifteen regiments of cavalry, a corps of artillery, thirty regiments of infantry, one Lieutenant-General, six major-generals, fifteen brigadier-generals, an Adjutant-General's Department, an Inspector-General's Department, a Judge-Advocate-General's Department, a Quartermaster's Department, a Subsistence Department, a Medical Department, a Pay Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, the officers of the Record and Pension Office, the chaplains, the officers and enlisted men of the Army on the retired list, the professors, corps of cadets, the army detachments and band at the United States Military Academy, Indian scouts as now authorized by law, and such other officers and enlisted men as may hereinafter be provided for: *Provided,* That when a vacancy shall occur through death, retirement, or other separation from active service in the office of storekeeper, now provided for by law in the Quartermaster's Department and Ordnance Department, respectively, said office shall cease to exist.

*Proviso.*  
Termination of  
office of storekeeper,  
etc.

Cavalry.  
Composition.  
R. S., sec. 1102, p. 203,  
amended.

SEC. 2. That each regiment of cavalry shall consist of one colonel, one lieutenant-colonel, three majors, fifteen captains, fifteen first lieutenants, and fifteen second lieutenants; two veterinarians, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, three squadron sergeants-major, two color-sergeants with rank, pay, and allowances of squadron sergeant-major, one band, and twelve troops organized into three squadrons of four troops each. Of the officers herein provided, the captains and lieutenants not required for duty with the troops shall be available for detail as regimental and squadron staff officers and such other details as may be authorized by law or regulations. Squadron adjutants shall receive one thousand eight hundred dollars per annum and the allowances of first lieutenants; squadron quartermasters and commissaries shall receive one thousand six hundred dollars per annum and the allowances of second lieutenants. Each cavalry band shall be organized as now provided by law. Each troop of cavalry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, six sergeants, six corporals, two cooks, two farriers and blacksmiths, one saddler, one wagoner, two trumpeters, and forty-three privates; the commissioned officers to be assigned from among those hereinbefore authorized: *Provided,* That the President, in his discretion, may increase the number of corporals in any troop of cavalry to eight, and the number of privates to seventy-six, but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded.

Details.

Pay of squadron ad-  
jutants, etc.

Band.  
Composition of  
troop.

*Proviso.*  
Limit number of en-  
listed men.

Artillery Corps.  
R. S., sec. 1099, etc.,  
p. 203, amended.

SEC. 3. That the regimental organization of the artillery arm of the United States Army is hereby discontinued, and that arm is constituted and designated as the Artillery Corps. It shall be organized as hereinafter specified and shall belong to the line of the Army.



SEC. 4. That the Artillery Corps shall comprise two branches—the coast artillery and the field artillery. The coast artillery is defined as that portion charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses; and the field artillery as that portion accompanying an army in the field, and including field and light artillery proper, horse artillery, siege artillery, mountain artillery, and also machine-gun batteries: *Provided*, That this shall not be construed to limit the authority of the Secretary of War to order coast artillery to any duty which the public service demands or to prevent the use of machine or other field guns by any other arm of the service under the direction of the Secretary of War.

“Coast artillery” defined.

—“field artillery.”

*Proviso.*  
Duties of coast artillery and use of machine-guns not restricted.

SEC. 5. That all officers of artillery shall be placed on one list, in respect to promotion, according to seniority in their several grades, and shall be assigned to coast or to field artillery according to their special aptitude for the respective services.

Assignment of officers to either branch according to aptitude.

SEC. 6. That the Artillery Corps shall consist of a Chief of Artillery, who shall be selected and detailed by the President from the colonels of artillery, to serve on the staff of the general officer commanding the Army, and whose duties shall be prescribed by the Secretary of War; fourteen colonels, one of whom shall be the Chief of Artillery; thirteen lieutenant-colonels, thirty-nine majors, one hundred and ninety-five captains, one hundred and ninety-five first lieutenants, one hundred and ninety-five second lieutenants; and the captains and lieutenants provided for in this section not required for duty with batteries or companies shall be available for duty as staff officers of the various artillery garrisons and such other details as may be authorized by law and regulations; twenty-one sergeants-major, with the rank, pay, and allowances of regimental sergeants-major of infantry; twenty-seven sergeants-major, with the rank, pay, and allowances of battalion sergeants-major of infantry; one electrician sergeant to each coast artillery post having electrical appliances; thirty batteries of field artillery, one hundred and twenty-six batteries of coast artillery, and ten bands organized as now authorized by law for artillery regiments: *Provided*, That the aggregate number of enlisted men for the artillery, as provided under this Act, shall not exceed eighteen thousand nine hundred and twenty, exclusive of electrician sergeants.

Composition of Corps.

*Proviso.*

Limit enlisted men.

SEC. 7. That each company of coast artillery shall be organized as is now prescribed by law for a battery of artillery: *Provided*, That the enlisted strength of any company may be fixed, under the direction of the Secretary of War, according to the requirements of the service to which it may be assigned: *And provided*, That first-class gunners shall receive two dollars a month, and second-class gunners one dollar per month in addition to their pay.

Coast artillery: organization. Vol. 30, p. 978.

*Provisos.*  
Determining strength of company.

Additional pay to gunners.

SEC. 8. That each battery of field artillery shall be organized as is now prescribed by law, and the enlisted strength thereof shall be fixed under the direction of the Secretary of War.

Field artillery: organization, etc.

SEC. 9. That the increase herein provided for the artillery shall be made as follows: Not less than twenty per centum before July first, nineteen hundred and one, and not less than twenty per centum each succeeding twelve months until the total number provided for shall have been attained. All vacancies created or caused by this Act shall be filled by promotion according to seniority in the artillery arm. Second lieutenants of infantry or cavalry may, in the discretion of the President, be transferred to the artillery arm, taking rank therein according to date of commission, and such transfers shall be subject to approval by a board of artillery officers appointed to pass upon the capacity of such officers for artillery service: *Provided*, That the increase of officers of artillery shall be only in proportion to the increase of men.

When increase to be made.

Vacancies, how filled.

Transfers from other arms.

*Proviso.*  
Proportionate increase of officers.

Infantry.  
R. S., sec. 1107, p. 204,  
amended.  
Composition.

SEC. 10. That each regiment of infantry shall consist of one colonel, one lieutenant-colonel, three majors, fifteen captains, fifteen first lieutenants, and fifteen second lieutenants; one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, three battalion sergeants-major, two color sergeants, with rank, pay, and allowances of battalion sergeants-major, one band, and twelve companies, organized into three battalions of four companies each. Of the officers herein provided, the captains and lieutenants not required for duty with the companies shall be available for detail as regimental and battalion staff officers and such other details as may be authorized by law or regulations. Battalion adjutants shall receive one thousand eight hundred dollars per annum and the allowances of first lieutenants, mounted; battalion quartermasters and commissaries shall receive one thousand six hundred dollars per annum and the allowances of second lieutenants, mounted. Each infantry band shall be organized as now provided by law. Each infantry company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, six corporals, two cooks, two musicians, one artificer, and forty-eight privates, the commissioned officers to be assigned from those hereinbefore authorized: *Provided*, That the President, in his discretion, may increase the number of sergeants in any company of infantry to six, the number of corporals to ten, and the number of privates to one hundred and twenty-seven, but the total number of enlisted men authorized for the whole Army shall not, at any time, be exceeded.

Details.

Pay battalion adjutants, etc.

Band; organization.

*Proviso.*  
Limit enlisted men.

Corps of Engineers.  
Composition.  
R. S., sec. 1151, p. 208,  
amended.  
Vol. 30, pp. 652, 979.

SEC. 11. That the enlisted force of the Corps of Engineers shall consist of one band and three battalions of engineers. The engineers band shall be organized as now provided by law for bands of infantry regiments. Each battalion of engineers shall consist of one sergeant-major, one quartermaster-sergeant, and four companies. Each company of engineers shall consist of one first sergeant, one quartermaster-sergeant, with the rank, pay, and allowances of sergeant, eight sergeants, ten corporals, two musicians, two cooks, thirty-eight first-class and thirty-eight second-class privates: *Provided*, That the President may, in his discretion, increase the number of sergeants in any company of engineers to twelve, the number of corporals to eighteen, the number of first-class privates to sixty-four, and the number of second-class privates to sixty-four, but the total number of enlisted men authorized for the whole Army shall not, at any time, be exceeded: *And provided*, That officers detailed from the Corps of Engineers to serve as battalion adjutants and battalion quartermasters and commissaries shall, while so serving, receive the pay and allowances herein authorized for battalion staff officers of infantry regiments.

*Proviso.*  
Limit enlisted men.

Pay battalion adjutants, etc.

Chaplains, rank, etc.

*Provisos.*  
Examination, etc.

Post chaplain  
abolished.  
R. S., sec. 1094, p. 202,  
amended.

Assignment, etc., of  
chaplains.

SEC. 12. That the President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army, at the rate of one for each regiment of cavalry and infantry in the United States service and twelve for the corps of artillery, with the rank, pay, and allowances of captains of infantry: *Provided*, That no person shall be appointed a chaplain in the Regular Army who shall have passed the age of forty years, nor until he shall have established his fitness as required by existing law: *And provided*, That the office of post chaplain is abolished, and the officers now holding commissions as chaplains, or who may hereafter be appointed chaplains, shall be assigned to regiments or to the corps of artillery. Chaplains may be assigned to such stations as the Secretary of War shall direct, and they may be transferred, as chaplains, from one branch of the service or from one regiment to another by the Secretary of War, without further commission. When serving in the field, chaplains shall be furnished with necessary means of transportation by the Quartermaster's Department.

—transportation.

SEC. 13. That the Adjutant-General's Department shall consist of one Adjutant-General with the rank of major-general, and when a vacancy shall occur in the office of Adjutant-General on the expiration of the service of the present incumbent, by retirement or otherwise, the Adjutant-General shall thereafter have the rank and pay of a brigadier-general, five assistant adjutants-general with the rank of colonel, seven assistant adjutants-general with the rank of lieutenant-colonel, and fifteen assistant adjutants-general with the rank of major: *Provided*, That all vacancies created or caused by this section shall, as far as possible, be filled by promotion according to seniority of officers of the Adjutant-General's Department.

Adjutant-General's Department.  
Organization, etc.  
R. S., sec. 1128, p. 206, amended.

*Proviso.*  
Vacancies, how filled.

SEC. 14. That the Inspector-General's Department shall consist of one Inspector-General with the rank of brigadier-general, four inspectors-general with the rank of colonel, four inspectors-general with the rank of lieutenant-colonel, and eight inspectors-general with the rank of major: *Provided*, That all vacancies created or caused by this section shall be filled, as far as possible, by promotion according to seniority of officers of the Inspector-General's Department.

Inspector-General's Department.  
Organization, etc.

*Proviso.*  
Vacancies, how filled.

SEC. 15. That the Judge-Advocate-General's Department shall consist of one Judge-Advocate-General with the rank of brigadier-general, two judge-advocates with the rank of colonel, three judge-advocates with the rank of lieutenant-colonel, six judge-advocates with the rank of major, and for each geographical department or tactical division of troops not provided with a judge-advocate from the list of officers holding permanent commissions in the Judge-Advocate-General's Department one acting judge-advocate with the rank, pay, and allowances of captain, mounted. Promotions to vacancies above the grade of major, created or caused by this Act, shall be made, according to seniority, from officers now holding commission in the Judge-Advocate-General's Department. Vacancies created or caused by this Act in the grade of major may be filled by appointment of officers holding commissions as judge-advocate of volunteers since April twenty-first, eighteen hundred and ninety-eight. Vacancies which may occur thereafter in the grade of major in the Judge-Advocate-General's Department shall be filled by the appointment of officers of the line, or of persons who have satisfactorily served as judge-advocates of volunteers since April twenty-first, eighteen hundred and ninety-eight, or of persons from civil life who at date of appointment are not over thirty-five years of age and who shall pass a satisfactory examination to be prescribed by the Secretary of War.

Judge-Advocate-General's Department.  
Organization.

Vacancies above grade of major, how filled, etc.

Acting judge-advocates provided for herein shall be detailed from officers of the grades of captain or first lieutenant of the line of the Army who while so serving shall continue to hold their commissions in the arm of the service to which they permanently belong. Upon completion of a tour of duty not exceeding four years they shall be returned to the arm in which commissioned, and shall not be again detailed until they shall have completed two years' duty with the arm of the service in which commissioned.

Detail as acting judge-advocate.

SEC. 16. That the Quartermaster's Department shall consist of one Quartermaster-General with the rank of brigadier-general, six assistant quartermasters-general with the rank of colonel, nine deputy quartermasters-general with the rank of lieutenant-colonel, twenty quartermasters with the rank of major, sixty quartermasters with the rank of captain, mounted; the military storekeeper now provided for by law, and one hundred and fifty post quartermaster-sergeants: *Provided*, That all vacancies in the grade of colonel, lieutenant-colonel, and major created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law. That to fill original vacancies in the grade of captain created by this Act in the

Quartermaster's Department.  
Organization.

*Provisos.*  
Vacancies, how filled.

—original.

Quartermaster's Department the President is authorized to appoint officers of volunteers commissioned in the Quartermaster's Department since April twenty-first, eighteen hundred and ninety-eight: *Provided further*, That the President is authorized to continue in service, during the present emergency, for duty in the Philippine Islands and on transports, twenty-four captains and assistant quartermasters of volunteers. This authority shall extend only for the period when their services shall be absolutely necessary.

Temporary continuance of certain volunteer officers.

—limit.

Subsistence Department.  
Organization.

SEC. 17. That the Subsistence Department shall consist of one Commissary-General with the rank of brigadier-general, three assistant commissaries-general with the rank of colonel, four deputy commissaries-general with the rank of lieutenant-colonel, nine commissaries with the rank of major, twenty-seven commissaries with the rank of captain, mounted, and the number of commissary-sergeants now authorized by law, who shall hereafter be known as post commissary-sergeants: *Provided*, That all vacancies in the grades of colonel, lieutenant-colonel, and major, created or caused by this section, shall be filled by promotion, according to seniority, as now prescribed by law. That to fill original vacancies in the grade of captain, created by this Act, in the Subsistence Department, the President is authorized to appoint officers of volunteers commissioned in the Subsistence Department since April twenty-first, eighteen hundred and ninety-eight.

Post commissary-sergeants.

*Proviso.*  
Vacancies, how filled.  
—original.

Medical Department.  
Organization.

SEC. 18. That the Medical Department shall consist of one Surgeon-General with the rank of brigadier-general, eight assistant surgeons-general with the rank of colonel, twelve deputy surgeons-general with the rank of lieutenant-colonel, sixty surgeons with the rank of major, two hundred and forty assistant surgeons with the rank of captain or first lieutenant, the Hospital Corps, as now authorized by law, and the Nurse Corps: *Provided*, That all vacancies in the grades of colonel, lieutenant-colonel, and major created or caused by this section shall be filled by promotion according to seniority, subject to the examination now prescribed by law: *And provided*, That the period during which any assistant surgeon shall have served as a surgeon or assistant surgeon in the Volunteer Army during the war with Spain or since shall be counted as a portion of the five years' service required to entitle him to rank of captain: *And provided also*, That nothing in this section shall affect the relative rank for promotion of any assistant surgeon now in the service, or who may be hereafter appointed therein, as determined by the date of his appointment or commission and as fixed in accordance with existing law and regulations: *Provided further*, That in emergencies the Surgeon-General of the Army, with the approval of the Secretary of War, may appoint as many contract surgeons as may be necessary, at a compensation not to exceed one hundred and fifty dollars per month. That on or after the passage of this Act the President may appoint for duty in the Philippine Islands, fifty surgeons of volunteers with the rank and pay of major, and one hundred and fifty assistant surgeons of volunteers with the rank and pay of captain, mounted, for a period of two years: *Provided*, That so many of these volunteer medical officers as are not required shall be honorably discharged the service whenever in the opinion of the Secretary of War their services are no longer necessary: *Provided further*, That assistant surgeons in the Volunteer Army of the United States commissioned by the President as captains, in accordance with the provisions of an Act for increasing the efficiency of the Army of the United States, and for other purposes, approved March second, eighteen hundred and ninety-nine, shall be entitled to the pay of a captain, mounted, from the date of their acceptance of such commission, as prescribed by law: *Provided*, That the Surgeon-General of the Army, with the approval of the Secretary of War, be, and he is hereby, authorized to employ dental surgeons to serve the officers and enlisted men of the Regu-

*Provisos.*  
Vacancies, how filled.

Computation of service as surgeon requisite to grade of captain.

—relative rank unaffected, etc.

Contract surgeons in emergencies.

Temporary, for Philippine service.

—discharge.

Pay of certain assistant surgeons.  
Vol. 30, p. 980.

Contract dental surgeons authorized.

lar and Volunteer Army, in the proportion of not to exceed one for every one thousand of said Army, and not exceeding thirty in all. Said dental surgeons shall be employed as contract dental surgeons under the terms and conditions applicable to army contract surgeons, and shall be graduates of standard medical or dental colleges, trained in the several branches of dentistry, of good moral and professional character, and shall pass a satisfactory professional examination: *Provided*, That three of the number of dental surgeons to be employed shall be first appointed by the Surgeon-General, with the approval of the Secretary of War, with reference to their fitness for assignment, under the direction of the Surgeon-General, to the special service of conducting the examinations and supervising the operations of the others; and for such special service an extra compensation of sixty dollars a month will be allowed: *Provided further*, That dental college graduates now employed in the Hospital Corps who have been detailed for a period of not less than twelve months to render dental service to the Army and who are shown by the reports of their superior officers to have rendered such service satisfactorily may be appointed contract dental surgeons without examination: *Provided*, That the Secretary of War be authorized to appoint in the Hospital Corps, in addition to the two hundred hospital stewards now allowed by law, one hundred hospital stewards: *Provided*, That men who have served as hospital stewards of volunteer regiments or acted in that capacity during and since the Spanish-American war for more than six months may be appointed hospital stewards in the Regular Army: *And provided further*, That all men so appointed shall be of good moral character and shall have passed a satisfactory mental and physical examination.

—limit, etc.

—board of, to examine others.

—exempted from examination.

Additional hospital stewards authorized.

—serving in Spanish war may be appointed.

—examination.

SEC. 19. That the Nurse Corps (female) shall consist of one Superintendent, to be appointed by the Secretary of War, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, whose compensation shall be one thousand eight hundred dollars per annum, and of as many chief nurses, nurses, and reserve nurses as may be needed. Reserve nurses may be assigned to active duty when the emergency of the service demands, but shall receive no compensation except when on such duty: *Provided*, That all nurses in the Nurse Corps shall be appointed or removed by the Surgeon-General, with the approval of the Secretary of War; that they shall be graduates of hospital training schools, and shall have passed a satisfactory professional, moral, mental, and physical examination: *And provided*, That the Superintendent and nurses shall receive transportation and necessary expenses when traveling under orders; that the pay and allowances of nurses, and of reserve nurses, when on active service, shall be forty dollars per month when on duty in the United States and fifty dollars per month when without the limits of the United States. They shall be entitled to quarters, subsistence, and medical attendance during illness, and they may be granted leaves of absence for thirty days, with pay, for each calendar year; and, when serving as chief nurses, their pay may be increased by authority of the Secretary of War, such increase not to exceed twenty-five dollars per month. Payments to the Nurse Corps shall be made by the Pay Department.

Nurse Corps (female). Organization.

*Proviso*. Appointment, examination, etc.

Transportation. Pay, etc.

SEC. 20. That the grade of veterinarian of the second class in cavalry regiments, United States Army, is hereby abolished, and hereafter the two veterinarians authorized for each cavalry regiment and the one veterinarian authorized for each artillery regiment shall receive the pay and allowances of second lieutenants, mounted. Such number of veterinarians as the Secretary of War may authorize shall be employed to attend animals pertaining to the quartermaster's or other departments not directly connected with the cavalry and artillery regiments, at a compensation not exceeding one hundred dollars per month.

Veterinarians.

Pay Department.  
Organization.

SEC. 21. That the Pay Department shall consist of one Paymaster-General with the rank of brigadier-general, three assistant paymasters-general with the rank of colonel, four deputy paymasters-general with the rank of lieutenant-colonel, twenty paymasters with the rank of major, and twenty-five paymasters with the rank of captain, mounted: *Provided*, That all vacancies in the grade of colonel and lieutenant-colonel created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law, and no more appointments to the grade of major and paymaster shall be made until the number of majors and paymasters is reduced below twenty: *And provided*, That persons who have served in the Volunteer Army since April twenty-first, eighteen hundred and ninety-eight, as additional paymasters may be appointed to positions in the grade of captain, created by this section. So long as there remain surplus majors an equal number of vacancies shall be held in the grade of captain, so that the total number of paymasters authorized by this section shall not be exceeded at any time.

*Proviso*,  
Vacancies, etc.

Appointments to  
grade of major.

—captain.

Limit paymasters  
not to be exceeded.

Corps of Engineers.  
Organization, etc.

SEC. 22. That the Corps of Engineers shall consist of one Chief of Engineers with the rank of brigadier-general, seven colonels, fourteen lieutenant-colonels, twenty-eight majors, forty captains, forty first lieutenants, and thirty second lieutenants. The enlisted force provided in section eleven of this Act and the officers serving therewith shall constitute a part of the line of the Army: *Provided*, That the Chief of Engineers shall be selected as now provided by law, and hereafter vacancies in the Corps of Engineers in all other grades above that of second lieutenant shall be filled, as far as possible, by promotion according to seniority from the Corps of Engineers: *And provided also*, That vacancies remaining in the grades of first and second lieutenant may be filled by transfer of officers of the Regular Army, subject to such professional examination as may be approved by the Secretary of War. Vacancies in the grade of second lieutenant not filled by transfer shall be left for future promotions from the corps of cadets at the United States Military Academy.

*Proviso*,  
Appointment of  
Chief.  
Vacancies, how  
filled.

—by transfer.

Ordnance Department.  
Organization.

SEC. 23. That the Ordnance Department shall consist of one Chief of Ordnance with the rank of brigadier-general, four colonels, six lieutenant-colonels, twelve majors, twenty-four captains, and twenty-four first lieutenants, the ordnance storekeeper, and the enlisted men, including ordnance sergeants, as now authorized by law. All vacancies created or caused by this section shall, as far as possible, be filled by promotion according to seniority as now prescribed by law.

Vacancies, how  
filled.

Signal Corps.  
Organization.

SEC. 24. That the Signal Corps shall consist of one Chief Signal Officer with the rank of brigadier-general, one colonel, one lieutenant-colonel, four majors, fourteen captains, fourteen first lieutenants, eighty first-class sergeants, one hundred and twenty sergeants, one hundred and fifty corporals, two hundred and fifty first-class privates, one hundred and fifty second-class privates, and ten cooks: *Provided*, That vacancies created or caused by this section shall be filled by promotion of officers of the Signal Corps according to seniority, as now provided by law. Vacancies remaining after such promotions may be filled by appointment of persons who have served in the Volunteer Signal Corps since April twenty-first, eighteen hundred and ninety-eight: *Provided*, That the President is authorized to continue in service during the present emergency, for duty in the Philippine Islands, five volunteer signal officers with the rank of first lieutenant and five volunteer signal officers with the rank of second lieutenant. This authority shall extend only for the period when their services may be absolutely necessary.

*Proviso*,  
Vacancies, how  
filled.

Temporary service  
in Philippines.

—limit.

Record and Pension  
Office, War Department.

SEC. 25. That the officers of the Record and Pension Office of the War Department shall be a chief of said office with the rank of brigadier-general and an assistant chief of said office with the rank of major:

*Provided*, That any person appointed to be Chief of the Record and Pension Office after the passage of this Act shall have the rank of colonel.

Rank of Chief, etc.

SEC. 26. That so long as there remain any officers holding permanent appointments in the Adjutant-General's Department, the Inspector-General's Department, the Quartermaster's Department, the Subsistence Department, the Pay Department, the Ordnance Department, and the Signal Corps, including those appointed to original vacancies in the grades of captain and first lieutenant under the provisions of sections sixteen, seventeen, twenty-one, and twenty-four of this Act, they shall be promoted according to seniority in the several grades, as now provided by law, and nothing herein contained shall be deemed to apply to vacancies which can be filled by such promotions or to the periods for which the officers so promoted shall hold their appointments, and when any vacancy, except that of the chief of the department or corps, shall occur, which can not be filled by promotion as provided in this section, it shall be filled by detail from the line of the Army, and no more permanent appointments shall be made in those departments or corps after the original vacancies created by this Act shall have been filled. Such details shall be made from the grade in which the vacancies exist, under such system of examination as the President may from time to time prescribe.

Permanent appointments, staff departments to be promoted according to seniority.

—future vacancies to be filled by detail, after examination.

All officers so detailed shall serve for a period of four years, at the expiration of which time they shall return to duty with the line, and officers below the rank of lieutenant-colonel shall not again be eligible for selection in any staff department until they shall have served two years with the line.

—return to line after four years, etc.

That when vacancies shall occur in the position of chief of any staff corps or department the President may appoint to such vacancies, by and with the advice and consent of the Senate, officers of the Army at large not below the rank of lieutenant-colonel, and who shall hold office for terms of four years. When a vacancy in the position of chief of any staff corps or department is filled by the appointment of an officer below the rank now provided by law for said office, said chief shall, while so serving, have the same rank, pay, and allowances now provided for the chief of such corps or department. And any officer now holding office in any corps or department who shall hereafter serve as chief of a staff corps or department and shall subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the retirement of such corps or department chief: *Provided*, That so long as there remain in service officers of any staff corps or department holding permanent appointments, the chief of such staff corps or department shall be selected from the officers so remaining therein.

Chief of staff corps or department vacancies, how filled.

—rank of incumbent.

*Proviso*. Permanent appointments.

SEC. 27. That each position vacated by officers of the line, transferred to any department of the staff for tours of service under this Act, shall be filled by promotion in the line until the total number detailed equals the number authorized for duty in each staff department. Thereafter vacancies caused by details from the line to the staff shall be filled by officers returning from tours of staff duty. If under the operation of this Act the number of officers returned to any particular arm of the service at any time exceeds the number authorized by law in any grade, promotions to that grade shall cease until the number has been reduced to that authorized.

Vacancies caused by details from line to staff, how filled.

SEC. 28. That vacancies in the grade of field officers and captain, created by this Act, in the cavalry, artillery, and infantry shall be filled by promotion according to seniority in each branch, respectively. Vacancies existing after the promotions have been made shall be provided for as follows: A sufficient number shall be reserved in the grade of second lieutenant for the next graduating class at the United States Military Academy.

Vacancies in grade of field officers and captain created by this act, how filled.

—after promotions made, how filled.

Persons not over forty years of age who shall have at any time served as volunteers subsequent to April twenty-first, eighteen hundred and ninety-eight, may be ordered before boards of officers for such examination as may be prescribed by the Secretary of War, and those who establish their fitness before these examining boards may be appointed to the grades of first or second lieutenant in the Regular Army, taking rank in the respective grades according to seniority as determined by length of prior commissioned service; but no person appointed under the provisions of this section shall be placed above another in the same grade with longer commissioned service, and nothing herein contained shall change the relative rank of officers heretofore commissioned in the Regular Army.

Appointment of enlisted men as second lieutenants authorized.

Enlisted men of the Regular Army or volunteers may be appointed second lieutenants in the Regular Army to vacancies created by this Act, provided that they shall have served one year, under the same conditions now authorized by law for enlisted men of the Regular Army.

Excessive enlistment to supply trained recruits to outside regiments authorized.

SEC. 29. That to fill vacancies occurring from time to time in the several organizations serving without the limits of the United States with trained men, the President is authorized to enlist recruits in numbers equal to four per centum in excess of the total strength authorized for such organizations.

Limit of time for maximum strength.

SEC. 30. That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this Act during the present exigencies of the service, or until such time as Congress may hereafter otherwise direct:

Proviso. Honorable discharge on account of dependent parent.

*Provided*, That in the event of the enlistment of a soldier in the Army for the period required by law, and after the expiration of one year of service, should either of his parents die, leaving the other solely dependent upon the soldier for support, such soldier may, upon his own application, be honorably discharged from the service of the United States upon due proof being made of such condition to the Secretary of War.

Detail of enlisted men for recruiting.

SEC. 31. That the Secretary of War is authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duty at the various recruiting stations, and while performing such duty one member of each party shall have the rank, pay, and allowances of sergeant, and one the rank, pay, and allowances of corporal of the arm of the service to which they respectively belong.

Provisional promotion of officer pending examination.

SEC. 32. That when the exigencies of the service of any officer who would be entitled to promotion upon examination require him to remain absent from any place where an examining board could be convened, the President is hereby authorized to promote such officer, subject to examination, and the examination shall take place as soon thereafter as practicable. If upon examination the officer be found disqualified for promotion, he shall, upon the approval of the proceedings by the Secretary of War, be treated in the same manner as if he had been examined prior to promotion.

Appointment authorized of two brigadier-generals for retirement.

SEC. 33. The President of the United States is hereby authorized to select from the brigadier-generals of volunteers two volunteer officers, without regard to age, and, by and with the advice and consent of the Senate, appoint them brigadier-generals, United States Army, for the purpose of placing them on the retired list.

—major-general.

And the President is also hereby authorized to select from the retired list of the Army an officer not above the rank of brigadier-general who may have distinguished himself during the war with Spain, in command of a separate army, and to appoint, by and with the advice and consent of the Senate, the officer so selected to be major-general, United States Army, with the pay and allowances established by law for officers of that grade on the retired list.



SEC. 34. That all officers who have served during the war with Spain, or since, as officers of the Regular or Volunteer Army of the United States, and have been honorably discharged from the service by resignation or otherwise, shall be entitled to bear the official title and, upon occasions of ceremony, to wear the uniform of the highest grade they have held by brevet or other commission in the regular or volunteer service.

Officers honorably discharged may wear uniform of highest commission held, etc.

SEC. 35. That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examinations and surveys to be made for the purpose of selecting four sites with a view to the establishment of permanent camp grounds for instruction of troops of the Regular Army and National Guard, with estimates of the cost of the sites and their equipment with all modern appliances, and for this purpose is authorized to detail such officers of the Army as may be necessary to carry on the preliminary work; and the sum of ten thousand dollars is hereby appropriated for the necessary expense of such work, to be disbursed under the direction of the Secretary of War: *Provided*, That the Secretary of War shall report to Congress the result of such examination and surveys, and no contract for said sites shall be made nor any obligation incurred until Congress shall approve such selections and appropriate the money therefor.

Surveys, etc., for sites for instruction camps authorized.

*Proviso.*  
—report.

SEC. 36. That when in his opinion the conditions in the Philippine Islands justify such action the President is authorized to enlist natives of those islands for service in the Army, to be organized as scouts, with such officers as he shall deem necessary for their proper control, or as troops or companies, as authorized by this Act, for the Regular Army. The President is further authorized, in his discretion, to form companies, organized as are companies of the Regular Army, in squadrons or battalions, with officers and noncommissioned officers corresponding to similar organizations in the cavalry and infantry arms. The total number of enlisted men in said native organizations shall not exceed twelve thousand, and the total enlisted force of the line of the Army, together with such native force, shall not exceed at any one time one hundred thousand.

Enlistments of Philippine natives.

—companies, etc.

The majors to command the squadrons and battalions shall be selected by the President from captains of the line of the Regular Army, and while so serving they shall have the rank, pay, and allowances of the grade of major. The captains of the troops or companies shall be selected by the President from first lieutenants of the line of the Regular Army, and while so serving they shall have the rank, pay, and allowances of captain of the arm to which assigned. The squadron and battalion staff officers, and first and second lieutenants of companies, may be selected from the noncommissioned officers or enlisted men of the Regular Army of not less than two years' service, or from officers or noncommissioned officers or enlisted men serving, or who have served, in the volunteers subsequent to April twenty-first, eighteen hundred and ninety-eight, and officers of those grades shall be given provisional appointments for periods of four years each, and no such appointments shall be continued for a second or subsequent term unless the officer's conduct shall have been satisfactory in every respect. The pay and allowances of provisional officers of native organizations shall be those authorized for officers of like grades in the Regular Army. The pay, rations, and clothing allowances to be authorized for the enlisted men shall be fixed by the Secretary of War, and shall not exceed those authorized for the Regular Army.

Officers.

—pay, etc.

When, in the opinion of the President, natives of the Philippine Islands shall, by their services and character, show fitness for command, the President is authorized to make provisional appointments to the grades of second and first lieutenants from such natives, who, when so appointed, shall have the pay and allowances to be fixed by the Sec-

Native officers authorized.

retary of War, not exceeding those of corresponding grades of the Regular Army.

Porto Rico.  
Regiment of natives  
authorized.

SEC. 37. That the President is authorized to organize and maintain one provisional regiment of not exceeding three battalions of infantry, for service in Porto Rico, the enlisted strength thereof to be composed of natives of that island as far as practicable. The regiment shall be organized as to numbers as authorized for infantry regiments of the Regular Army. The pay, rations, and clothing allowances to be authorized for the enlisted men shall be fixed by the Secretary of War, and shall not exceed those authorized for the Regular Army. The field officers shall be selected from officers of the next lower grades in the Regular Army and shall, while so serving in the higher grade, have the rank, pay, and allowances thereof. The company and regimental and battalion staff officers shall be appointed by the President. The President may, in his discretion, continue with their own consent the volunteer officers and enlisted men of the Porto Rico regiment, whose terms of service expire by law July first, nineteen hundred and one. Enlistments for the Porto Rico regiment shall be made for periods of three years, unless sooner discharged. The regiment shall be continued in service until further directed by Congress.

Sale of intoxicants  
in post exchanges,  
etc., prohibited.

SEC. 38. The sale of or dealing in, beer, wine or any intoxicating liquors by any person in any post exchange or canteen or army transport or upon any premises used for military purposes by the United States, is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect.

Existing Regular  
Army commissions  
unimpaired.

SEC. 39. That nothing in this Act shall be held or construed so as to discharge any officer from the Regular Army or to deprive him of the commission which he now holds therein.

Army ration: Presi-  
dent may prescribe  
components, etc.

SEC. 40. That the President be, and he is hereby, authorized to prescribe the kinds and quantities of the component articles of the army ration, and to direct the issue of substitutive equivalent articles in place of any such components whenever, in his opinion, economy and a due regard to the health and comfort of the troops may so require.

Badges, service  
Spanish war, etc., may  
be worn, etc.

SEC. 41. That the distinctive badges adopted by military societies of men "who served in the armies and navies of the United States during the Spanish-American war and the incident insurrection in the Philippines" may be worn upon all occasions of ceremony by officers and men of the Army and Navy of the United States who are members of said organizations in their own right.

Repeal.

SEC. 42. That all laws and parts of laws inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Approved, February 2, 1901.

February 4, 1901.

**CHAP. 193.**—An Act Providing for the construction of a steam revenue cutter for service in the harbor of Boston, Massachusetts.

Boston, Mass.  
Purchase of revenue  
cutter authorized for  
port of

*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 hereby is, authorized to purchase or build a suitable vessel to be used as a revenue cutter of the third class at the port of Boston, Massachusetts: *Provided,* That the cost of said vessel shall not exceed the sum of fifty thousand dollars.

*Proviso.*  
Limit of cost.

Approved, February 4, 1901.

**CHAP. 194.**—An Act To establish a lobster hatchery in the State of Maine.

February 4, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States Commissioner of Fish and Fisheries is hereby authorized and directed to construct and equip a lobster hatchery upon the coast of Maine, the cost of establishing the same, including the purchase of land and water rights, not to exceed the sum of ten thousand dollars.

Lobster hatchery on Maine coast authorized.

Approved, February 4, 1901.

**CHAP. 195.**—An Act To amend section thirty-two hundred and fifty-five of the Revised Statutes of the United States, concerning the distilling of brandy from fruits.

February 4, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section thirty-two hundred and fifty-five of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

Distilled spirits. R. S., sec. 3255, p. 627, amended.

“**SEC. 3255.** The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pineapples, oranges, apricots, berries, prunes, figs, or cherries from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so.”

Certain exemptions to distillers of fruit brandy authorized.

Approved, February 4, 1901.

**CHAP. 199.**—An Act To amend an Act entitled “An Act to incorporate the Masonic Mutual Relief Association of the District of Columbia.”

February 5, 1901.

*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 the Masonic Mutual Relief Association of the District of Columbia,” approved March third, eighteen hundred and sixty-nine, as amended by the Act entitled “An Act to amend an Act entitled ‘An Act to incorporate the Masonic Mutual Relief Association of the District of Columbia,’ approved March third, eighteen hundred and sixty-nine,” approved February twentieth, eighteen hundred and ninety-three, be amended by striking out sections six and seven of said Act and substituting for the fifth section of said Act the following:

District of Columbia, Masonic Mutual Relief Association. Vol. 15, p. 335.

Vol. 27, p. 464.

**SEC. 5.** That the said board of directors may be increased from time to time to a number equal to the number, for the time being, of Masonic lodges in the District of Columbia, and the said board shall be capable of taking and holding the funds, property, and effects of said corporation, which funds, property, or effects shall never be divided among the members of the said society or corporation, but shall descend to their successors, duly elected in the manner heretofore specified, for the promotion of the principles of the said corporation and the benevolent purposes of the society which they represent; but this provision shall not prevent the said board of directors from carrying out the principles of the society or corporation, namely, the immediate payment to the widow, orphans, heir, assignee, or legatee of a deceased member as many dollars as there are members in good standing on the books of the corporation, not exceeding one thousand dollars, or the amount specified in the certificate of membership held by said member: *Provided, however,* That no certificate of membership shall be issued by said corporation for an amount exceeding two thousand dollars.

Powers of directors.

Payments to widow, etc., of deceased members.

—limit.

*Proviso.* Limit amount of certificate of membership.

Approved, February 5, 1901.

February 5, 1901.

**CHAP. 200.**—An Act Extending the time for the commencement and completion of the bridge across the Missouri River at or near Oacoma, South Dakota.

Time extended to Chicago, Sioux Falls and Pacific Railway to bridge Missouri River at Oacoma, S. Dak.  
Vol. 30, p. 806.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time for the commencement of the bridge across the Missouri River at or near the village of Oacoma, in the State of South Dakota, authorized by the Act of Congress entitled "An Act to authorize the construction of a bridge at or near Oacoma, South Dakota," approved January twenty-eighth, eighteen hundred and ninety-nine, be, and the same is hereby, extended to January twenty-eighth, nineteen hundred and two, and the time for the completion of said bridge be, and the same is hereby, extended to January twenty-eighth, nineteen hundred and four.

Approved, February 5, 1901.

February 6, 1901.

**CHAP. 217.**—An Act Amending the Act of August fifteenth, eighteen hundred and ninety-four, entitled "An Act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-five," and for other purposes.

Allotments of land to Indians.  
Vol. 28, p. 305, amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That that portion of the Act of August fifteenth, eighteen hundred and ninety-four, found on page three hundred and five of Twenty-eighth Statutes at Large, be amended so as to read as follows:

Actions for allotments alleged to be unlawfully denied.

"That all persons who are in whole or in part of Indian blood or descent who are entitled to an allotment of land under any law of Congress, or who claim to be so entitled to land under any allotment Act or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment or any parcel of land to which they claim to be lawfully entitled by virtue of any Act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the proper circuit court of the United States; and said circuit courts are hereby given jurisdiction to try and determine any action, suit, or proceeding arising within their respective jurisdictions involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty (and in said suit the parties thereto shall be the claimant as plaintiff and the United States as party defendant); and the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him, but this provision shall not apply to any lands now held by either of the Five Civilized Tribes, nor to any of the lands within the Quapaw Indian Agency: *Provided,* That the right of appeal shall be allowed to either party as in other cases.

Judgments.

Lands excepted.

*Proviso.*  
Appeal.

Service of petition.

"**SEC. 2.** That the plaintiff shall cause a copy of his petition filed under the preceding section to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of same, by registered letter, to the Attorney-General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letter. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Government in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim for damages, or other demand or defense

Appearance by district attorney, etc.

whatsoever of the Government in the premises: *Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense, as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court."

*Proviso.*  
—failure of, to plead.  
  
Plaintiff to establish claim.

Approved, February 6, 1901.

**CHAP. 218.**—An Act To reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia.

February 6, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Jacob Jose, Louis Kettler, William Kettler, John Walter, Frederick Imhoff, Charles G. Rogier, Charles Graff, Jacob J. Appieh, George J. Seufferle, George Breitbarth, Christian Heurich, Werner Koch, John A. Griesbauer, William H. Veerhoff, Clement A. Didden, George Bessler, John F. Schneider, and Otto Wehner, the present board of directors of the said de facto corporation, and their present associate members and successors, be, and they are hereby, created a body politic and corporate by the name of German Orphan Asylum Association of the District of Columbia, with all the powers, franchises, and privileges, and for the purposes set forth in the original Act of incorporation, executed September twentieth, eighteen hundred and seventy-nine, and recorded October eleventh, eighteen hundred and seventy-nine, in liber numbered three, folio sixty-two et sequentes, Acts of incorporation, in the office of the recorder of deeds for the District of Columbia: *Provided, however*, That the term of said corporation shall be, and hereby is, made perpetual.

District of Columbia.  
German Orphan Asylum Association reincorporated.

*Proviso.*  
Term of incorporation perpetual.

**SEC. 2.** That all lawful acts done and all lawful engagements entered into by the said German Orphan Asylum Association of the District of Columbia, while acting as a corporation de facto, are hereby declared to be valid, and that all property rights acquired by the said German Orphan Asylum Association of the District of Columbia and belonging to it while a corporation de jure, and all property right acquired by it while acting as a corporation de facto, are hereby confirmed unto the German Orphan Asylum Association of the District of Columbia by this Act incorporated, which shall hereupon succeed to all the rights and liabilities of the said German Orphan Asylum Association of the District of Columbia the body corporate de jure and de facto, saving, however, to all persons and corporations all rights and rights of action against the said original corporation and the said corporation de facto.

Acts of de facto corporation validated, etc.

**SEC. 3.** That the said German Orphan Asylum Association of the District of Columbia by this Act incorporated is hereby authorized, if such be deemed necessary, to institute in the supreme court of the District of Columbia, proceedings in equity, by bill against all persons and corporations who may set up any claim to any of the property rights of the said original corporation or de facto corporation by this Act vested in the corporation created hereby for the purpose of determining finally the rights of any such adverse claims and of having its right and title to all such property rights finally affirmed by the decree of said court: *Provided, however*, That nothing in this Act shall be held in any wise to disturb or affect any reserved lien which the United States may have under existing law upon any of the property of the said original corporation or the said de facto corporation.

Authority to sue, etc.

*Proviso.*  
Lien of United States.

**SEC. 4.** Congress hereby reserves the right to alter, amend, or repeal this Act.

Amendment.

Approved, February 6, 1901.

February 6, 1901.

**CHAP. 219.**—An Act To enable the directors of Providence Hospital to increase the accommodations of that institution.

District of Columbia.  
Providence Hospital  
authorized to increase  
accommodations.

Proviso.  
Approval.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purpose of obtaining the amount of money necessary to construct additional buildings for hospital purposes on square seven hundred and sixty-four in the City of Washington, District of Columbia, the directors of the Providence Hospital are hereby authorized to raise by mortgage or other incumbrance on the real estate in said square a sum not to exceed two hundred thousand dollars, which said incumbrance shall be a first lien on said real estate; and the said corporation is hereby authorized to hold real estate in the said square without limitation as to value: *Provided,* That all proceedings under this Act shall be approved by the Attorney-General of the United States.

Approved, February 6, 1901.

February 8, 1901.

**CHAP. 342.**—An Act For the payment of travel allowances, on discharge from the Volunteer Army, to certain officers and enlisted men who reentered the military service of the United States in the Philippine Islands.

Army.  
Travel allowance on  
reenlistment in Thirty-sixth or Thirty-seventh Volunteer Infantry, or Eleventh Cavalry.

Provisos.  
Allowance for sea  
travel.

No travel allowance  
back to Philippines  
on muster out in  
United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any officer of Volunteers, and any enlisted man of either Regulars or Volunteers, who was discharged in the Philippine Islands and there reentered the service, through commission or enlistment, in the Thirty-sixth or Thirty-seventh Regiments United States Volunteer Infantry, or in the Eleventh Regiment United States Volunteer Cavalry, shall, when discharged, except by way of punishment for an offense, receive for travel allowances, from the place of his discharge to the place in the United States of his last preceding appointment or enlistment, four cents per mile: *Provided,* That for sea travel, on discharge, from or between our island possessions actual expenses only shall be paid to officers, and transportation and subsistence only shall be furnished enlisted men: *Provided further,* That officers and enlisted men discharged in the United States under the provisions of this Act shall not be entitled to transportation or travel allowance back to the Philippine Islands.

Approved, February 8, 1901.

February 8, 1901.

**CHAP. 343.**—An Act To supplement and amend the Act entitled "An Act to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July eleventh, eighteen hundred and ninety.

North River Bridge  
Company's bridge  
across Hudson River  
at New York.  
Time extended for  
completion.  
Vol. 26, p. 268.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section two of the Act entitled "An Act to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," be, and the same is hereby, so supplemented and amended as to extend the time for the completion of the construction of the bridge by the said Act authorized until the first day of January, in the year of our Lord nineteen hundred and twelve.

Approved, February 8, 1901.

**CHAP. 344.**—An Act Permitting the building of two dams across the Savannah River above the city of Augusta in the State of Georgia.

February 8, 1901.

*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 Twin City Power Company, a corporation organized under the laws of the State of South Carolina, its successors or assigns, to construct, erect, and maintain a dam across the Savannah River at or near where Dortons Creek, in the county of Edgefield, State of South Carolina, empties into the Savannah River, and all works incident thereto in the utilization of the power thereby developed; and also a dam across the said river at or near the southern end of Prices Island in said river, and about five miles from the mouth of Dortons Creek, and all works incident thereto in the utilization of the power thereby developed: *Provided,* That each of the dams constructed shall be provided with an accessible lock of such capacity as may be prescribed by the Secretary of War: *Provided also,* That the plans for the construction and maintenance of said dams and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of such dam or dams, and that the said Twin City Power Company shall not deviate from such plans after such approval, either before or after completion of the same, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided further,* That in case any litigation arises from the building of said dam or dams, the maintaining of the same, or from the obstruction of said river by the said dam or dams or appurtenant works, cases may be tried in the proper courts as now provided for that purpose in the States of South Carolina and Georgia, and the courts of the United States.

Twin City Power Company may dam Savannah River at Dortons Creek, S. C.

—also at Prices Island, etc.

Provisos. Locks.

Secretary of War to approve plans, etc.

Litigation.

**SEC. 2.** That the right to amend or repeal this Act is hereby expressly reserved: *And provided further,* That suitable fishways shall be constructed and maintained at said dams by said company, its successors and assigns, as may be required from time to time by the United States Fish Commissioner.

Amendment.

Proviso. Fishways.

**SEC. 3.** That this Act shall be null and void unless one of the said dams herein authorized shall be completed within five years from the passage of this Act, and unless both dams shall be completed within the same time the rights and privileges hereby granted shall cease and be determined so far as pertains to the incompleting dam: *And provided further,* That such dam or dams shall be constructed in such manner as not to injure or diminish the water power of any person or company having a dam or hydraulic works already constructed: *And provided further,* That before the construction of either of said dams compensation shall be made to any person or company whose lands may be taken or overflowed in the construction or maintenance of such dam or dams, in accordance with the laws of the State where said lands may be situate.

Completion.

Provisos. No injury to existing hydraulic works.

Damages.

Approved, February 8, 1901.

**CHAP. 345.**—An Act To authorize the construction and to maintain a dam and wagon bridge across Twelve-Mile Bayou, in the parish of Caddo, in the State of Louisiana.

February 8, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Shreveport Water Works Company, of the city of Shreveport, Louisiana, is hereby authorized to construct and maintain a dam and wagon bridge across

Shreveport Water Works Company may dam, etc., Twelve-Mile Bayou, La.

Twelve-Mile Bayou, in the parish of Caddo, in said State, and to connect said Twelve-Mile Bayou with Cross Bayou by means of a canal: *Provided*, That the plans and location of such structures shall be submitted to the Secretary of War for his approval, and until the said plans and location are approved by him the work herein authorized shall not be commenced or built.

*Proviso.*  
Secretary of War to  
approve plans.

Amendment.  
Completion.

Congress reserves the right to alter, amend, or repeal this Act, and that the said dam and wagon bridge shall be completed within three years after the passage of this Act.

Approved, February 8, 1901.

February 8, 1901.

**CHAP. 346.**—An Act Granting to Keokuk and Hamilton Water Power Company right to construct and maintain wing dam, canal, and power station in the Mississippi River in Hancock County, Illinois.

Keokuk and Ham-  
ilton Water Power  
Company may dam,  
etc., Mississippi River  
in Hancock County,  
Ill.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the assent of Congress is hereby given to the Keokuk and Hamilton Water Power Company, a corporation created and organized under the laws of the State of Illinois, its successors and assigns, to erect, construct, operate, and maintain a canal along the east bank of the Mississippi River, between Nauvoo and Hamilton, in Hancock County, in the State of Illinois, to erect, construct, operate, and maintain a power station thereon, and to project, erect, construct, operate, and maintain a wing dam five hundred feet into the river from the head of the said canal, and to make such other dams and improvements as may be necessary within said limits for the development of water power and the generation, use, and transmission therefrom of electric energy and power at, in, and upon the Des Moines Rapids of the Mississippi River: *Provided*, That the construction hereby authorized do not in any way interfere with the existing low-water channel over the Des Moines Rapids, or with the interests of navigation: *And provided further*, That until the plans and location of the works herein authorized, so far as they affect the interests of navigation, have been approved by the Secretary of War the canal or other improvements shall not be commenced or built.

*Provisos.*  
Existing low-water  
channel Des Moines  
Rapids, etc.

Approval of plans.

Commencement  
and completion.

SEC. 2. That this Act shall be null and void if actual construction of the works herein authorized be not commenced within three years and completed within six years from the date hereof.

Amendment.

SEC. 3. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 8, 1901.

February 8, 1901.

**CHAP. 347.**—An Act To authorize the Kingston Bridge and Terminal Railway Company to construct a bridge across the Clinch River at Kingston, Tennessee.

Kingston Bridge and  
Terminal Railway  
may bridge Clinch  
River at Kingston,  
Tenn.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Kingston Bridge and Terminal Railway Company, in the State of Tennessee, in its corporate capacity, is hereby authorized and empowered to construct and maintain a bridge over and across the Clinch River, at a point suitable to the interests of navigation, at or near the town of Kingston, so as to connect said town of Kingston with the opposite or north bank of said river.

Unobstructed navi-  
gation.

SEC. 2. That said bridge shall be so constructed that a reasonably free and unobstructed passageway may be secured to all water craft navigating said river at the point aforesaid; and if said bridge shall be

Draw.



constructed as a drawbridge, the draw shall be opened promptly, upon reasonable signal, for the passage of boats and vessels; and whatever kind of bridge is constructed, the owners thereof shall maintain, at their own expense, from sunset to sunrise, such lights or other signals thereon as the Light-House Board shall prescribe.

Lights.

SEC. 3. That said bridge shall not be built or commenced until the plans and location of the same shall have been approved by the Secretary of War; and no change shall be made in its construction, and no alteration of it shall be made after its construction, unless such change or alteration shall, in like manner, receive the approval of the Secretary of War. And any changes in said bridge which the Secretary of War may at any time order in the interest of navigation shall be promptly made by the said company at its own expense.

Approval of plans, etc.

SEC. 4. That the Secretary of War, upon receiving the design, drawings, and specifications of said bridge, and a map of the location, and such other information as he may call for, and upon being satisfied that the bridge when built according to such designs and drawings will be in accordance with the requirements of this Act and will not unreasonably obstruct the navigation of said river, be, and is hereby, authorized and directed to approve said design, drawings, and specifications, and to so notify said Kingston Bridge and Terminal Railway Company; and upon receiving such notification the said Kingston Bridge and Terminal Railway Company may proceed to construct said bridge, conforming strictly to the approved design, drawings, and specifications.

—notification, etc.

SEC. 5. That any bridge built under this Act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which the mails, troops, and munitions of war of the United States shall be transmitted free of charge, and the United States shall have the right of way for a postal telegraph across said bridge: *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 railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such use or the sums to be paid, all matters at issue shall be determined by the Secretary of War upon hearing the allegations and proofs submitted to him.

Lawful structure and post route.

Postal telegraph.

*Proviso.*  
Rights of railroads to use.

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

Amendment.

SEC. 7. 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.

Approved, February 8, 1901.

**CHAP. 348.**—An Act For the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and for other purposes.

February 8, 1901.

*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 have established a beacon light on Hambrook Bar, Choptank River, Maryland, and beacon range lights to guide into the harbor of Cambridge, Maryland, at a cost not to exceed ten thousand dollars.

Hambrook Bar, Choptank River, Md., beacon light authorized at.

Approved, February 8, 1901.

February 11, 1901.

**CHAP. 350.**—An Act Providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin.

Allotments authorized to Indians of La Pointe or Bad River Reservation, Wis.

Vol. 10, p. 1109.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That with the consent of the Chippewa Indians of Lake Superior, located on the Bad River Reservation, in the State of Wisconsin, to be obtained in such manner as the Secretary of the Interior may direct, the President may allot to each Indian now living and residing on said reservation and entitled to so reside, and who has not heretofore received an allotment, not exceeding eighty acres of land, such allotments to be subject in all respects, except as to the age and condition of the allottee, to the provisions of the third article of the treaty with the Chippewas of Lake Superior and the Mississippi, concluded September thirtieth, eighteen hundred and fifty-four.

Approved, February 11, 1901.

February 11, 1901.

**CHAP. 351.**—An Act To extend the privileges of the seventh section of the immediate transportation Act to Saginaw, Michigan.

Saginaw, Mich.  
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 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 Saginaw, Michigan.

Approved, February 11, 1901.

February 11, 1901.

**CHAP. 352.**—An Act To authorize advances from the Treasury of the United States for the support of the government of the District of Columbia.

District of Columbia.  
Advancements for expenses on requisition of Commissioners authorized.

*Provisos.*

Street extensions.  
*Act*, p. 665.

Reimbursement for advances.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That until and including June thirtieth, nineteen hundred and two, the Secretary of the Treasury is authorized and directed to advance on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys 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, as provided by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof: *Provided,* That nothing contained herein, nor in the Act of June sixth, nineteen hundred, entitled "An Act to regulate the collection of taxes in the District of Columbia," shall be so construed as to require the United States to bear any part of the cost of street extensions, and all advances heretofore or hereafter made for this purpose by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia: *Provided,* That all advances made under this Act and under the said Act of June sixth, nineteen hundred, not reimbursed to the Treasury of the United States on or before June thirtieth, nineteen hundred and two, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia beginning July first, nineteen hundred and two, in four equal annual installments with interest at the rate of two per centum per annum, except in cases where the terms of the appropriation under which such advances are made shall expressly provide for payment jointly by the United States and the District of Columbia.

Approved, February 11, 1901.

February 12, 1901.

**CHAP. 353.**—An Act To provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, District of Columbia, and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Baltimore and Potomac Railroad Company be, and it is hereby, empowered, authorized, and required to revise, change, and improve the alignment and grade of its railroad, and to relocate parts thereof within the city of Washington, in the District of Columbia, as hereinafter provided, to wit:

District of Columbia,  
Baltimore and Potomac Railroad.  
Elimination of grade crossing, etc., directed.

Beginning at a point in its present tunnel under Virginia avenue near the intersection of Eleventh street southeast, and extending thence by a continuation of said tunnel, with a width sufficient for not less than two nor more than four tracks, along and under Virginia avenue to the west side of Second street southeast; thence in the open, with a width sufficient for four main tracks, along what would be Virginia avenue if extended through reservation seventeen, now called Garfield Park, to another section of Virginia avenue as now opened at South Capitol street; thence along said last-mentioned section of Virginia avenue to a connection with its present four main tracks and right of way near Delaware avenue; thence continuing said four tracks along and on said Virginia avenue and Maryland avenue to the Potomac River; and also from points on said last-described line, that is to say, from east of Sixth street southwest; thence by a curved line with three tracks crossing over Sixth street southwest, Maryland avenue, and B street southwest, to and upon that portion of the Mall hereinafter described; and from a point west of Seventh street southwest by a curved line, with three tracks over Seventh street southwest, Maryland avenue, and B street southwest, to and upon said portion of said Mall, with such grade, and at such elevations, with reference to the streets of said city, and on such locations as are shown on plans and profiles prepared by said railroad company, and approved by the Commissioners of the District of Columbia, and as hereinafter specified; it being the purpose of this Act that the said railroad shall be located under Sixth street southeast, Fifth street southeast, Fourth street southeast, Third street southeast, and Second street southeast, in a tunnel as aforesaid; that New Jersey avenue shall be carried over said railroad on an iron or steel bridge; and that said railroad shall be carried over South Capitol street, Delaware avenue, First street southwest, Second street southwest, Third street southwest, Four-and-a-half street southwest, Sixth street southwest, Seventh street southwest, Maryland avenue, and B street southwest, and that Ninth street southwest, Tenth street southwest, Eleventh street southwest, and Twelfth street southwest shall be carried over said railroad on iron or steel bridges. The railroad shall also be carried over Water street southwest.

Relocation of tracks, etc.

**REMOVAL OF TRACKS FROM SIXTH, K, AND CANAL STREETS.**

**SEC. 2.** That the said Baltimore and Potomac Railroad Company be, and it is hereby, required to remove its present eastern connection between its passenger station and its line on Virginia avenue via Sixth street, including all tracks on Sixth street, and its western connection via Maryland avenue, and to change and relocate its tracks connecting with the new terminus contemplated by this Act, in the manner authorized and provided by the preceding section hereof, and as shown on the plans and profiles in said section referred to, and also shall remove its tracks from K street and Canal street, east of New Jersey avenue southeast; and said tracks which are to be abandoned shall be removed within sixty days after the new track is ready for use, and the roadway of said Sixth street between B street south and B street north

Removal of tracks from Sixth, K, and Canal streets.

shall be provided with a modern pavement at the expense of said railroad company, to the satisfaction of the Commissioners of the District of Columbia.

Station building.

#### STATION BUILDING.

—location.

SEC. 3. That in order to accommodate the increasing passenger, mail, express, and other traffic in the city of Washington the said Baltimore and Potomac Railroad Company shall have and be possessed of the right, which is hereby granted and conferred, to occupy and use, on the conditions hereinafter mentioned, that portion of the Mall lying between B street southwest and B street northwest as the southerly line of said B street northwest is hereinafter defined, and between the west line of Sixth street and a line drawn parallel therewith and three hundred and forty feet west thereof, and to erect and maintain thereon a station building and appurtenances, train sheds, and tracks and sidings in connection therewith suitable and adequate for the convenient accommodation of said traffic; and the said Baltimore and Potomac Railroad Company shall, in connection with its occupation and use of the portion of the Mall hereby granted, locate, construct, and maintain beneath its tracks and structures on the line of West Capitol street, as shown on the city maps, a substantial arch or arches not less than two hundred feet in width, as a public passageway for vehicular and pedestrian traffic (as shall be approved by the Commissioners of the District of Columbia), which shall be so constructed as to afford roadways and sidewalks; and the said company shall also pave the said passageways at the time of their construction to the satisfaction of the Commissioners of the District of Columbia, but thereafter the maintenance of the pavement and roadways shall devolve upon the said District of Columbia. The station building to be erected on the Mall shall cost not less than one million five hundred thousand dollars, inclusive of the car sheds, which shall be of ornamental or monumental character, and shall be designed, so far as practicable, so as not to impair the appearance of the Mall; the plans thereof to be approved by the Secretary of War: *Provided*, That upon the lands on the Mall hereby granted to the use of the Baltimore and Potomac Railroad Company no freight depot, warehouse, or other structure, except such as is necessary to its use as the site of a passenger station, shall be erected; and that no tracks, except such as are necessary to the service of such passenger station, shall be laid or operated on said land.

Arch passageway,  
West Capitol street.

Cost, etc., of station  
building.

*Proviso.*  
No freight depot,  
etc., on Mall.

#### TEMPORARY TRACKS.

Authority to lay  
temporary tracks.

SEC. 4. That if it should at any time be deemed necessary or advisable, in the construction of the works herein authorized, to lay temporary tracks on any street or avenue to accommodate the business of the Baltimore and Potomac Railroad Company pending the completion of such works, the said company may lay such temporary tracks, subject to the approval and under the direction of the Commissioners of the District of Columbia, and shall remove the same and restore every such street or avenue to its former condition, to the satisfaction of said Commissioners, within sixty days after the time fixed for the completion of the works herein authorized.

#### REMOVAL OF FISH COMMISSION BUILDING.

Fish Commission  
building.

—removal of.

—rebuilding.

SEC. 5. That the United States Fish Commission building and appurtenances, now located on that part of the Mall hereby granted to said Baltimore and Potomac Railroad Company, shall be removed therefrom and rebuilt on the said Mall west of the portion thereof so granted to said railroad company, under the directions of, and according to plans approved by, the Chief of Engineers of the United States Army;

and the cost of such removal and rebuilding shall be defrayed by the said Baltimore and Potomac Railroad Company to an amount not exceeding forty thousand dollars: *Provided*, That the expense of such removal and rebuilding in excess of forty thousand dollars shall be paid by the United States.

—expense of; limit.

*Proviso.*  
—United States liable for excess.

RETAINING WALLS.

SEC. 6. That in elevating or depressing its tracks, as hereinbefore authorized, the said railroad company is hereby required to support the sides of all embankments and excavations made in the streets wherein the same are located with suitable retaining walls of stone. These walls, in cases of excavation, shall be carried to a height of four feet above the revised grades of said streets, or shall be provided with suitable iron railings. The space to be occupied and used by the said railroad company where its tracks are depressed on Maryland avenue shall not exceed fifty-eight feet between the inside faces of the parallel retaining walls, measured at the level of the said tracks, as shown on said plans and profiles.

Retaining walls for embankments, etc.

Space occupied on Maryland avenue.

STREETS TO BE VACATED.

SEC. 7. That to enable said Baltimore and Potomac Railroad Company to effect the revision, change, and improvement in the alignment and grade of its railroad, and the relocation of parts thereof as authorized and contemplated by this Act, the following-named streets and crossings in said city of Washington shall be, upon the completion of the work herein authorized, completely vacated and abandoned for public use, namely:

Streets to be vacated.

Canal street, as located and shown on the city maps, between South Capitol street and New Jersey avenue.

G street southeast and H street southeast, between South Capitol street and New Jersey avenue.

I street southeast, between First and South Capitol streets.

Virginia avenue, on the south side of the said railroad, between Second street and Four-and-a-half street southwest, and on the north side of the said railroad between Four-and-a-half street and Seventh street southwest.

Maryland avenue, on the south side of said railroad, between Ninth and Tenth streets southwest.

Maryland avenue, between Twelfth and Fourteenth streets southwest; and in consideration of, and in connection with, the vacation of said portion of Maryland avenue between Twelfth and Fourteenth streets southwest, the said railroad company shall acquire and dedicate to the District of Columbia the necessary property to increase the present width of D street southwest, between Twelfth and Fourteenth streets southwest, thirty feet on the south side thereof.

Thirteenth and Thirteen-and-a-half streets, between D and Water streets southwest, and

E street southwest, between Twelfth street southwest and Water street.

The following-named streets are hereby vacated and abandoned, namely:

F street southwest and E street southwest, where they cross the said railroad;

D street southwest, between Four-and-a-half and Sixth streets southwest;

C street southwest, between Sixth and Seventh streets southwest: *Provided, however*, That nothing herein contained shall be construed to prohibit the public authorities from entering upon vacated and abandoned streets and avenues for the purpose of locating, construct-

*Provisos.*  
Repair of sewers, etc., in vacated streets permitted.

ing, maintaining, or repairing therein sewers, water mains, gas mains, conduits, or other underground construction necessary for the public comfort, convenience, or health: *And provided further*, That no portion of any street shall be closed under authority of this Act until said railroad company shall have secured control of the property abutting upon said portion to be closed, it being the intent hereof that no property owner shall be deprived of egress from or ingress to his property.

#### CHANGES IN GRADE; WIDENING B STREET.

Commissioners may change grades.

Widening B street.

The Commissioners of the District of Columbia are hereby authorized and directed to make all such changes in the lines and grades of any street or streets in said city as may be reasonably required or deemed necessary or advisable in connection with the revision, change, improvement, and partial relocation of said railroad by this Act contemplated, and particularly are authorized and directed to widen B street northwest, on its southerly side, between Sixth and Seventh streets, so as to conform to the southerly line of said street as it now exists west of Seventh street, and to widen Seventh street on its easterly side between B street northwest and the northerly line of West Capitol street, as shown on the city maps, as follows: For a distance of one hundred and thirty feet south from the southerly line of said B street northwest, when widened as herein authorized, to a width of two hundred and twenty feet, and for the residue of the distance to the northerly line of West Capitol street to a width not exceeding one hundred and thirty feet.

#### GARFIELD PARK.

Use of part of Garfield Park authorized.

SEC. 8. That in consideration of and in connection with the changes and improvements to be made in the said railroad by the Baltimore and Potomac Railroad Company, in conformity with the requirements of this Act, the said railroad company shall have and be possessed of the right and privilege, which are hereby expressly granted and conferred, to occupy and use, for tracks and other corporate purposes, all that portion of reservation seventeen, now known as Garfield Park, which lies to the southward of its main tracks when located as authorized by this Act, as well as that portion thereof which shall be occupied by said main tracks as located on said plans and profiles; and also the like right and privilege to occupy and use, for similar purposes, the parts or portions of the several streets and crossings which are by this Act vacated and abandoned.

#### DIVISION OF COSTS.

Division of cost of improvements.

SEC. 9. That the entire cost and expenses of the revision, changes, relocations, and improvements of and in said railroad, as authorized and required by the preceding sections of this Act, and of all structures connected therewith or incidental thereto, shall be borne, paid, and defrayed in manner following, to wit: The said Baltimore and Potomac Railroad Company shall bear, pay, and defray all cost and expense of the relocations, elevation, and depression of its tracks within the limits of its right of way as are authorized and required by this Act, including the construction of so much of the bridges conveying streets over its tracks, right of way, and other property as shall be within the limits thereof, and the reconstruction within such limits of the streets which shall be carried beneath the same, the cost and expense of removing its tracks from Sixth street north of Virginia avenue, and from K street and Canal street, and the restoration of such parts of said streets for the uses of the public, and the cost and expense of constructing and maintaining the arch or arches for passageways underneath its said tracks located on the Mall, as well as the

original cost of paving the roadways and sidewalks to be located within the said passageways. All other costs, expenses, and damages resulting from, incidental to, or connected with the revisions, changes, and improvements in alignment and grades of said railroad, or the relocations thereof by this Act required and authorized, and from changes in the grades of the streets or the railroad, and the lawful operation of the said railroad upon the location and structures contemplated and required by this Act, and whether to property owners affected thereby or otherwise, as well as the cost and expense of all street approaches to said company's tracks and right of way, whether overhead by means of bridges or under grade, shall be borne, paid, and defrayed in manner following, to wit: Fifty per centum thereof by the United States and the remaining fifty per centum thereof by the District of Columbia, which last-mentioned fifty per centum shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia.

All work within the limits of the said railroad company's right of way, including the bridges within said limits, shall be done by said railroad company to the satisfaction and approval of the Commissioners of the District of Columbia, who are authorized to exercise such supervision over the same as may be necessary to secure the proper construction and maintenance of the said work. And all work which is without the limits of the right of way of said railroad company shall be done by the District of Columbia. Approval of work, etc.

PROPERTY TO BE ACQUIRED BY PURCHASE OR CONDEMNATION.

SEC. 10. That to enable the Baltimore and Potomac Railroad Company to effectuate the purposes contemplated and authorized by this Act, the said company be, and they are hereby, authorized and empowered to acquire, either by purchase or condemnation, as hereinafter provided, and, when so acquired, to use the same for tracks and other corporate purposes, and make all such improvements thereon and thereto as may be deemed necessary, the following properties, to wit: All of squares four hundred and sixty-two, four hundred and sixty-three, four hundred and sixty-three south, and four hundred and ninety-three; and also as much land as may be required for tracks and other corporate purposes which lies to the south of the present main tracks of the company between South Capitol and First streets southeast and north of the northerly line of M street: *Provided, however,* That if land shall be acquired south of the present railroad yards and between South Capitol and First streets southeast as in this section authorized the said railroad company shall, when so required by the Commissioners of the District of Columbia, make adequate and suitable provision for carrying such streets as may intersect the same across the tracks which shall be located thereon by overhead bridges in a manner satisfactory to the said Commissioners: *Provided further,* That the cost and expense of raising grades of streets and ail approaches to such bridges shall be borne and defrayed by the District of Columbia and the United States, as hereinbefore provided. Property to be acquired by purchase or condemnation.

In case the said Baltimore and Potomac Railroad Company can not, for any reason, agree with the owner or owners for the purchase, use, or occupation of any of the land it is authorized to acquire by purchase or condemnation, then the same may be acquired by the said company in the same manner and by the same procedure as are provided by sections six hundred and forty-eight to six hundred and sixty-three, both inclusive, of the Revised Statutes, relating to the District of Columbia: *Provided,* That in every case in which an assessment of the damages or an award shall have been returned by the appraisers Expenses, etc.

Acquiring land by appraisal.

R. S. D. C., secs. 648 to 663, pp. 78, 79.

*Provisos.*  
—right of entry on deposit of award.

Sidings for manu-  
factories, etc., author-  
ized.

—no grade crossing to  
be created, etc.

Squares 267, 270, etc.

the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land and property covered thereby irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of the compensation to be paid. And it shall be lawful for said Baltimore and Potomac Railroad Company to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized by this Act into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises: *Provided, however,* That no grade crossing of any street or avenue within the city of Washington shall be thereby created, but such connecting tracks shall be carried across such street or avenue in such manner as not to obstruct the free use thereof, and the plans of such connecting tracks shall in every case be first filed with and approved by the Commissioners of the District of Columbia: *Provided further,* That as to square southeast of square two hundred and sixty-seven and square two hundred and seventy the Southern Railway Company (a railroad corporation of the State of Virginia, whose trains now move and are expected to continue to move to and from Washington over the tracks of the said Baltimore and Potomac Railroad Company and Washington Southern Railroad Company under agreements existing or hereafter to be made with the last-named companies granting the necessary right therefor) and its successors shall have the same rights of acquisition by purchase or condemnation, to be exercised under the same conditions, as are in this Act provided for the acquisition of additional land by the Baltimore and Potomac Railroad Company; and such squares when so acquired may be used by said Southern Railway Company and its successors to accommodate the handling and delivery of local freight traffic and for its other corporate purposes in the District of Columbia.

#### LONG BRIDGE.

Long Bridge.  
Railroad to substi-  
tute new railroad  
bridge for.

SEC. 11. That inasmuch as the present Long Bridge over the Potomac River is inadequate for the accommodation of the largely increased railroad and vehicular traffic, is in a measure obstructive of navigation, and needs to be reconstructed, the Baltimore and Potomac Railroad Company is hereby directed and required to remove the present Long Bridge across the Potomac River, and, in accordance with plans to be approved by the Secretary of War, to build on practically the same line a new bridge in lieu thereof, said new bridge to be for railroad purposes only and to be adapted for two or more railway tracks, the Long Bridge to be removed and the new bridge constructed within four years from the date of the passage of this Act. The said Baltimore and Potomac Railroad Company shall remove the Long Bridge and shall build, maintain, and keep in repair said new bridge at its own cost and expense, and shall maintain an efficient draw in said new bridge, operating the same so as not to unnecessarily impede the free navigation of the Potomac River at any hour of the day or night, and shall give other railroad companies the right to pass over said bridge upon such reasonable terms as may be agreed upon between the companies or prescribed by Congress.

#### PASSENGER BRIDGE.

New passenger  
bridge authorized.

SEC. 12. That the Secretary of War be, and he is hereby, authorized to enter into a contract with the Baltimore and Potomac Railroad Company or any other party to construct within two years after the passage



of this Act, at a point not less than five hundred feet above the site of the present Long Bridge, a new and substantial bridge for highway travel, of iron or steel, resting upon masonry piers and provided with suitable approaches, and with a sufficient draw, all in accordance with plans and specifications to be approved by the Secretary of War; and there is hereby appropriated (one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated) the sum of five hundred and sixty-eight thousand dollars, or so much thereof as may be necessary, to be paid from time to time, as the construction of the said bridge progresses, by the Secretary of War, under such regulations as he shall prescribe.

The said bridge shall be for highway traffic, and all street railroads chartered or that may hereafter be chartered by Congress shall have the right to cross said bridge on such terms as may be prescribed by Congress: *Provided*, That the Washington, Alexandria and Mount Vernon Railway Company now using the Long Bridge shall be permitted, with the approval of the Commissioners of the District of Columbia, to change its location so as to cross the highway bridge herein provided for; all plans for such change to be approved by the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army: *And provided further*, That a standard underground electric system of street car propulsion shall be installed by said company on the park highway leading to said bridge, and no dynamo furnishing power to this portion of the road shall be in any manner connected with the ground, and that the cost of asphalt paving between the tracks and two feet outside thereof shall be paid by said company. Each street railway company using said bridge shall pay in addition to other taxes as by its charter provided, one-half of one cent for each and every passenger carried across said bridge.

Street railroads may cross bridge, etc.

*Provisos.*  
Mount Vernon railway may relocate, etc.

—motive power, etc.

Passenger tax.

PLANS TO BE SUBMITTED TO DISTRICT COMMISSIONERS.

SEC. 13. That before any portion of the work herein described shall be authorized plans and profiles of the entire work, except such as relate to the new bridges authorized by sections eleven and twelve, in accordance with the provisions herein contained, shall be prepared by the said Baltimore and Potomac Railroad Company and shall be submitted for approval to the Commissioners of the District of Columbia. Duly authenticated copies of said plans and profiles shall, after approval, be filed with the Commissioners aforesaid, and all work shall be done in accordance with them and shall be completed within five years from the date of the passage of this Act. The company shall also deposit with the collector of taxes of the District of Columbia such sums of money as the Commissioners of said District may reasonably require to cover the cost of District inspection.

Commissioners to approve plans.

Completion of work.

Deposit for cost of inspection.

TAXATION.

SEC. 14. That the property occupied by the Baltimore and Potomac Railroad Company under authority of this Act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia: *Provided*, That no assessment, valuation, or tax shall be made, laid, or levied on the Baltimore and Potomac Railroad Company on account of any bridges, tunnels, elevated tracks, or subway which shall be located, constructed, or maintained under the authority of this Act, and forming part of said railroad, in excess of that which would or could be lawfully made, laid, or levied if said railroad was wholly located and constructed on the surface of the ground; it being the true intent and meaning hereof that any such bridges, tunnels, elevated tracks, or subway forming a part of said railroad shall be assessed and

Company's property taxable.

*Proviso.*  
—qualification.

valued for purposes of taxation and taxed on the same basis as any other equal portion of railroad situated within the said District of Columbia not constructed on, in, through, or upon any such bridges, tunnels, elevated tracks, or subway.

RIGHTS OF SUCCESSION.

**Rights of succession.** SEC. 15. That all the provisions of this Act, including all rights, powers, and privileges granted to, or duties imposed upon, said Baltimore and Potomac Railroad Company, shall accrue to and devolve upon its successors and assigns; and in case the said Baltimore and Potomac Railroad Company, its capital stock, properties, corporate rights, powers, privileges, immunities, and franchises, shall be merged into or consolidated with the Philadelphia, Wilmington and Baltimore Railroad Company, or any other railroad corporation, to which the assent of Congress is hereby given, then and in that event the company which shall, by such merger or consolidation, so acquire the same shall be invested with and possessed of all the rights, powers, property, and privileges of said Baltimore and Potomac Railroad Company within the District of Columbia, as well those granted by this Act as those heretofore existing, and shall have and exercise all the necessary rights, powers, and franchises respecting the same as fully as they would have been possessed and exercisable by said Baltimore and Potomac Railroad Company.

REPEAL OF CONFLICTING ACTS.

**Repeal** SEC. 16. That all laws or parts of laws inconsistent herewith be, and they are hereby, repealed.

RESERVED RIGHTS OF CONGRESS.

**Amendment.** SEC. 17. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, February 12, 1901.

February 12, 1901.

**CHAP. 354.**—An Act To provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes.

District of Columbia.  
Baltimore and Ohio  
Railroad.  
Elimination of grade  
crossings, construc-  
tion of new terminals,  
etc.

Location of new ter-  
minals and tracks.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Baltimore and Ohio Railroad Company, and the terminal company incorporated as provided in this Act, be, and each of them is hereby, empowered and authorized to locate, construct, maintain, and operate new terminals and new lines of railroad to accommodate the traffic of the said Baltimore and Ohio Railroad Company, in connection with its Washington Branch Railroad and Metropolitan Branch Railroad within the District of Columbia and in the city of Washington, as hereinafter provided. The said new terminals and terminal tracks shall occupy the streets, avenues, public reservations, and property belonging to the United States, and such of the lands and property belonging to others as may be acquired by either of said companies, situate and lying within the area bounded as follows, to wit: Beginning at the intersection of the south line of H street north and a line forty feet from the east building line of Delaware avenue and parallel thereto; thence along said line parallel to the easterly building line of Delaware avenue and forty feet therefrom to the west line of First street east; thence by said west line of

First street east to the north line of C street north; thence by said north line of C street north to the east line of North Capitol street; thence north by said east line of North Capitol street to the south line of Massachusetts avenue; thence by a straight line to the intersection of the west line of First street east and the south line of H street north; thence to the point of beginning, or so much of this area as may be found to be necessary for proper terminal facilities and agreed upon between the Baltimore and Ohio Railroad Company and the Commissioners of the District of Columbia: *Provided*, That no portion of any street shall be closed under authority of this Act until said railroad company shall have secured control of the property abutting upon said portion to be closed, it being the intent hereof that no property owner shall be deprived of egress from or ingress to his property.

*Proviso.*  
Access to private property not to be impaired.

The main lines of railroad connecting said new terminals and terminal tracks with the present lines of railroad of said Washington Branch and said Metropolitan Branch shall be located as follows: From the south side of H street said lines shall run by a masonry viaduct of width sufficient for five tracks, but not exceeding in width eighty feet, with such turn-outs and sidings to adjoining property as may at any time hereafter be constructed under the authority of this Act, northerly along the middle of Delaware avenue to the north line of M street; thence northerly still in Delaware avenue, with five main tracks, but with the right to locate and construct sidings in Delaware avenue to and into adjoining property, including all of square numbered seven hundred and forty-eight, and crossing Florida avenue overhead by means of a two-span plate-girder bridge, or by masonry arches, to the north side of Florida avenue; thence by diverging lines crossing over New York avenue by means of a two-span plate-girder bridge or bridges over the same, or by masonry arches; the one line, with two or more tracks, by the most practicable route in a general northeasterly direction, to a point of connection with the present tracks of the Washington Branch Railroad north of Winthrop Heights Station, and the other line, with two or more tracks, in a northerly direction by the most practicable route, to a point of connection with the present tracks of the said Metropolitan Branch Railroad at or near Rhode Island avenue extended.

Location of connecting lines between terminals and present lines.

SEC. 2. That said companies be, and each of them is hereby, authorized and empowered to locate, construct, maintain, and operate, outside of the city limits and south of V street, yard tracks, switches, roundhouses, shops, and other structures necessary or proper for the accommodation of locomotives and cars for the conduct of its business or for the purposes of a freight yard; and also to locate, build, maintain, and operate, beyond the city limits, a branch track or "Y" for the passage of trains directly to and fro between the Metropolitan Branch and the Washington Branch without entering the city: *Provided*, That said roundhouses and shops shall be located within said "Y" as far eastwardly as in the judgment of the Commissioners of the District of Columbia it is practicable.

Location of roundhouses, etc.

—branch track or "Y"

SEC. 3. That to accomplish the purposes of this Act the following-named streets in the subdivision of Eckington east of the right of way of the Metropolitan Branch of the Baltimore and Ohio Railroad Company shall be completely vacated and abandoned by the public and closed to public use, namely: Q, R, Third between New York avenue and Florida avenue, Fourth, Fifth, and Randolph streets; S and Seaton streets west of Sixth street; and Sixth street south of U street and Seventh street between New York avenue and Brentwood road shall not be opened. The Brentwood road shall also be closed between S street and Florida avenue. New York avenue and Florida avenue shall be carried under said railroad, as provided in the first section of this Act. T and V streets shall be carried under by a subway, or over the Metropolitan Branch Railroad by a bridge or viaduct. Between

Streets to be vacated, etc.

Elevated tracks.

the north line of M street and the south line of G street all the tracks hereinbefore authorized shall be elevated and carried on a masonry viaduct, which said viaduct shall be so constructed with arches or bridges as to permit each and every intersecting street or avenue in the city to be passed and continued under the same through arched openings or spaces of sufficient clearance to permit the free and unobstructed use of said streets and avenues, in the form and manner and of the dimensions shown and indicated on the plan and profiles agreed upon between the said Baltimore and Ohio Railroad Company and the Commissioners of the District of Columbia, and now on file in the office of the Engineer Commissioner: *Provided*, That M street may be crossed by a metal bridge instead of a masonry arch, if desired, in order to avoid any change in the grade of said street.

*proviso.*  
Metal bridge on M street.

Vacated streets in city.

The following-named streets within the city limits shall be completely vacated, abandoned, and closed, namely: N street, between second street east and Third street east, and Delaware avenue shall be closed and abandoned between the south line of Florida avenue and the north line of M street; E street between First street and North Capitol street; D street between First street and North Capitol street, and Delaware avenue between F street and C street, it being the intention of this Act that all streets, avenues, ways, and alleys within the area to be occupied and used for terminals and terminal tracks, as shown on said plan filed in the office of the Engineer Commissioner, shall be completely vacated, abandoned, and closed, and the use thereof and of any public reservation or street spaces of the United States within said area be granted to the said railroad company or terminal company constructing such terminals for the purposes of the same, except that Massachusetts avenue and F street shall be carried under said terminals by means of arches, in accordance with plans approved by the Commissioners of the District of Columbia.

Authority to close streets, etc.

The Commissioners of the District of Columbia are hereby authorized and directed to cause all streets, avenues, ways, and alleys to be closed, as provided in this Act and in accordance with the intent thereof; and also to make such changes in the existing lines and grades of any street, avenue, or way as may be reasonably required, deemed necessary, or advisable in the construction of the works hereby authorized.

That such portions of the structures carrying T and V streets over and under the tracks of the Baltimore and Ohio Railroad Company as lie within the limits of the right of way of said company shall be built and paid for by said company; and that so much of the change of grade at M street and Florida avenue as may be necessary to carry said highways under the line of the railroad within the limits of the right of way of said company shall be paid for by the railroad company. The approaches, however, to said T street, V street, Florida avenue, and M street, and all of the work not within the right of way at said points shall be made and constructed by and under the supervision of the Commissioners of the District of Columbia and paid for from funds available for the purpose.

Location of fire engine house.

SEC. 4. That the Baltimore and Ohio Railroad Company shall, before taking possession of the ground now owned by the United States in square six hundred and eighty-three, secure and convey to the United States a tract of ground containing not less than twenty-one thousand square feet, which location shall be subject to the approval of the Commissioners of the District of Columbia and the Sergeant-at-Arms of the United States Senate, and locate thereon a fire-engine house at a cost of not less than thirty thousand dollars and stables at a cost of not less than fifteen thousand dollars; or, if said company prefers, it may have the said buildings erected by the Commissioners of the District of Columbia by depositing the amounts stated above with the said

Commissioners and Sergeant-at-Arms, respectively, and when such buildings have been accepted by the District of Columbia and the Sergeant-at-Arms of the Senate, respectively, or the amounts necessary for their construction deposited as aforesaid, it shall have authority to remove said structures on the ground aforesaid. And the Baltimore and Ohio Railroad Company shall have the right to condemn such land in the city as is hereinbefore required, and for said purposes the provisions of section eleven of this Act are hereby made applicable to the provisions of this section.

SEC. 5. That in addition to the main or terminal station or depot, to be located as hereinbefore provided, the Baltimore and Ohio Railroad Company, or the terminal company incorporated as provided in this Act, may from time to time hereafter construct, establish, and maintain such additional stations or depots, for passengers or freight, as the company may deem necessary or useful in the conduct of its business, or for the accommodation of the freight and passenger traffic passing over the lines of railroad authorized by this Act, at such point or points within said District as the Commissioners of the District of Columbia shall approve: *Provided*, That no such station or depot within the city limits shall be located east of Second street east, and west of North Capitol street, and it shall be lawful for either of said companies to acquire, by gift, purchase, or condemnation, any land adjacent to any street or avenue along or upon which the lines of railroad and works hereby authorized shall be located, and hold and improve the same in such manner as it may deem necessary or beneficial to accommodate or promote the traffic on said railroad, and to extend and construct tracks of railroad into and upon any lands so acquired and connect the same with the tracks on such adjacent street or avenue: *Provided, however*, That no grade crossing of any street or avenue within the city of Washington shall be thereby created, but such connecting tracks shall be elevated and carried over the portion of such street or avenue crossed in such manner as not to obstruct the free use thereof, and the plans of such connecting tracks and elevated structure shall in every case be first filed with and approved by the Commissioners of the District of Columbia. And it shall be lawful for said companies, or either of them, subject to the same conditions and restrictions, to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized by this Act into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises.

SEC. 6. That if it should at any time be deemed necessary or advisable in the construction of the works hereby authorized to lay temporary tracks on any street or avenue to accommodate the business of the Baltimore and Ohio Railroad Company pending the completion of such works, the said company may lay such temporary tracks, subject to the approval and under the direction of the Commissioners of the District of Columbia, and shall remove the same and restore every such street or avenue to its former condition, to the satisfaction of such Commissioners, within sixty days after the time fixed for the completion of the works hereby authorized.

SEC. 7. That it is the intention of this Act that the location and construction of the new terminals, terminal tracks, viaduct, and railroad lines hereby authorized within the city of Washington shall be substantially in accordance with the plans agreed upon by and between the Commissioners of the District of Columbia and the Baltimore and Ohio Railroad Company, which plans, with the accompanying drawings, maps, and tracings, signed by the Commissioners and by the

Location of additional passenger, etc., stations.

*Provisos.*  
—qualification.

Adjacent land may be acquired.

—extension of tracks on.

—no grade crossing to be created, etc.

Sidings for manufactories, etc.

Temporary tracks authorized.

Plans.

chief engineer of such railroad company, are filed in the office of the Engineer Commissioner of said District; but that the company constructing said works shall be authorized to make such minor changes or modifications of or departures from said plans, drawings, maps, and tracings as it may reasonably require or deem necessary, advisable, or advantageous and as the Commissioners shall approve and agree to; and in case of any change or modification of or departure from the present plans the Baltimore and Ohio Railroad Company shall submit the new plans to the said Commissioners for their approval, and shall file duly authenticated copies of said plans, after approval, with the Commissioners.

Approval of construction. All work of construction authorized by this Act which shall affect in any way the existing streets or avenues of the city or District not hereby abandoned and closed shall be done to the satisfaction and subject to the approval of the Commissioners of the District of Columbia, who are authorized to exercise such supervision over the same as may be necessary to secure the proper construction and maintenance thereof.

Deposit for inspection. The company shall also deposit with the collector of taxes of the District of Columbia such sums of money as the Commissioners of said District may reasonably require to cover the cost of District inspection.

Completion of work. SEC. 8. That of the works hereby authorized the viaduct and main lines of railroad thereon and extending therefrom to their points of connection with the Washington Branch Railroad and Metropolitan Branch Railroad, respectively, shall be completed, and said new terminals shall be ready for occupancy, within five years from the date of the passage of this Act.

Removal of present tracks. From and after the expiration of five years from the date of the passage of this Act all rights of the Baltimore and Ohio Railroad Company to maintain and operate the present tracks of its Washington Branch Railroad within the limits of the city of Washington, and the present tracks of its Metropolitan Branch Railroad south of the northern line of New York avenue, also extending from the north line of New York avenue to the north line of Q street, and west of the east line of Third street to said north line of New York avenue, shall cease and determine; and the said railroad company shall thereupon, within such reasonable time as the Commissioners of the District of Columbia shall prescribe, remove all such tracks and structures connected therewith from the streets, avenues, public reservations, or other property of the United States on all the lines to be abandoned as aforesaid. Said Baltimore and Ohio Railroad Company shall also immediately execute, acknowledge, and deliver to the Commissioners of the District of Columbia a deed, in due form of law, granting, conveying, assigning, and transferring to the United States of America all the estates, right, title, and interest that it, the said Baltimore and Ohio Railroad Company, has in, to, or out of the lands included within the limits of the roadway or right of way of the Washington Branch Railroad of said company from the west line of Second street to Winthrop Heights station and of the Metropolitan Branch for the continuation of Third street from Q street south to New York avenue, of an even width as north of Q street, subject, however, as to so much of said lands as lie north of Florida avenue and outside of the limits of the city of Washington, to the continued maintenance and use of the present tracks of said railroad company thereon, for the purpose of reaching its yard and roundhouse at Trinidad, until its new yard in or near Eckington and its roundhouse, authorized by this Act, shall be ready for use, but not exceeding six years from the date of the passage of this Act: said company, however, to have the right to remove its tracks and structures from the lands so granted within sixty days after the expiration of its right to maintain and use its tracks thereon.

Company to deed to United States right of way, etc., of Washington Branch Railroad, etc.

In consideration of the surrender by the Baltimore and Ohio Railroad Company, under the requirements of this Act, of its rights under the several Acts of Congress heretofore passed, and under its several contracts with the municipal authorities of the city of Washington authorized by said Acts of Congress, and in consideration of the large expenditures required for the construction of the new terminals, viaduct, and connecting railroads, as required by this Act, to avoid all grade crossings of streets and avenues within the city of Washington, and, further, in consideration of the grant and conveyance to the United States of the lands included within the limits of the roadway and right of way of the Washington Branch Railroad, which can be used for a street or avenue for the public benefit, the sum of one million five hundred thousand dollars, to be paid to said railroad company toward the cost of the construction of said elevated terminals, viaduct, and structures within the city of Washington, shall be, and is hereby, appropriated, one half to be paid out of any money in the Treasury of the United States not otherwise appropriated, the other half to be paid out of the revenues of the District of Columbia. The sum so appropriated shall be paid upon presentation of a certificate by the Commissioners of the District of Columbia that the said viaduct has been completed as required by this Act.

Appropriation for payment to company

In order to provide for the one half of said amount chargeable to the District of Columbia, the Commissioners thereof shall, on the first day of July following the passage of this Act, and annually thereafter, pay over to the Treasurer of the United States, out of the revenues of the District of Columbia, the sum of one hundred and fifty thousand dollars, to be invested by the said Treasurer in interest-bearing bonds of the United States or the District of Columbia, until the full sum of seven hundred and fifty thousand dollars, as provided herein, shall have been paid.

Payment of half chargeable against the District.

SEC. 9. That the property occupied by the Baltimore and Ohio Railroad Company, or by the proposed terminal company, under authority of this Act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia: *Provided*, That no assessment, valuation, or tax shall be made or levied on the railroad or terminals located, constructed, or maintained under the authority of this Act in excess of that which would or could be lawfully made, laid, or levied if said railroad and terminals were so located, constructed, and maintained without the use of bridges, viaducts, retaining walls, and other structures necessary or properly employed to elevate the same as required by this Act, it being the true intent and meaning hereof that the railroad and terminals hereby authorized shall be assessed and valued for purposes of taxation and taxed on the same basis as if the same were not constructed and maintained by means of such bridges, viaducts, retaining walls, and other structures.

Property taxable.

*Proviso.*  
—basis of taxation.

SEC. 10. That if, for the purpose of constructing and owning the terminals, viaduct, railroads, depots, stations, and other works authorized by this Act, or any part thereof, the Baltimore and Ohio Railroad Company shall deem it expedient or advisable that a terminal company in its interest be created and organized in the District of Columbia, the said Baltimore and Ohio Railroad Company, or some person thereto authorized on its behalf by resolution of its president and directors, together with other persons not less than seven in number, of whom a majority shall be residents of the District of Columbia, shall cause a certificate of incorporation to be executed and recorded in accordance with the provisions of the general incorporation Act of Congress for the District of Columbia relating to railroad companies, being sections six hundred and eighteen to six hundred and seventy-six, both

Organization of terminal company in District.

R. S. D. C., secs. 618-676, pp. 74, etc.  
Capital stock.

Powers of corporation, etc.

inclusive, of the Revised Statutes relating to the District of Columbia, with such capital stock, not to exceed five million dollars fully paid up, and under such corporate name as may be set forth in such certificate. The corporation so formed shall be vested with all the authorities, rights, and privileges granted by said general Act, but the Baltimore and Ohio Railroad Company, or such persons as it may designate by resolution of its president and directors, shall be entitled to subscribe for and hold all the stock of said corporation, without advertisement or allotment, as provided in said sections six hundred and twenty-one and six hundred and twenty-two of said Revised Statutes. Said corporation shall also be vested with and enjoy all the authorities, rights, and privileges herein granted, so far as the same are applicable to or exercisable in its undertaking, as set forth in its said certificate of incorporation, and it shall be bound by all the limitations and provisions of this Act. Said corporation shall have the further powers to contract with the Baltimore and Ohio Railroad Company for the use or operation of its railroad and works by the last-named company, or for the lease of the same, on such terms as may be agreed upon between the two companies, and shall also have the right and power, exercisable at any time, to sell and convey all its railroad, works, and property to the said Baltimore and Ohio Railroad Company in consideration of the latter company assuming all its debts and liabilities and agreeing to repay to every stockholder the amount of money actually paid in on the stock held by him.

On the execution, delivery, and recording of the deed of conveyance, pursuant to and in consummation of such sale, the said terminal company shall ipso facto be dissolved and its corporate existence shall cease.

In the event, however, that the said terminal company shall not be organized under the provisions of this Act then the privileges, powers, and duties herein conferred and imposed shall devolve exclusively upon the Baltimore and Ohio Railroad Company.

Acquiring land for terminals, etc.

SEC. 11. That the Baltimore and Ohio Railroad Company and the terminal company incorporated as herein provided shall be authorized and empowered, from time to time, to take, acquire, and hold, in fee simple, all lands and property required for the terminals, stations, yards, railroad facilities, and other works authorized by this Act, either by purchase or by condemnation, as provided in sections six hundred and forty-eight to six hundred and sixty-three, both inclusive, of the Revised Statutes, relating to the District of Columbia: *Provided*, That in every case in which an assessment of damages or an award shall have been returned by the appraisers, the company upon paying into court the amount so assessed or awarded, may enter upon and take possession of the lands and property covered thereby, irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of the compensation to be paid.

R. S. D. C., secs. 648-663, pp. 78, 79.

*Proviso.*

Right of entry on deposit of appraisers' award.

Line outside city limits authorized.

SEC. 12. That the Baltimore and Ohio Railroad Company and the Terminal Company, incorporated as provided in this Act, be, and they are hereby, authorized and empowered to locate, construct, maintain, and operate outside of the limits of the city of Washington a line of railroad with one or more tracks extending from a connection with the Washington Branch Railroad and with the railroad authorized by the foregoing sections of this Act north of Winthrop Heights station by such route as the company may select as most practicable, and be approved by the Commissioners of the District of Columbia, to a connection with the Baltimore and Potomac Railroad and with the said Baltimore and Ohio Railroad Company's Shepherds branch at or near Bennings station; and in the location, construction, maintenance, and



operation of the line of railroad authorized by this section the said companies may exercise all the authorities, rights, privileges, and franchises by this Act conferred upon and vested in them in respect of the lines of railroad authorized by the foregoing sections of this Act, outside of the limits of the city of Washington: *Provided*, That whenever in the construction of said line of railroad it shall be found necessary to cross any existing public highway of the District of Columbia the company shall submit to and file with the Commissioners of the District of Columbia proper plans showing the intended crossing, shall obtain the approval of the same by the said Commissioners, and shall construct such crossing only in conformity with such approved plan. Every such highway crossing shall be either over or under grade where practicable without increasing the grades on said railroad or causing unreasonable expense in construction; and for the purpose of avoiding grade crossings the Commissioners of the District of Columbia shall be fully authorized and empowered to change the grade of any such public highway so as to pass the same over or under said railroad, and to deflect or divert any such highway so as to pass over or under said railroad at a different point of crossing, and to close so much of the said highway as is abandoned; and the company shall acquire, by purchase or condemnation, at its own expense, all lands required to relocate such highways, and shall pay the cost of all new construction or work required to restore any such highway raised, depressed, deflected, or relocated as above provided, all of which construction and work shall be done to the satisfaction and subject to the approval of the said Commissioners.

*Proviso.*  
—highway crossings,  
approval of plans.

—relocating high-  
ways.

SEC. 13. That all existing laws or parts of laws inconsistent with the provisions of this Act are hereby repealed to the extent to which they are so inconsistent, but to no further or other extent.

Repeal.

SEC. 14. That Congress reserves the right to alter, amend, or repeal this Act.

Amendment.

Approved, February 12, 1901.

**CHAP. 355.**—An Act To divide Kentucky into two judicial districts.

February 12, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section five hundred and thirty-one of the Revised Statutes is hereby amended by striking therefrom the word "Kentucky."

Kentucky divided  
into two judicial dis-  
tricts.  
R. S., sec. 531, p. 89  
amended.  
Eastern district, of  
what composed.

SEC. 2. That the State of Kentucky is divided into two judicial districts, which shall be called the eastern and western judicial districts of the State of Kentucky. The eastern district includes the counties of Carroll, Trimble, Henry, Shelby, Anderson, Mercer, Boyle, Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Franklin, Bourbon, Scott, Woodford, Fayette, Jessamine, Garrard, Madison, Lincoln, Rockcastle, Pulaski, Wayne, Whitley, Bell, Knox, Harlan, Laurel, Clay, Leslie, Letcher, Perry, Owsley, Jackson, Estill, Lee, Breathitt, Knott, Pike, Floyd, Magoffin, Martin, Johnson, Lawrence, Boyd, Greenup, Carter, Elliott, Morgan, Wolfe, Powell, Menifee, Clark, Montgomery, Bath, Rowan, Lewis, Fleming, Mason, Bracken, Robertson, Nicholas, Harrison, with the waters thereof. The western district includes the residue of said State of Kentucky, with the waters thereof.

—western.

SEC. 3. That the district judge of the judicial district of Kentucky as heretofore constituted, and in office at the time this Act takes effect, shall be the district judge for the western judicial district of Kentucky as constituted by this Act. That the clerk of the circuit court and the clerk of the district court in said judicial district of Kentucky as heretofore constituted, and in office at the time this Act takes effect,

Existing officers to  
act.

shall be the clerks of the circuit and district courts of the western judicial district of Kentucky, respectively, as hereby constituted, until their successors, respectively, shall be appointed and qualified. The district attorney, assistant district attorneys, marshal, deputy marshals, deputy clerks, and referees in bankruptcy resident in said western judicial district of Kentucky as constituted by this Act shall, within their respective jurisdictions in said western judicial district, continue in office and continue to be such officers in such western district until the expiration of their respective terms of office as heretofore fixed by law, or until their successors shall be duly appointed and qualified.

Appointment of judge for eastern district.

SEC. 4. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the eastern judicial district of Kentucky, 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 eastern judicial district as hereby constituted or transferred thereto, succeed to and possess the same powers and perform the same duties within the said eastern judicial district as are now possessed by and performed by the district judge for the district of Kentucky.

—marshal and district attorney.

SEC. 5. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal and district attorney for the said eastern judicial district of Kentucky as hereby constituted, who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively.

Other offices to cease, etc.

SEC. 6. That all other officers residing within the eastern judicial district of the State of Kentucky, as hereby constituted, shall cease to be such officers when their successors are appointed and qualified.

Vacancies, how filled.

SEC. 7. That 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 two districts and the provisions of this Act, and all vacancies created thereby in either of said districts as constituted by this Act, shall be filled in the manner provided by existing law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the judicial district of Kentucky as heretofore constituted.

Existing salaries unchanged.

Pending cases transferred to eastern district.

SEC. 8. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of Kentucky as heretofore constituted whereof the courts of the eastern judicial district of Kentucky 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 the same shall be proceeded with in the eastern judicial district of Kentucky as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said eastern judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: and all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of Kentucky as heretofore constituted whereof the courts of the western judicial district of Kentucky 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 the same shall be proceeded with in the western judicial district of Kentucky as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said

—western.

western judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That all motions and causes submitted, and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy, now pending in said judicial district of Kentucky as heretofore constituted in which the evidence has been taken in whole or in part before the present district judge of the judicial district of Kentucky as heretofore constituted, or taken in whole or in part and submitted and passed upon by the said district judge, shall be proceeded with and disposed of in said western judicial district of Kentucky as constituted by this Act.

*Proviso.*  
Submitted cases,  
etc., before present  
judge to be disposed  
of in western district.

SEC. 9. That the regular terms of the circuit and district courts of the United States for the western district of Kentucky shall be held at the following times and places, namely: At Louisville, beginning on the second Monday in March and the second Monday in October in each year; at Owensboro, beginning on the fourth Monday in November and the first Monday in May in each year; at Paducah, beginning on the third Monday in April and the third Monday in November in each year; at Bowling Green, beginning on the third Monday in May and the second Monday in December in each year.

Terms of court.  
—western district.

That the regular terms of the circuit and district courts of the United States for the eastern district of Kentucky shall be held at the following times and places, namely: At Frankfort, beginning on the second Monday in March and the fourth Monday in September in each year; at Covington, beginning on the first Monday in April and the third Monday in October in each year; at Richmond, beginning on the fourth Monday in April and the second Monday in November in each year; at London, beginning on the second Monday in May and the fourth Monday in November in each year, and at such other times and places as may hereafter be provided by law.

—eastern district.

SEC. 10. That the terms of said courts shall not be limited to any particular number of days nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

Length of term.

SEC. 11. That nothing in this Act shall be construed to repeal section five hundred and seventy-eight of the Revised Statutes or the Act of August eighth, eighteen hundred and eighty-eight, entitled "An Act to provide for holding terms of the circuit and district courts of the United States for the district of Kentucky at Owensboro, in said district, and for other purposes."

Monthly adjourn-  
ments for trial of  
criminal cases.  
R. S., sec. 578, p. 102.  
Vol. 25, p. 389.

SEC. 12. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this Act in which indictments have not been found or proceedings instituted shall be cognizable within the district as hereby constituted in which such crimes or offenses were committed.

Jurisdiction of  
crimes.

SEC. 13. That all laws and parts of laws, so far as inconsistent with the provisions of this Act, are hereby repealed.

Repeal.

SEC. 14. That this Act shall take effect on the first day of July, nineteen hundred and one.

Effect.

Approved, February 12, 1901.

**CHAP. 356.**—An Act To authorize the purchase of a steam launch for use in the customs collection district of Galveston, Texas.

February 12, 1901.

*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 purchase, after procuring*

Galveston, Tex.  
Steam launch au-  
thorized for use at.

bids in accordance with the provisions of law appertaining thereto, at an expense not to exceed in the aggregate the sum of three thousand dollars, payable out of any money in the Treasury not otherwise appropriated, a steam launch suitable for use in the customs collection district of Galveston, Texas.

Approved, February 12, 1901.

February 12, 1901.

**CHAP. 357.**—An Act To authorize the Chattahoochee and Gulf Railroad Company, of Alabama, to construct a bridge across the Choctawhatchee River, a navigable stream in Geneva County, Alabama.

Chattahoochee and Gulf Railroad may bridge Choctawhatchee River near Geneva, Ala.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Chattahoochee and Gulf Railroad Company, of Alabama, be, and is hereby, authorized to construct and maintain and operate a bridge across the Choctawhatchee River, a navigable stream, in the county of Geneva, State of Alabama; said bridge to be located about eleven miles from the town of Geneva in said county.

Secretary of War to approve plans.

**SEC. 2.** That said bridge shall be built and located under and subject to such regulations for the security of navigation as the Secretary of War may prescribe; and to secure that object the said The Chattahoochee and Gulf Railroad Company, of Alabama, shall submit for his examination designs and drawings of the bridge, and maps 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 river, 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 are approved by him the bridge shall not be commenced or built; and should any change be made in said bridge, before or after completion, such changes shall be likewise subject to the approval of the Secretary of War.

Aids to navigation.

Lights.

Changes.

**SEC. 3.** That said bridge shall be kept and managed so as to offer reasonable and proper means for the passage of vessels and craft through or under the same; and for the safety of vessels passing at night there shall be displayed on said bridge at night, from sunset to sunrise, at the expense of the owners thereof, such lights or other signals as the Light-House Board may prescribe. 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.

Rights of railroads to use.

**SEC. 4.** 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 railway 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 said bridge and the several railroad companies, or any one 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; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Lawful structure and post route.

**SEC. 5.** That the bridge constructed, maintained, and operated under this Act and according 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 the munitions of war of the United States than the rate per mile paid for 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.

Postal telegraph, etc.

SEC. 6. That this Act shall be null and void if actual construction of the said bridge be not commenced in one year and completed in 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, February 12, 1901.

**CHAP. 358.**—An Act Authorizing the Mount Carmel Development Company to draw water from Wabash River at Grand Rapids, Wabash County, Illinois.

February 12, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Mount Carmel Development Company, a corporation chartered by the State of Illinois as of the date of October twenty-sixth, nineteen hundred, be, and the same is hereby, authorized and empowered to draw, by canal, flume, or race, from the pool of the Grand Rapids dam of the Wabash River, in the county of Wabash and State of Illinois, such supply of water as may be necessary or required for the purposes of said corporation during the continuance of said corporation: *Provided,* That such withdrawal of water shall not be so great as to be detrimental to the navigation of said Wabash River, and shall be under the direction and control of the Secretary of War: *And provided further,* That the said corporation shall submit detailed plans, showing the location and method of construction of said canal, flume, or race, to the Secretary of War for approval; and until he shall approve the same the work hereby authorized shall not be commenced.

Mount Carmel Development Company may draw water from Wabash River at Grand Rapids, Ill.

*Provisos.*  
—control of supply, etc.

Secretary of War to approve plans.

Approved, February 12, 1901.

**CHAP. 359.**—An Act Authorizing the establishment of a first-order light at or near Hillsboro Point, Florida.

February 12, 1901.

*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 first-order light at or near Hillsboro Point, Florida, at a cost not exceeding ninety thousand dollars.

Hillsboro Point, Fla. Establishment of a light authorized at.

Approved, February 12, 1901.

**CHAP. 360.**—An Act Granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation.

February 12, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, shall be, and they are hereby, permitted to cut and dispose of the timber on their several allotments, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Grand Portage Reservation, Minn. Indians may cut timber on their allotments, etc.

Approved, February 12, 1901.

February 12, 1901.

**CHAP. 361.**—An Act To authorize Arizona Water Company to construct power plant on Pima Indian Reservation in Maricopa County, Arizona.

Arizona Water Company may erect power plant on Pima Indian Reservation, Ariz.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Arizona Water Company, its successors and assigns, be, and it hereby is, authorized to erect, construct, maintain, and operate a water-power plant at the place on the Indian reservation set apart for the Pima and Maricopa Indians by Executive order dated June fourteenth, eighteen hundred and seventy-nine, in the County of Maricopa, Territory of Arizona, where the Arizona Canal, by means of a crosscut canal, drops a portion of the water back into the Salt River theretofore taken out by its dam and head gate. Said Arizona Water Company, its successors or assigns, is also authorized to erect, construct, and maintain the necessary poles and wires for the purpose of transmitting across said reservation, at the most practicable and convenient route, the electricity to be generated by such power plant: *Provided, however,* That said Arizona Water Company, its successors or assigns, shall at all times save and protect all persons on said Indian reservation from any and all damages which may be caused by the erection and maintenance of said power plant, pole line, and wires used in connection therewith.

Proviso. Damages.

Approved, February 12, 1901.

February 12, 1901.

**CHAP. 362.**—An Act To authorize the construction of a bridge across Rock River, Illinois.

Moline and Peoria Railway may bridge Rock River, Ill.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Moline and Peoria Railway Company, a corporation duly incorporated under the laws of the State of Illinois, 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 railroad traffic across Rock River, in section seventeen, township seventeen, range one, from Rock Island County to the opposite shore of said river, in Henry County, in the State of Illinois. That said bridge shall be built across 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, 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 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 time 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 crafts 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.

—location.

Secretary of War to approve plans.

Aids to navigation.

Lights.

Changes.

SEC. 2. That said bridge shall be constructed with 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 one hundred and sixty-five feet, and shall give clear headroom the full length of said span of not less in any case than thirty-six feet above extreme high-water mark, as understood at the point of location. The remaining spans shall each give a clear width of waterway not less than one hundred and twenty-five feet, and a clear headroom not less in any case than seven 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.

Spans, etc.

SEC. 3. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within twelve months and completed within three years from the date of the passage hereof.

Commencement and completion.

SEC. 4. 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 mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and 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 its approaches for postal-telegraph purposes: *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 railway 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 said bridge and the several railroad companies, or any one 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 proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Lawful structure and post route.

Telegraph, etc., lines.

*Proviso.* Right of railroads to use.

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

Amendment.

Approved, February 12, 1901.

**CHAP. 363.**—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 two, and for other purposes.

February 12, 1901.

*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 two, 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 pensioners 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: *Provided*, 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 pur-

Invalid, etc., pensions.

*Provisos.* Navy pensions.

Accounts.	pose: <i>Provided further</i> , That the amount expended under each of the above items shall be accounted for separately.
Examining surgeons. —fees, etc.	For fees and expenses of examining surgeons, for services rendered within the fiscal year nineteen hundred and two, 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>Provisos.</i> Examinations.	<i>Provided further</i> , That no fee shall be paid to any member of an examining board unless 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.
No fee unless service rendered.	
Reports to state rating, etc.	
—to be open to examination.	
Agents' salaries.	For salaries of eighteen agents for the payment of pensions, at four thousand dollars each, seventy-two thousand dollars.
Clerk hire. <i>Proviso.</i> Apportionment.	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.
Rents.	For rents, twelve thousand four hundred and eighty dollars.
Stationery, etc.	For stationery and other necessary expenses, including fuel and lights, thirty thousand seven hundred and fifty dollars.
	Approved, February 12, 1901.

February 12, 1901.

**CHAP. 364.**—An Act To authorize Jefferson County, Arkansas, to construct and maintain a free bridge across the Arkansas River within five miles of Pine Bluff Jefferson County, Arkansas.

Jefferson County, Ark., may bridge Arkansas River, Ark.	<i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled</i> , That the county of Jefferson, in the State of Arkansas, be, and is hereby, authorized to construct and maintain a road bridge for the free passage of wagons, vehicles, and pedestrians across the Arkansas River at such point as may be selected by such county and approved by the Secretary of War, within the boundary lines of Jefferson County, Arkansas, and within five miles of the city of Pine Bluff, in said county, said bridge to be so constructed as not to obstruct the navigation of said river and to be provided with a suitable draw: <i>Provided</i> , 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, 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 rate per mile paid for transportation over railroads or public highways leading to the said bridge; and the United States shall have the right of way for a postal telegraph across said bridge.
—location, etc.	
<i>Proviso.</i> Lawful structure and post route.	
Postal telegraph.	



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 county 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 distance of one mile above and one-half mile 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, 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, 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. 3. That Congress reserves the right to alter, amend, or repeal this Act at any time; and 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 county 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; and he may require the said county to build and maintain, at its own expense, such dikes, wing dams, booms, or other works, as in his opinion may be necessary to maintain the channel of the river within the drawspans of the bridge.

Amendment. Alterations, etc.

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 county shall maintain at its own expense; and the said county shall maintain on said bridge from sunset to sunrise, at its own expense, such lights or other signals as the Light-House Board may prescribe; 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.

Draw.

Lights.

Commencement and completion.

Approved, February 12, 1901.

**CHAP. 365.**—An Act Providing for the construction of a bridge across the Yalobusha River, in Grenada County, State of Mississippi.

February 12, 1901.

*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 Grenada County, State of Mississippi, be, and is hereby, authorized to construct and maintain a highway bridge and approaches thereto across the Yalobusha River at or near the center of southeast quarter of section eight, township twenty-two, range three east, just at the mouth of Martins Creek, in Grenada County, State of Mississippi, and about twelve miles west and below the city of Grenada.

Grenada County may bridge Yalobusha River, Miss.

—location.

SEC. 2. That the said bridge shall be located and built subject to such regulations for the security of navigation as the Secretary of War may prescribe; and to secure that object the said board of supervisors shall submit for his examination a design and drawing of the proposed bridge and a map of its location; and until the said plan and location shall be approved by him the bridge shall not be commenced or built; and should any change be made in said bridge, either before or after completion, such change shall likewise be subject to the approval of the Secretary of War.

Secretary of War to approve plans.

Aids to navigation.

Lights.

Changes.

SEC. 3. That said bridge shall be so kept and managed as to offer reasonable and proper means for the passage of boats and other craft through or under the same; and for the safety of vessels passing at night there shall be displayed on said bridge from sunset to sunrise such signal lights or other signals as the Light-House Board may prescribe. And any changes in the 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 said board of supervisors thereof at the expense of said Grenada County.

Lawful structure and post route.

Postal telegraph.

SEC. 4. That any bridge constructed under this Act shall be a legal 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 United States over the same than the rate per mile charged for their transportation over the railways of, and public highways leading to, said bridge. The United States shall also have the right of way over said bridge for postal telegraph purposes.

Commencement and completion.

SEC. 5. That this Act shall be null and void if the actual construction of said bridge shall not be commenced within one year and completed within three years after the date hereof.

Amendment.

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

Approved, February 12, 1901.

February 13, 1901.

**CHAP. 370.**—An Act To provide for the entry of lands formerly in the Lower Brule Indian Reservation, South Dakota.

Lower Brule Indian Reservation, S. Dak.  
Certain lands in, opened to settlement.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all lands in that portion of the Lower Brule Indian Reservation, in the State of South Dakota, ceded to the United States by the Act of March fourth, eighteen hundred and ninety-eight, and ratified by the Act of March third, eighteen hundred and ninety-nine, are hereby opened to settlement and entry under the public land laws of the United States, including the homestead laws.

Approved, February 13, 1901.

February 15, 1901.

**CHAP. 371.**—An Act For the establishment of a beacon light near Grubbs Landing, Delaware River, Delaware.

Grubbs Landing, Delaware River, Del.  
Beacon light authorized at.

*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 have established a beacon light near Grubbs Landing, Delaware River, Delaware, at a cost not to exceed eight thousand dollars.

Approved, February 15, 1901.

February 15, 1901.

**CHAP. 372.**—An Act Relating to rights of way through certain parks, reservations, and other public lands.

Public lands,  
Rights of way through reservations, etc., authorized.

*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 hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant national parks,

California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the Department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of title sixty-five of the Revised Statutes of the United States, and amendments thereto, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this Act may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park.

—width, etc.

*Provisos.*  
Approval of permit.

Telegraph, etc., permits.  
R. S., sec. 5263, etc., p. 1019.

Revocation of permit.

Approved, February 15, 1901.

**CHAP. 373.**—An Act To extend the privileges provided by 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, as amended.

February 15, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the privileges of immediate transportation as provided by 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, as amended by an Act entitled “An Act to amend an Act entitled ‘An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,’” approved February twenty-third, eighteen hundred and eighty-seven, be, and the same are hereby, extended to the port of Honolulu, Territory of Hawaii.

Honolulu, Hawaii.  
Immediate transportation privileges extended to.  
Vol. 21, p. 174.

Approved, February 15, 1901.

**CHAP. 374.**—An Act To authorize the United New Jersey Railroad and Canal Company and the Philadelphia and Trenton Railroad Company, or their successors, to construct and maintain a bridge across the Delaware River.

February 15, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the United New Jersey Railroad and Canal Company, a corporation existing under the laws of the State of New Jersey, and the Philadelphia and Trenton Railroad Company, a corporation existing under the laws of the State of Pennsylvania, or their successors, be, and they are hereby, authorized to

United New Jersey Railroad and Canal Company, etc., may bridge Delaware River at Trenton, N. J., etc.

construct, maintain, and operate a railroad bridge, with as many tracks as they shall deem necessary for railroad traffic, across the Delaware River between a point in or near the city of Trenton, in the State of New Jersey, and a point in or near the borough of Morrisville, in the county of Bucks and State of Pennsylvania.

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 requirements 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 one mile the depth and current of the river at all points 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 no serious obstruction to the navigation of the river or injuriously affect the flow of water.

Notification of approval, etc.

SEC. 3. 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 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 companies 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 or after completion such change shall be subject likewise to the approval of the Secretary of War.

Lawful structure and post route.

SEC. 4. That any bridge constructed under this Act shall be a legal 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 United States over the same than the rate per mile charged for their transportation over the railways of and public highways leading to said bridge. The United States shall also have the right of way over said bridge for postal-telegraph purposes.

Postal telegraph.

No obstruction to navigation.

SEC. 5. That the said bridge shall be so kept and managed at all times as not to interfere with 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.

Lights.

Commencement and completion.

SEC. 6. That this Act shall be null and void unless the bridge herein authorized shall be 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, February 15, 1901.

February 18, 1901.

CHAP. 377.—An Act Amending the Act providing for the appointment of a Mississippi River Commission, and so forth, approved June twenty-eighth, eighteen hundred and seventy-nine.

Mississippi River Commission. Vol. 21, p. 38 amended.

*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 provide for the appointment of a Mississippi River Commission, for the improvement of said river from the Head of the Passes near its

mouth to its head waters," approved June twenty-eighth, eighteen hundred and seventy-nine, be amended by adding thereto the following section:

"SEC. 8. That the headquarters and general offices of said commission shall be located at some city or town on the Mississippi River, to be designated by the Secretary of War, and the meetings of the commission except such as are held on Government boats during the time of the semiannual inspection trips of the commission shall be held at said headquarters and general offices, the times of said meetings to be fixed by the president of the commission, who shall cause due notice of such meetings to be given members of the commission and the public."

Offices of commission.  
—meetings

Approved, February 18, 1901.

**CHAP. 378.**—An Act To authorize the Glassport Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania.

February 18, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Glassport Bridge Company, a corporation organized under the laws of the State of Pennsylvania, is hereby authorized to construct, maintain, and operate a bridge across the Monongahela River between a point on the eastern side of said river at or near Ninth street, in the borough of Port Vue, in the county of Allegheny, and a point on the western side of said river in the township of Jefferson, in said county, at or near the public road known as the River road, between Dravosburg and West Elizabeth. The said bridge, when built in accordance with the requirements of this Act, shall be a legal structure, and may be used for either or both railroad purposes or as a highway for the passage of persons, vehicles, and passenger cars.

Glassport Bridge Company may bridge Monongahela River.

—location.

Lawful structure, etc.

SEC. 2. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such requirements 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 for the bridge, and a map of the location, giving for the space of one mile the depth and current of the river at all points, and the location of any other bridge or bridges, together with all other information touching said bridge and river as may be requisite for the Secretary of War to determine whether said bridge, when built, 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.

Secretary of War to approve plans.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map, and upon being satisfied that a bridge built upon said plan and at said location 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 said notification the said company may proceed to the erection of the said bridge, conforming strictly to the approved plan and location; and until the Secretary of War shall approve the plan and location of the said bridge and notify the said company, in writing, a 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, or after completion, such change shall be subject likewise 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.

Notification of approval, etc.

Changes.

SEC. 4. That said bridge, at the option of the said Glassport Bridge Company, may be so constructed that the same can be used for the

Uses of bridge.

- passage of wagons and vehicles of all kinds, and passenger cars, and for the transit of animals and foot passengers over the same, and also, in addition to these purposes, may be used for railroad purposes; and the company maintaining the same shall have the right to charge such reasonable rates for toll as bridge companies are authorized to collect under the laws of the State of Pennsylvania: *Provided*, That if said bridge shall be constructed for railroad purposes, all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railroad trains or cars over the same upon the 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 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.
- Toll. **SEC. 5.** That any bridge constructed under this Act 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 United States, than the rate per mile charged for their transportation over the public highways leading to said bridge. The United States shall also have the right of way over said bridge for postal-telegraph purposes.
- Proviso.*  
Rights of railroads  
to use. **SEC. 6.** That the said bridge shall be so kept and managed at all times as not to interfere with 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.
- Post route. **SEC. 7.** That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced in one year and completed within three years from the date hereof.
- Postal telegraph. **SEC. 8.** That the right to alter, amend, or repeal this Act is hereby expressly reserved.
- Lights, etc. **SEC. 8.** That the right to alter, amend, or repeal this Act is hereby expressly reserved.
- Commencement and  
completion. **SEC. 8.** That the right to alter, amend, or repeal this Act is hereby expressly reserved.
- Amendment. **SEC. 8.** That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 18, 1901.

February 18, 1901.

**CHAP. 379.**—An Act To put in force in the Indian Territory certain provisions of the laws of Arkansas relating to corporations, and to make said provisions applicable to said Territory.

Indian Territory.  
Certain provisions  
of Arkansas laws as  
to corporations made  
applicable in.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section five hundred and four and the succeeding sections down to and including section five hundred and nine, section nine hundred and sixty, and the succeeding sections down to and including section one thousand and thirty-five, of the laws of Arkansas, as published in eighteen hundred and eighty-four in the volume known as Mansfield's Digest of the Statutes of Arkansas be, and the same are hereby, extended over and put in force in the Indian Territory, so far as they may be applicable and not in conflict with any law of Congress applicable to said Territory heretofore passed.

Substitution of  
terms.

**SEC. 2.** That wherever in said sections the word "county" occurs there shall be substituted therefor the words "judicial district," and where the words "county court" occur the words "United States courts" shall be substituted therefor; wherever the words "State" or "State of Arkansas" occur there shall be substituted therefor the words "Indian Territory;" wherever the words "secretary of state" occur there shall be substituted therefor the words "clerk of the United States court of appeals for the Indian Territory," and said clerk shall be entitled to the same fees and compensation for his services rendered under this Act that the secretary of state in Arkansas is

entitled to receive for like services, and shall retain the same as compensation for his services under this Act; wherever the words "clerk of the county" occur there shall be substituted therefor the words "clerk of the judicial district," and said clerk shall be entitled to the same fees and compensation for his services rendered under this Act that county clerks are entitled to receive for like services, and shall retain the same as compensation for his services under this Act; wherever the words "general assembly" occur there shall be substituted therefor the words "Congress of the United States;" and where the words "vest in the State" occur in section one thousand and thirty-five there shall be substituted therefor the words "vest in the United States": *Provided*, That companies may be incorporated under the provisions of this Act to construct, own, and operate electric railroads, telephone and telegraph lines in the Indian Territory.

*Proviso.*  
Electric railroads, etc.

SEC. 3. That foreign incorporations may be authorized to do business in the Indian Territory, under such limitations and restrictions as may be prescribed by law; and as to contracts made and business done in the Indian Territory, they shall be subject to the same regulations, limitations, and liabilities, and shall exercise no other or greater powers, privileges, or franchises than may be exercised by like corporations organized under the provisions of sections one and two of this Act.

Foreign corporations.  
Organization of powers, etc.

SEC. 4. That before any foreign corporation shall begin to carry on business in the Indian Territory it shall, by its certificate, under the hand of the president and seal of such company, filed in the office of the clerk of the United States court of appeals for the Indian Territory, designate an agent, who shall reside where the United States court of appeals for the Indian Territory is held, upon whom service of summons and other process may be made. Such certificate shall also state the principal place of business of such corporation in the Indian Territory. Service upon such agent shall be sufficient to give jurisdiction over such corporation to any of the United States courts for the Indian Territory. If any such agent shall be removed, resign, die, or remove from the Indian Territory, or otherwise become incapable of acting as such agent, it shall be the duty of such corporation to appoint immediately another agent in his place, as hereinbefore provided.

Corporation certificate.

—designation of resident agent, etc.

SEC. 5. That if any foreign corporation shall fail to comply with the provisions of the foregoing sections, all its contracts with citizens and residents of the Indian Territory shall be void as to the corporation, and no United States court in the Indian Territory shall enforce the same in favor of the corporation.

—penalty for non-compliance.

SEC. 6. That corporations doing business in the Indian Territory at the time of the passage of this Act are given ninety days in which to comply with section four in order to avoid the penalty of section five.

Limit of time to designate resident agent, etc.

SEC. 7. That the clerk of the United States court of appeals for the Indian Territory shall charge and receive for services imposed upon him by the provisions of this Act the same fees allowed officers of the State of Arkansas for like services under the laws of that State.

Fees.

SEC. 8. That any bank or trust company now or hereafter organized under the laws of Arkansas or any other State may transact such business in the Indian Territory as is authorized by its charter, and that is not inconsistent with the laws in force in the Indian Territory, and may loan money and contract for the payment of the same at a rate of interest not to exceed the sum of eight per centum per annum, and a like rate for a period less than a year: *Provided*, That the lawful interest in said Territory shall be six per centum when no rate of interest is agreed upon, but in no case shall the interest exceed eight per centum per annum.

Banks and trust companies; powers, etc.

*Proviso.*  
Legal interest in territory.

SEC. 9. That the United States courts in the Indian Territory shall have and exercise, in reference to all corporations created under this

Jurisdiction United States courts.

Act, the same powers and jurisdiction as may be exercised in the State of Arkansas by the courts of that State over corporations created therein under the provisions of any law in force in that State relating to corporations.

Approved, February 18, 1901.

February 18, 1901.

**CHAP. 380.**—An Act To confirm in trust to the city of Albuquerque, in the Territory of New Mexico, the town of Albuquerque Grant, and for other purposes.

Albuquerque, N. Mex.  
Release to, of Albuquerque Grant.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby released and quitclaimed unto the city of Albuquerque, New Mexico, all the right, claim, title, and interest which the United States has, or may claim to have, to the land or any part thereof which was in eighteen hundred and eighty-three surveyed under the direction of the surveyor-general for New Mexico as the town of Albuquerque Grant, the survey having been approved by the said surveyor-general on the twenty-eighth day of November, eighteen hundred and eighty-three, and including four Spanish leagues; and all the right, title, claim, and interest of the United States in and to the said premises embraced in the said grant is hereby vested in the city of Albuquerque in trust for the benefit of all persons claiming title to their individual holdings of real estate at the time of the acquisition of New Mexico under the treaty of Guadalupe Hidalgo and their successors in interest, or who have been in open adverse possession for the period of ten years prior to the passage of this Act: *Provided*, That there is reserved from this grant and quitclaim all lands and buildings now occupied by the United States as an Indian school, or for other public purposes; 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.

*Proviso.*  
Reservation from release.

Deeds of quitclaim to claimants to be executed.

**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 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 herein described on the part of the United States: *Provided*, That such deeds shall not be made to persons where titles are in controversy in the courts until such courts shall have adjudicated the same, when deeds shall be made to the persons adjudged to be the owners: *Provided further*, That if, within the limits of the land hereby relinquished, there be any tract or tracts not held in private ownership, the title shall be vested in the city of Albuquerque in trust for the use and benefit of the public schools of each of the districts where such lands are severally situated.

*Provisos.*  
—contested titles.

Lands for benefit of public schools.

Approved, February 18, 1901.

February 18, 1901.

**CHAP. 381.**—An Act Authorizing the Indiana, Illinois and Iowa Railroad Company to construct and maintain a bridge across Saint Joseph River at or near the city of Saint Joseph, Michigan.

Indiana, Illinois and Iowa Railroad may bridge St. Joseph River at St. Joseph, Mich.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Indiana, Illinois and Iowa Railroad Company, a corporation created and existing under and by virtue of the laws of the State of Illinois, be, and is hereby,



authorized to construct and maintain a railway bridge across Saint Joseph River at a point suitable to the interests of navigation, at or near the city of Saint Joseph, in the State of Michigan.

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 there shall be displayed on said bridge, from sunset to sunrise, such lights and signals as the Light-House Board shall prescribe.

Lawful structure and post route.

Postal telegraph, etc.

*Proviso.*  
Aids to navigation.

Lights.

SEC. 3. 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 railway trains over the same and the approaches thereto upon payment of a reasonable compensation for such use; or, in case of disagreement, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest.

Rights of railroads to use.

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 drawings of said bridge and a map of the location giving for the space of one mile above and one mile 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 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.

Secretary of War to approve plans.

Changes.

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 hereof.

Commencement and completion.

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

Amendment.

Approved, February 18, 1901.

February 19, 1901.

**CHAP. 382.**—An Act To constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Texas, and for the appointment of a clerk for said court, and for other purposes.

Texas eastern judicial district.  
New division of, constituted.

Terms of court at Sherman.

Counties detached from northern added to eastern district.

Return of process, etc.

Proviso.  
Pending suits unaffected.

Clerks' office at Sherman.

Repeal.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the counties of Grayson, Cooke, Montague, Collin, and Denton shall constitute a division of the eastern judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the said eastern district of Texas shall be held twice in each year at the city of Sherman, and that, until otherwise provided by law, the judges of said courts shall fix the times at which said court shall be held at Sherman, of which they shall make publication and give due notice.

SEC. 3. That the counties of Cooke, Denton, Montague, and Collin are hereby detached from the northern judicial district of Texas and attached to the eastern judicial district of Texas.

SEC. 4. That all civil process issued against persons resident in the said counties of Grayson, Cooke, Montague, Denton, and Collin, and cognizable before the United States courts, shall be made returnable to the courts respectively to be held at the city of Sherman; and all prosecutions for offenses committed in either of said counties shall be tried in the appropriate United States courts at the city of Sherman: *Provided,* That no process issued or prosecution commenced or suit instituted before the passage of this Act shall be in any way affected by the provisions hereof.

SEC. 5. That the clerks of the circuit and district courts of said district shall maintain an office, in charge of themselves or a deputy, at the said city of Sherman, which shall be kept open at all times for the transaction of the business of said division.

SEC. 6. That so much of all Acts or parts of Acts as are in conflict herewith are hereby repealed.

Approved, February 19, 1901.

February 20, 1901.

**CHAP. 383.**—An Act To extend the privileges of the seventh section of the immediate transportation Act to New Bedford, Massachusetts.

New Bedford, Mass.  
Granted immediate transportation privileges.  
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 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 New Bedford, Massachusetts.

Approved, February 20, 1901.

February 20, 1901.

**CHAP. 384.**—An Act To establish a light and fog station at Point Dume, Los Angeles County, California.

Point Dume, Cal.  
Light station, etc. established at.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be established at Point Dume, Los Angeles County, California, a suitable light and fog-signal station, at a cost not to exceed sixty-three thousand dollars.

Approved, February 20, 1901.

**CHAP. 385.**—An Act To extend the privileges provided by 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, as amended.

February 20, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the privileges of immediate transportation as provided by 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, as amended by an Act entitled "An Act to amend an Act entitled 'An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,'" approved February twenty-third, eighteen hundred and eighty-seven, be, and the same are hereby, extended to the port of Milwaukee, State of Wisconsin.

Milwaukee, Wis.  
Granted immediate transportation privileges.  
Vol. 21, p. 174.  
Vol. 24, p. 411.

Approved, February 20, 1901.

**CHAP. 386.**—An Act To amend section forty-four hundred and seventy-two of the Revised Statutes so as to permit the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) when used as source of motive power.

February 20, 1901.

*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 seventy-two of the Revised Statutes be amended by adding thereto at the end of said section the following:

Nothing in the foregoing or following sections of this Act shall prohibit the transportation by steam vessels of gasoline or any of the products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power: *Provided, however,* That all fire, if any, in such vehicles or automobiles be extinguished before entering the said vessel, and that the same be not relighted until after said vehicle shall have left the same: *Provided, further,* That any owner, master, agent, or other person having charge of passenger steam vessels shall have the right to refuse to transport automobile vehicles the tanks of which contain gasoline, naphtha, or other dangerous burning fluids.

Steam passenger vessels.  
Gasoline, etc., as motive power of automobiles excepted from provision prohibiting transportation of explosives.  
R. S., sec. 4472, p. 865, amended.

*Provided.*  
Fire to be extinguished.

Vessels may refuse transportation.

Approved, February 20, 1901.

**CHAP. 461.**—An Act Regulating assessments for water mains in the District of Columbia.

February 21, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter, whenever a water main or mains shall be laid in the District of Columbia, the water-main assessment or tax therefor 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 which shall be served upon the owner of the lot or parcel of land to be assessed if he or she be a resident of the District of Columbia and his or her residence known. If the owner be a nonresident, or his or her residence unknown, the notice shall be served on his or her agent or tenant. The service of such notice where the owner or his or her agent or tenant resides in the District of Columbia shall be either personal or by leaving the same with some person of suitable age at the residence or place of business of such owner, agent, or tenant; and return of such service, stating the manner thereof, shall be made in

District of Columbia.  
Assessments for water mains.  
— when made.  
— notice.  
— service.

Notice where no agent, etc. Vol. 30, p. 721.

How assessments payable.

Publication.

Repeals.

writing and filed in the office of the Commissioners of the District of Columbia. If there be no agent or tenant known to said Commissioners, notice of such assessment shall be given by the officer designated by the Commissioners to perform that duty under authority vested in them by 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, by advertisement once a week for two successive weeks in some newspaper published in said District. Water-main assessments or taxes shall be payable in three equal installments, the first of which shall be payable without interest within thirty days from the date of such service or of the last publication of said notice, as the case may be; the second within one year, and the third within two years from the date of such service or of the last publication of said notice; and interest at the rate of six per centum per annum shall be charged on all amounts which shall remain unpaid at the expiration of thirty days from the date of such service or of the last publication of said notice.

In said publication of said notice each several piece of property shall be described in a separate paragraph.

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 all laws or parts of laws inconsistent herewith are hereby repealed.

Approved, February 21, 1901.

February 23, 1901.

**CHAP. 463.**—An Act For the establishment of a light-house and fog signal at Point No Point, in Chesapeake Bay, between Cove Point and Smiths Point.

Point no Point, Chesapeake Bay. Light-house, etc., authorized 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 at Point No Point, in the Chesapeake Bay, between Cove Point and Smiths Point, at a cost not to exceed the sum of sixty-five thousand dollars.

Approved, February 23, 1901.

February 23, 1901.

**CHAP. 464.**—An Act To provide an American register for the steamer Enterprise.

Steamer Enterprise. 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 St. Georg, wrecked in Cuban waters, and purchased and wholly owned by the Merritt and Chapman Derrick and Wrecking Company, of New York City, incorporated under the laws of West Virginia, and now under repair by said company, to be registered as a vessel of the United States under the name of Enterprise, whenever it shall be shown to the Commissioner of Navigation that the repairs and salvage on the vessel amount to three times the actual cost of the wreck to her owners.

Approved, February 23, 1901.

February 23, 1901.

**CHAP. 465.**—An Act To amend section forty-four hundred and twenty-seven, title fifty-two, of the Revised Statutes, relating to inspectors of hulls and boilers.

Steam tow boats may carry other persons than crew. R. S., sec. 4427, p. 558, vol. 24, p. 129, amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the amendment to section forty-four hundred and twenty-seven, approved July ninth, eighteen hundred and eighty-six, entitled "An Act relating to the

licensing of vessels engaged in towing to carry persons in addition to their crews," be amended to read as follows:

"That any steam vessel engaged in the business of towing vessels, rafts, or water craft of any kind, also steam vessels engaged in oyster dredging and planting, and fishing steamers engaged in food fishing on the Great Lakes and all other inland waters of the United States, and not carrying passengers, may be authorized and licensed by the supervising inspector of the district in which said steamer shall be employed to carry on board such number of persons, in addition to its crew, as the supervising inspector, in his judgment, shall deem necessary to carry on the legitimate business of such towing, oyster and fishing steamers, not exceeding, however, one person to every net ton of measurement of said steamer: *Provided, however,* That the person so allowed to be carried shall not be carried for hire.

*Proviso.*  
Not to be carried for hire.  
Life preservers.

"SEC. 2. That every steam vessel licensed under the foregoing section shall carry and have on board, in accessible places, one life-preserver for every person allowed to be carried, in addition to those provided for the crew of such vessel."

Approved, February 23, 1901.

**CHAP. 466.**—An Act To authorize the Director of the Census to make payments for information concerning cotton gins, and for other purposes.

February 23, 1901.

*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 is hereby, authorized to pay, out of any money appropriated for census purposes, all enumerators who may have made returns concerning cotton gins, at a rate of five cents for each gin reported: *Provided,* That the total amount which may be paid to such enumerators shall not exceed the sum of two thousand dollars.

Census.  
Director may pay enumerators for returns concerning cotton gins.

*Proviso.*  
—limit.

SEC. 2. That the Director of the Census be, and is hereby, authorized and directed to pay the accounts for the information relating to cotton gins without requiring jurats on said accounts, and shall make payment on the certificate of the chief statistician for manufactures as to the correctness of the same.

—jurats not required, etc.

SEC. 3. That the mechanics and other persons employed in the Census printing office, whether employed by the piece or otherwise, shall be allowed annual leave of absence and sick leave with pay, under the same terms as now or hereafter may be prescribed in the Government Printing Office, and the Director of the Census is hereby authorized to make payment for such annual leave and sick leave out of any money which may be appropriated for Census purposes: *Provided,* That the Director of Census may designate the time when annual leave shall be taken.

Leaves of absence to mechanics in printing office authorized.

*Proviso.*  
Time when leave may be taken.

Approved, February 23, 1901.

**CHAP. 467.**—An Act Confirming two locations of Chippewa half-breed scrip in the State (then Territory) of Utah.

February 23, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the locations of the following scrip, namely, that known as Chippewa half-breed scrip numbered three hundred and seventeen for eighty acres, in the name of Antonie La Pierre, and that known as Chippewa half-breed scrip numbered three hundred and twenty-two for eighty acres, in the name of Antonie Bagage, issued by the Commissioner of the General Land Office under the Act of Congress approved December nineteenth, eighteen hundred and fifty-four (ratifying and giving effect to the

Locations of certain Chippewa half-breed scrip in Utah confirmed.

Vol. 10, p. 598.

treaty of September thirtieth, eighteen hundred and fifty-four, with the tribe of Indians known as the Chippewas of Lake Superior, whereby certain territory was ceded to the United States, and granting to each head of a family of such tribe, in fee simple, a reservation of eighty acres of land, to be selected in the territory ceded by said treaty, situate within the States of Michigan, Wisconsin, and Minnesota, and extending like benefits and privileges to the mixed bloods belonging to or connected with such tribe, who should permanently reside upon the ceded lands), made February ninth, eighteen hundred and seventy-four, respectively, upon the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of section twenty-three, and upon the south half of the southeast quarter of said section twenty-three, in township one north, of range one west, in the Salt Lake City land district, in the Territory (now State) of Utah, and the patents issued by the land department January twenty-fifth, eighteen hundred and seventy-five, in the names of said scrippees, respectively, for the lands embraced by said scrip locations, be, and the same are hereby, ratified and confirmed, and the title to said lands is hereby confirmed, in said patentees and their transferees, immediate or remote, to the same extent as though said patents had been in all respects valid when issued.

Approved, February 23, 1901.

February 23, 1901.

**CHAP. 468.**—An Act To authorize the Louisville and Nashville Railroad Company to construct, maintain, and operate a bridge across the Choctawhatchee River at Geneva, Alabama.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Louisville and Nashville Railroad Company, a corporation created and existing under the laws of the State of Kentucky, and doing business in the State of Alabama, its successors and assigns, be, and it is hereby, authorized and empowered to construct, maintain, and operate a bridge across the Choctawhatchee River at Geneva, Alabama, at such point as may have been or may hereafter be selected by said railroad company for crossing said river on its line of railroad, provided such point selected shall, in the judgment of the Secretary of War, be suitable to the interests of navigation; that said bridge shall be constructed for the passage of railroad trains, and said railroad company may locate, construct, maintain, and operate over said bridge and the approaches thereto railroad tracks for the use of said railroad company.

**SEC. 2.** That said bridge shall be a lawful structure, subject to the limitations of this Act, 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, the troops, and munitions of war of the United States than the rate per mile to be paid for the same over the railroad leading to said bridge; and the United States shall have the right of way over said bridge for postal telegraph and telephone purposes.

**SEC. 3.** That the bridge authorized to be constructed under this Act shall be built and located subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe, and to secure that object the said railroad company shall submit to the Secretary of War, for his examination and approval, a design and drawing of said bridge, with a map of the location thereof, and shall furnish such other information as may be required for the full and satisfactory understanding of the subject, and that said bridge shall not be built until the plans and location thereof shall be approved by the Secretary of War; and should any change be made in the plans of said bridge during the progress of its construction, or after its com-

Louisville and Nashville Railroad may bridge Choctawhatchee River at Geneva, Ala.

Railroad bridge.

Lawful structure and post route.

Postal telegraph, etc.

Secretary of War to approve plans.

Changes.

pletion, 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: *Provided*, That if said bridge is constructed as a drawbridge the draw thereof shall be opened promptly upon reasonable signal for the passage of boats, and the said railroad company shall maintain thereon, at its own expense, between sunset and sunrise, such lights or other signals as may be prescribed by the Light-House Board.

*Proviso.*

Draw.

Lights.

Rights of railroads to use.

SEC. 4. 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 railway 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 said bridge and the several railroad companies, or any one 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 proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Commencement and completion.

SEC. 5. That this Act shall be null and void if actual construction of the said bridge be not commenced in one year and completed in three years from the date hereof.

Amendment.

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

Approved, February 23, 1901.

**CHAP. 469.**—An Act For the preparation of plans or designs for a memorial or statue of General Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, District of Columbia.

February 23, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the president of the Society of the Army of the Tennessee, the chairman of the Joint Committee on the Library, and the Secretary of War be, and they are hereby, created a commission to select a site and secure plans and designs for a statue or memorial of General Ulysses S. Grant, late President of the United States and General of the armies thereof, said statue not to cost in excess of the sum of two hundred and fifty thousand dollars.

Statue of Gen. U.S. Grant. Selection of a site authorized.

SEC. 2. That said commission is authorized to select any unoccupied square or reservation belonging to the Government, or part thereof, in the District of Columbia, except the grounds of the Capitol and Library of Congress, on which to erect the said statue.

Use of Government reservation.

SEC. 3. That the said commission is authorized and required to advertise for plans, specifications, and models for the base, pedestal, and statue provided for in section one, and may pay to competing artists for the same and for expenses incident to making such selection, a sum not exceeding ten thousand dollars, which sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, one of which plans, specifications, or models shall, if deemed sufficiently meritorious by the commission, be selected, or the commission may select any part of any of the plans, specifications, or models that it may elect and that it can use.

Plans, etc.

SEC. 4. That as soon as practicable after the selection authorized by section three is made, said commission shall report their action to the Congress of the United States.

Report.

Approved, February 23, 1901.

February 23, 1901.

**CHAP. 470.**—An Act To declare a branch of the Mississippi River opposite the city of La Crosse, Wisconsin, and known as West Channel, to be unnavigable, and that the said city be relieved of necessity of maintaining a draw or pontoon bridge over said West Channel.

Mississippi River.  
West channel de-  
clared unnavigable.

City of La Crosse ex-  
empted from main-  
taining bridge.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the branch of the Mississippi River flowing between Grand Island and the mainland opposite the city of La Crosse, State of Wisconsin, and known as the West Channel, be, and the same is hereby, declared unnavigable, and the said city of La Crosse is, from and after the passage of this Act, relieved of the necessity of maintaining a draw or pontoon bridge over said West Channel.

Approved, February 23, 1901.

February 25, 1901.

**CHAP. 472.**—An Act To incorporate the National Society of United States Daughters of Eighteen Hundred and Twelve.

National Society of  
United States Daugh-  
ters of 1812 incorpo-  
rated.

—objects.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Mrs. Flora Adams Darling, of New York; Mrs. William Garry Slade, of New York; Mrs. Louis W. Hall, of Pennsylvania; Mrs. Edward Roby, of Illinois; Mrs. M. A. Ludin, of New York; Mrs. Le Roy Sunderland Smith, of New York; Miss Helen G. Bailey, of New Hampshire; Mrs. Alfred Russell, of Michigan; Mrs. William Lee, of Massachusetts; Mrs. William Tod Helmuth, of New York; Mrs. Nelson V. Titus, of Massachusetts, their associates and successors, are hereby created a body corporate and politic in the District of Columbia, by the name of the National Society of United States Daughters of Eighteen Hundred and Twelve, for patriotic, historical, educational, and benevolent purposes, the objects of which are as follows: To perpetuate the memory and spirit of the men and women who were identified with the war of eighteen hundred and twelve by publication of memoirs of famous women of the United States during that period, and the investigation, preservation, and publication of authentic records of men in the military, naval, and civil service of the United States during the said period; by making the society one of the factors of educational and patriotic progress, and by the promotion and erection of a house or home where the descendants of the zealous and brave patriots who achieved American independence who have need of such a home may be sheltered from the storms of life.

Powers.

SEC. 2. That the said society is authorized to hold real and personal estate in the United States, so far only as may be necessary to its lawful ends, to an amount not exceeding two hundred thousand dollars, and may adopt a constitution and make by-laws not inconsistent with law, and may adopt a seal.

Amendment.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, February 25, 1901.

February 25, 1901.

**CHAP. 473.**—An Act Granting authority to Alafia, Manatee and Gulf Coast Railroad Company to build railroad bridges across the Manatee River and Gasparilla Sound and to lay railroad tracks thereon.

Alafia, Manatee and  
Gulf Coast Railroad  
may bridge Manatee  
River and Gasparilla  
Sound, Fla.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Alafia, Manatee and Gulf Coast Railroad Company, a railroad corporation organized under the law of Florida, be, and it hereby is, authorized and empowered to construct, maintain, and operate one bridge across each of the following



rivers and bodies of water, all in the State of Florida: The Manatee River from a point at or near Palmetto, in the county of Manatee, to a point at or near Braidentown, in said county, and also over and across Gasparilla Sound from a point on the mainland, in the county of De Soto, to a point near or opposite thereto at or near the head of north end of Gasparilla Island, and to lay railroad tracks on the said bridges to run trains on same.

SEC. 2. That any bridges built under this Act and subject to its limitations shall be lawful structures and shall be recognized and known as post routes, 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 rate per mile paid for transportation over railroads or public highways leading to the said bridge, and they shall enjoy the same rights and privileges as other post roads in the United States, and equal privileges in the use of said bridges shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across the said bridges and their approaches for postal-telegraph purposes.

Lawful structures and post routes.

Telegraph, etc., companies.

SEC. 3. That all railroad companies desiring the use of said bridges 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 the 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 and upon the rules and conditions to which each shall conform in using said bridges, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the party.

Right of railroads to use.

SEC. 4. That all bridges authorized to be constructed under this Act shall be built under and subject to such regulations for the security of the navigation of said river and sound 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, maps of location and designs and drawings of each of the bridges; and until plans and locations are approved by the Secretary of War the bridges shall not be commenced or built; and should any changes be made in the plans of said bridges or any one of them during the progress of the construction or after completion, such changes shall be subject to the approval of the Secretary of War, and all changes in said bridges, or any one of them, required by the Secretary of War, at any time or until their entire removal, shall be made promptly by the corporations or persons owning or operating said bridges at their expense. And the said persons or corporations shall maintain on said bridges, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe.

Secretary of War to approve plans, etc.

Changes.

Lights.

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 bridges herein authorized is not commenced within one year and completed within three years from the date hereof.

Commencement and completion.

Approved, February 25, 1901.

CHAP. 474.—An Act For the relief of the Medawakanton band of Sioux Indians, residing in Redwood County, Minnesota.

February 25, 1901.

*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 hereby is, authorized to sell, dispose of, and convey the north fractional half of the northeast quarter and the southeast*

Purchase of lieu lands for Medawakanton band of Sioux Indians, Redwood county, Minn., authorized

quarter of the northeast quarter of section one, township one hundred and twelve, range thirty-five, in Redwood County, Minnesota, purchased in eighteen hundred and eighty-nine for the use of the Medawakanton band of Sioux Indians, residing in Redwood County, for cash at the best obtainable price not less than thirteen dollars per acre, and that he is hereby authorized and empowered to purchase other lands in said county for said Indians with the proceeds arising from such sale: *Provided*, That the written consent of the adult Indians residing in Redwood County, Minnesota, shall first be given.

*Proviso.*  
Consent of Indians.

Approved, February 25, 1901.

February 25, 1901.

**CHAP. 475.**—An Act To authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Warrior River, between the counties of Walker and Jefferson, in section thirty-five, township seventeen, range seven west, Alabama.

Mobile and West Alabama Railroad may bridge Warrior River, Ala.

Draw, etc.

*Provisos.*  
Lawful structure and post route.

Rights of railroads to use.

Secretary of War to approve plans.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Mobile and West Alabama Railroad Company, a corporation created and existing under an act of the general assembly of the State of Alabama, be, and is hereby, authorized to construct and maintain a railroad bridge for the passage of railway engines and cars across the Warrior River, at such point as may be selected by such company, in section thirty-five, township seventeen, range seven west, and approved by the Secretary of War, between the counties of Walker and Jefferson, Alabama, 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, 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 rate per mile paid for transportation over railroads or public highways leading to the said bridge; 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: *Provided, also*, 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 railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such use or the sums to be paid, all matters at issue shall be determined by the Secretary of War upon hearing the allegations and proofs submitted to him.

**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-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 or after completion, such change shall be subject to the approval of the Secretary of War.

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.

Amendment.  
Alterations.

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; and said company or 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.

Draw.

Lights.

SEC. 5. That all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge; 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.

Telegraph, etc.,  
companies.

Commencement and  
completion.

Approved, February 25, 1901.

**CHAP. 476.**—An Act To authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Tombigbee River between the counties of Marengo and Choctaw, below Demopolis, Alabama.

February 25, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Mobile and West Alabama Railroad Company, a corporation created and existing under an Act of the general assembly of the State of Alabama, be, and is hereby, authorized to construct and maintain a railroad bridge for the passage of railway engines and cars across the Tombigbee River at a point suitable to the interests of navigation between Marengo and Choctaw counties, below Demopolis, in the State of Alabama, 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, upon which, also, no higher charge shall be made for the transportation over the same of the mails, the troops, or 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 the United States shall have the right of way for a postal telegraph across said bridge: *Provided,* also, 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 railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such use or the sums to be paid, all matters at issue shall be determined by the Secretary of War, upon hearing the allegations and proofs submitted to him.

Mobile and West Al-  
abama Railroad may  
bridge Tombigbee  
River, Ala.

Draw, etc.

*Provisos.*  
Lawful structure  
and post route.

Postal telegraph.

Rights of railroads  
to use.

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-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

Secretary of War to  
approve plans, etc.

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 or after completion, such change shall be subject to the approval of the Secretary of War.

Amendment.  
Alterations.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act at any time; and 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; and said company or 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.

Lights.

Telegraph, etc.,  
companies.

SEC. 5. That all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge; 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 25, 1901.

February 25, 1901.

CHAP. 477.—An Act To authorize the construction of a bridge across Little River, at or near mouth of Big Lake, State of Arkansas.

Jonesboro, Lake  
City and Eastern Rail-  
road may bridge Lit-  
tle River, Arkansas.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Jonesboro, Lake City and Eastern Railroad Company, a corporation incorporated under the laws of the State of Arkansas, its successors or assigns, are hereby authorized to construct, operate, and maintain a drawbridge across Little River, at or near the mouth of Big Lake, in section nine, township fourteen north, range nine east, Mississippi County, in the State of Arkansas. Said bridge shall be constructed in accordance with such plans as the Secretary of War may decide to be necessary, and approved by him: *Provided*, That before the construction of any bridge herein authorized is commenced the said company shall submit to the Secretary of War, for his examination and approval, a design and drawing of such bridge, and map of the location, giving sufficient information to enable the Secretary of War to fully and satisfactorily understand the subject: and unless the plan and location of such bridge are approved by the Secretary of War the structure shall not be built; and should any change be made in said bridge, before or after completion, such changes shall be likewise 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: *Provided further*, That any bridge constructed under authority of this Act shall at all times be so kept and managed as to offer proper and reasonable means for the passage of vessels and other water craft through or under said structure: and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the currents of the river: and for the safety of vessels passing at night

Secretary of War to  
approve plans.

Provisos.

Changes.

Aids to navigation,  
etc.

Lights.

there shall be displayed on said bridge, from sunset to sunrise, such lights or other signals as may be prescribed by the Light-House Board; and the said company shall, at its own expense, build and maintain such dikes, wing dams, or other works as the Secretary of War may deem necessary to maintain the channel within the draw or channel spans of the bridge.

Wing dams, etc.

SEC. 2. That all railroad companies desiring the use of said bridge shall have 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 of said bridge and any railroad company desiring such use shall fail to agree upon the sums to be paid or upon the conditions to be observed, all matters at issue shall be decided by the Secretary of War upon hearing the allegations and proof of the parties.

Right of railroads to use.

SEC. 3. That the bridge constructed, maintained, and operated under this Act and according 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 the munitions of war of the United States than the rate per mile paid for 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.

Lawful structure and post route.

Postal telegraph, etc.

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 two years from the approval of this Act.

Commencement and completion.

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

Amendment.

Approved, February 25, 1901.

**CHAP. 478.**—An Act Supplemental to an Act entitled “An Act to incorporate the Reform School for Girls of the District of Columbia,” approved July ninth, eighteen hundred and eighty-eight.

February 25, 1901.

*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, which Act was made applicable to the Reform School for Girls of the District of Columbia by the sixth section of the Act to which this Act is a supplement, be, and they are hereby, amended as applicable to the said Reform School for Girls, so as to read as follows:

District of Columbia. Reform School for Girls. Vol. 25, p. 245. Vol. 19, p. 49, amended.

“SEC. 8. That whenever any girl 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 her to imprisonment in the county jail or fining her, may commit her to the Reform School for Girls, to remain until she 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 for Girls, first, any girl 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 girl under seventeen years of age, with the consent of her parent or guardian, against whom any charge of crime or misdemeanor shall have been made, upon probable cause shown to the satisfaction of the

Commitment of girls under 17 years of age.

—who may be committed.

court; third, any girl 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 girl under seventeen years of age who is incorrigible or habitually disregards the commands of her 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 her years and condition or to attend school. And the president of the board of trustees may also commit to the Reform School for Girls such girls 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 girl, 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 by president of board of trustees.

Period of detention.

“SEC. 9. That every girl sent to the Reform School for Girls shall remain until she is twenty-one years of age unless sooner discharged or bound as an apprentice.”

By-laws, etc.

“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 girls 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.”

Approved, February 25, 1901.

February 26, 1901.

**CHAP. 607.**—An Act To amend section twelve hundred and twenty-five of Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools.

Retired Army and Navy officers.

Whereas the national defense must depend upon the volunteer service of the people of the several States; and

Whereas those schools which shall adopt a system of military instruction are entitled to the assistance of the Government in order to secure to the United States such a knowledge of military affairs among the youth of the country as will render them efficient as volunteers if called upon for the national defense: Therefore,

Detail authorized as instructors in drill, etc., in schools.  
R. S., sec. 1225, p. 216, amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section twelve hundred and twenty-five of the Revised Statutes, concerning the detail of officers of the Army and Navy to educational institutions be, and the same is hereby, amended so as to permit the President to detail under the provisions of that Act, and in addition to the detail of the officers of the Army and Navy now authorized to be detailed under the existing provisions of said Act, such retired officers of the Army and Navy of the United States as in his judgment may be required for that purpose, to act as instructors in military drill and tactics in schools in the United States, where such instruction shall have been authorized by the educational authorities thereof, and where the services of such instructors shall have been applied for by said authorities.

Payments to officers by school.

SEC. 2. That no detail shall be made under this Act to any school unless it shall pay the cost of commutation of quarters of the retired officers detailed thereto and the extra-duty pay to which the latter may be entitled by law to receive for the performance of special duty: *Provided,* That no detail shall be made under the provisions of this Act unless the officers to be detailed are willing to accept such position without compensation from the Government other than their retired pay.

*Proviso.*  
—by United States.

SEC. 3. That the Secretary of War is authorized to issue at his discretion, and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, upon the approval of the governors of the respective States, such number of the same as may be required for military instruction and practice by such school, and the Secretary shall require a bond in each case, for double the value of the property, for the care and safe-keeping thereof and for the return of the same when required.

Use of ordnance, etc., for instruction authorized.

SEC. 4. That this Act shall take effect immediately.

Effect.

Approved, February 26, 1901.

**CHAP. 608.**—An Act To authorize the Carolina Northern Railroad Company to construct and maintain a bridge across the Lumber River in or near the town of Lumberton, Robeson County, North Carolina.

February 26, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Carolina Northern Railroad Company, a corporation created and existing under an act of the general assembly 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, in or near the town of Lumberton: *Provided*, That said bridge shall not be constructed within one mile of any other bridge across said stream; said bridge to be so constructed as not to obstruct the navigation of said river and to be provided with a suitable draw: *Provided further*, 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, 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 transportation over railroads or public highways leading to the said bridge, and the United States shall have the right of way for a postal telegraph across said bridge.

Carolina Northern Railroad may bridge Lumber River at Lumberton, N. C.

*Proviso.*  
Draw, etc.

Lawful structure and post route.

Postal telegraph.

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: *Provided*, 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.

Secretary of War to approve plans.

Changes

*Proviso.*  
Existing law unimpaired.

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

Amendment.  
Alterations.

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, 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; 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.

Lights.

Commencement and completion.

Approved, February 26, 1901.

February 27, 1901.

**CHAP. 613.**—An Act Amending an Act entitled “An Act authorizing the construction of a bridge over the Mississippi River to the city of Saint Louis, in the State of Missouri, from some suitable point between the north line of Saint Clair County, Illinois, and the southwest line of said county,” approved March third, anno Domini eighteen hundred and ninety-seven.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section one of said Act be amended to read as follows: “That the consent of Congress is hereby given to the East Saint Louis and Saint Louis Bridge and Construction Company, of the city of East Saint Louis, of the county of Saint Clair and State of Illinois, a corporation organized under the laws of the State of Illinois, its assigns, successors, grantees, mortgagees, representatives, and successors in interest, to build, own, operate, and maintain a bridge and approaches thereto, as hereinafter described, across the Mississippi River, from some point between the north line of Saint Clair County, Illinois, and the southwest line of said county to the city of Saint Louis, State of Missouri: *Provided,* That the plan of said bridge be approved by the Secretary of War: *Provided also,* That said proposed bridge shall be constructed for the purpose of providing for the passage of wagons, vehicles, street cars, animals, and foot passengers, and shall, at the option of the said East Saint Louis and Saint Louis Bridge and Construction Company, be so constructed of sufficient strength and dimensions as to provide for the passage over it of railway, passenger, and freight trains and the accommodation of a track or tracks therefor, but in either event the piers of said bridge shall be built of sufficient strength to admit of the passage of railway, freight, and passenger trains over it, and said bridge shall be deemed and taken as a public highway for the purposes named only, subject to the provisions hereinafter set forth: *Provided also,* That street and other railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of cars over the same and over the approaches thereto, and in case the owner or owners of said bridge and the railway companies, or any of them, desiring such use shall fail to agree 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 hearing the allegations and proofs of the parties in question.”

Bridge of East St. Louis and St. Louis Bridge and Construction Company over Mississippi River, St. Louis, Mo.

Vol. 29, p. 685, amended.

*Provisos.* Secretary of War to approve plans. Transit, etc.

Use by street railways.

Lawful structure and post route.

SEC. 2. That section two of said Act be amended so as to read as follows: “That any bridge built under this Act shall be a lawful structure and shall be recognized and known as a post route; that no charge shall be made for the transmission over the same of the mails, troops,



and the munitions of war of the United States, and it 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."

Telegraph, etc., companies.

SEC. 3. That section three shall be so amended as to read as follows: "That in case the said bridge shall be built below the bridge heretofore constructed and known as the Eads Bridge it shall be built with an unbroken and continuous single span, and the lowest part of said span shall not be of less elevation in any case than seventy-five feet above the Saint Louis city directrix; and in case the said bridge shall be built above the said Eads Bridge, and immediately north thereof with the piers of the same opposite those of the Eads Bridge, so that they may be continuous thereto with three fixed channel spans giving the same clear width of waterway between piers as there is now between those of the Eads Bridge, and the said East Saint Louis and Saint Louis Bridge and Construction Company shall have the option of constructing said proposed bridge at or near the foot of Mullanphy street, in the city of St. Louis, but in that case there shall be at least three fixed channel spans, the west span to have a clear waterway of seven hundred feet and the other two channel spans to have a clear waterway of five hundred feet, each measured at right angles to the current at any and all stages of water; and the lowest part of said spans shall not be of less elevation in any case than fifty feet above the Saint Louis city directrix, plus the slope of the river from the foot of Walnut street, in the city of Saint Louis, to the point where the bridge shall be built; and the piers of the said bridge shall be parallel with the current of the river: *Provided*, That all shore piers and bridge approaches shall be so located and constructed as not to interfere with the use of any existing railroad right of way, depot grounds, or railroad yards."

Construction. Below Eads Bridge.

—above.

Spans.

*Proviso.* Existing railroad rights unimpaired.

Piers.

SEC. 4. That section four of said Act shall read as follows: "That the piers of all high channel spans shall be built parallel with the current of the river at the stage of the water which is most important to navigation; and riprapping or any other protection for imperfect foundations which will materially lessen the waterway or which may injure navigation shall not be employed in the channel ways of the high spans, and any piers which will produce cross currents or bars dangerous to navigation shall not be constructed; and if, after construction, any piers or protection walls are found to produce the above-mentioned effects, the nuisance shall be abated or corrected by or at the expense of the persons owning said bridge; and the approaches to the channel spans mentioned in this Act shall provide sufficient waterway for the passage of floods."

Lights.

Headroom notices.

SEC. 5. That section five of said Act be so amended as to read as follows: "That the persons owning, controlling, or operating the bridge authorized by this Act shall maintain, at their own expense, from sunset to sunrise throughout the year and during the heavy fogs, such lights or other signals as the Government Light-House Board shall prescribe, and shall also each day during the season of navigation have posted in a conspicuous place the clear headroom under the channel span on that day, the figures expressing this height to be readily visible to the naked eye from any point in the channel of the river for a stretch of four thousand feet, of which three thousand feet shall be above and one thousand feet shall be below the channel spans of the bridge."

Unobstructed navigation.

SEC. 6. That section six of said Act shall be amended to read as follows: "That no bridge shall be constructed, erected, or maintained under the authority of this Act which shall at any time substantially or materially obstruct the navigation of said river; and if any bridge

erected under such authority shall, in the opinion of the Secretary of War, materially obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will obviate such obstruction; and all such alterations and changes shall be made and all obstructions removed at the expense of the persons owning or controlling such bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the navigation of said river, caused or alleged to be caused by said bridge, the case shall be brought and tried in the circuit court of the United States for the southern district of Illinois."

Litigation.

Secretary of War to approve plans.

SEC. 7. That section seven of said Act shall be so amended as to read as follows: "That the bridge authorized to be constructed under this Act shall be built under and subject to such regulations for the security of 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 drawings of the bridge and a map of the location, giving for a sufficient distance above and below the bridge the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at low, medium, and high water 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 of the bridge is approved by the Secretary of War the bridge shall not be built; and should any changes be made in the plan of said bridge during the progress of the construction of the same such changes shall be subject to the approval of the Secretary of War."

Commencement and completion, time extended.

SEC. 8. That section eight of said Act shall be amended to read as follows: "That in case the construction of the bridge authorized by this amendatory Act shall not be commenced within one year and completed within three years from the date of the approval of this amendatory Act, then Congress may declare the same null and void."

Purpose for authorizing bridge.

SEC. 9. That section nine of said Act shall be amended to read as follows: "That the principal reason for giving authority to build the bridge herein contemplated is declared to be to secure reasonable rates and tolls to that class of traffic described in section one of this Act for the passage over the same, and to facilitate the transaction of business across the Mississippi River at the city of Saint Louis."

Transportation.

SEC. 10. That section ten of said Act shall be amended to read as follows: "That said corporation may transport on said bridge and approaches thereto persons and property of the class prescribed herein, and may allow others so to do; and said bridge and approaches may be used for the transportation of all that class of persons and property described in this Act, under such regulations as the board of directors or board of managers of said corporation or the parties owning the said bridge may prescribe. The corporation owning the said bridge may take, receive, and collect such rates and tolls for travel, passage, or transportation over said bridge and approaches as the directors of the corporation owning or controlling said bridge may from time to time fix and establish: *Provided*, That the rates charged for such travel, passage, or transportation shall not exceed the following, to wit:

Tolls.

*Proviso.*  
Rates prescribed.

For each freight car, loaded or unloaded, three dollars; for each passenger car, exclusive of the passengers riding therein, three dollars; for each passenger over five years of age crossing in any passenger car, fifteen cents; for each foot passenger over five years of age, three cents; for every person on horseback, including horse, seven cents; for every gig, buggy, carriage, cart, or wagon drawn by one animal, ten cents; for every buggy, carriage, cart, or wagon drawn by two animals, twenty cents; for every buggy, carriage, cart, or wagon drawn

by three animals, twenty-five cents; for every buggy, carriage, cart, or wagon drawn by four animals, thirty cents; for every buggy, carriage, cart, or wagon, drawn by more than four animals, five cents extra for each animal; for each head of cattle, horses, mules, or other animals other than those attached to vehicles, ten cents; for each head of sheep or swine, five cents. In case said corporation owning or controlling said bridge shall operate a street-car line, or permit any street-car company to operate a street-car line on said bridge and approaches, the fare for a single passenger over said bridge for persons over five years of age shall not exceed five cents."

SEC. 11. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

SEC. 12. That all Acts or parts of Acts in conflict with this Act are hereby repealed.

Repeal.

Approved, February 27, 1901.

**CHAP. 614.**—An Act To amend an Act granting to railroads the right of way through the public lands of the United States, approved March third, eighteen hundred and seventy-five.

February 27, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all lands in the State of Minnesota described in and withdrawn from sale by the proclamations of the President of the United States for the reason that said lands would be required for or subject to flowage in the construction of dams, reservoirs, and other works proposed to be erected for the improvement of the navigation of the Mississippi River and certain of its tributaries, be, and the same are hereby, declared to be, and to have been at all times heretofore, subject to the provisions of a certain Act of Congress entitled "An Act granting to railroads the right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five, as fully, effectually, and to the same extent as though said lands had not been described in said proclamations, or withdrawn from sale thereby, but had remained with the body of public lands subject to private entry and sale: *Provided, however,* That any and all parts of said lands acquired by any railroad company under said Act of Congress shall at all times be subject to the right of flowage which at any time may become necessary in the construction or maintenance of dams, reservoirs, or other works which may be constructed or erected by or under the authority of the United States for the improvement of the navigation of the Mississippi River and its tributaries: *Provided further,* That the railroad companies availing themselves of this Act shall, in addition to filing the maps now required by law to be filed, also file maps of definite location with elevation of rail of their lines of railroad over said water-reserve lands in the office of the Secretary of War; and no location shall be permitted which takes for right of way or stations or interferes with submergence of lands needed for the use of the present reservoir system, or in the construction of dams or other works, or any proposed or probable extension of the same, or which will obstruct or increase the cost of the present or prospective reservoir system: *Provided further,* That the plan for the location and construction of any such railway, or any part thereof, shall be first submitted to the Secretary of War and approved by him and by the Chief of Engineers of the United States Army.

Minnesota.  
Certain water-reserve lands declared subject to railroad rights of way on public lands.  
Vol. 18., p. 482.

*Provisos.*

Right of flowage for improvement of Mississippi River reserved.

Railroads to file maps of definite location.

—locations prohibited.

Secretary of War to approve plans.

Approved, February 27, 1901.

February 27, 1901.

**CHAP. 615.**—An Act For the establishment of a subport of entry at Douglas, Arizona.Douglas, Ariz.  
Made subport of entry.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Douglas, in the district of Arizona, Territory of Arizona, shall be established a subport of entry, and a deputy collector shall be appointed who shall reside at said subport of entry and receive such compensation as the Secretary of the Treasury may allow.

Approved, February 27, 1901.

February 27, 1901.

**CHAP. 616.**—An Act To confirm a lease with the Seneca Nation of Indians.Seneca Nation of Indians.  
Lease of land to Erie Preserving Company ratified.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whereas on the eighteenth day of November, eighteen hundred and ninety-nine, Charles Dennis, a Seneca Indian, leased to the Erie Preserving Company, as a site for a manufacturing plant, a certain piece of land near the village of Irving, New York; and whereas on the twenty-ninth day of December, eighteen hundred and ninety-nine, the said lease was confirmed, ratified, and approved by the council of the Seneca Nation of Indians, according to its terms and conditions: Now, therefore, the action of the said Charles Dennis and of said Seneca Nation, by its council, is ratified, confirmed, and approved.

Approved, February 27, 1901.

February 23, 1901.

**CHAP. 619.**—An Act Authorizing the Secretary of the Interior to sell a certain lot in the District of Columbia at public auction.District of Columbia.  
Secretary of Interior authorized to sell lot 10, square 1041.

*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 forthwith offer at public auction, upon such terms as are usual in sales of real estate made by trustees appointed by the supreme court of the District of Columbia, all the right, title, interest, and estate of the United States in and to a certain lot of land in the city of Washington, District of Columbia, known upon the plat or plan of said city as lot numbered ten, in square numbered one thousand and forty-one. And upon the full compliance of the purchaser or purchasers with the terms of said sale, to execute and deliver to such purchaser or purchasers a deed of said lot, conveying the aforesaid interest of the United States therein. And out of the proceeds of such sale the Secretary of the Interior shall pay, or caused to be paid, to John H. Gause and Charles E. Gause such sum or sums as they, or either of them, have expended, laid out, and become liable for in the purchase of such title to the aforesaid lot as they have, including such amounts as they have paid to the District of Columbia for general and special taxes levied upon said lot, the cost of examinations of its title and the cost of attempting to perfect same. And the Secretary of the Interior shall, out of the proceeds of sale, also pay, or cause to be paid, to Charles G. Stott, such sum or sums as he or his predecessors in title have expended, laid out, and become liable for in the purchase of such title to the aforesaid lot as he acquired, including such amounts as he or his predecessors in the title that he has have paid to the District of Columbia for general and special taxes levied upon said lot, the cost of examinations of such title, and the cost of attempting to perfect same,

Disposition of proceeds of sale.  
Payment to J. H. Gause, etc.

if any. The balance of said proceeds of sale shall be covered into the Treasury by the Secretary of the Interior, to the credit of the United States.

Approved, February 28, 1901.

**CHAP. 620.**—An Act To provide for the refunding of certain moneys illegally assessed and collected in the district of Utah.

February 28, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to the persons, firms, and corporations hereinafter named, the amounts respectively placed opposite their names, the said amounts having been illegally assessed by the Commissioner of Internal Revenue and collected by the collector of internal revenue for the district of Utah in eighteen hundred and seventy-eight and eighteen hundred and seventy-nine as a tax of ten per centum on notes used for circulation and paid out, such tax having been held illegal by the Supreme Court of the United States: American Fork Cooperative Mercantile Institution, three hundred and twenty-four dollars; Alpine Cooperative Mercantile Institution, twenty-seven dollars and twenty-five cents; Big Cottonwood Cooperative Mercantile Institution, one hundred and twenty-six dollars; Beers and Driggs, one hundred and fifty-two dollars and fifty cents; Beers and Lafevre, twenty-five dollars; James Chipman, two hundred and seventeen dollars and eighty cents; Canaan Cooperative Stock Company, three hundred and fifty-seven dollars and eighteen cents; Alfred Dunkley, seventy-nine dollars and twenty cents; Ephraim United Order Mercantile Institution, one hundred and eighty dollars; Fillmore Cooperative Institution, ninety-six dollars and eighty-six cents; Fur Traders' Union, fifteen dollars; Fountain Green Cooperative Mercantile Institution, ninety dollars; Fairview Cooperative Mercantile Institution, one hundred and sixty-four dollars; Freshwater and Son, fifty-four dollars; E. W. Fox and Company, seventy-two dollars; Goshen Cooperative Mercantile Institution, one hundred dollars; Grantsville Cooperative Mercantile Institution, one hundred and one dollars and twenty-five cents; Goodwin Brothers, one hundred and eighty dollars; Glenwood Cooperative Mercantile Institution, forty-five dollars; Gunnison Cooperative Mercantile Institution, ninety dollars; Heber City Cooperative Mercantile Institution, sixty-three dollars; Hancock and Son, one hundred and thirty-five dollars; Moroni Cooperative Mercantile Institution, one hundred and forty-four dollars; Mount Pleasant Cooperative Mercantile Institution, one hundred and eighty dollars; Midway Cooperative Mercantile Institution, three dollars and seventy-five cents; Mill Creek Cooperative Mercantile Institution, thirty-six dollars; Manti Cooperative Mercantile Institution, one hundred and sixty-six dollars; Monroe Cooperative Mercantile Institution, eighteen dollars; Newton Cooperative Mercantile Institution, three dollars and sixty cents; Nephi Cooperative Mercantile Institution, one hundred and eighty dollars; N. P. Neilson, ten dollars and fifty cents; S. J. Neilson, nine dollars and forty-five cents; People's Cooperative Mercantile Institution, three hundred and twenty-four dollars; Pleasant Grove Cooperative Mercantile Institution, one hundred and fifty-three dollars; Provo Cooperative Mercantile Institution, one hundred and eighty dollars; Provo West Branch Cooperative Mercantile Institution, ninety dollars; Payson Mercantile Association, one hundred and sixty-five dollars; Payson Branch Mercantile Association, one hundred and twenty-two dollars and twenty-five cents; Quinn, Larsen and Company, eighteen dollars; Richmond Cooperative

Utah.  
Refund of certain  
moneys illegally col-  
lected by collector of  
internal revenue au-  
thorized.

—payees.

Mercantile Institution, three hundred and sixty dollars; Saint George Lady's Cooperative Mercantile Institution, twenty-seven dollars and fifty cents; Saint George Cooperative Mercantile Institution, two hundred and seventy dollars; South Cottonwood Cooperative Mercantile Institution, thirty-six dollars; Smithfield Cooperative Mercantile Institution, twenty-five dollars; Spanish Fork Cooperative Mercantile Institution, three hundred and sixty dollars; Salem Cooperative Mercantile Institution, four dollars and fifty cents; Sanpete County Cooperative Mercantile Institution, one hundred and forty-four dollars; United Order Building and Manufacturing Company, five hundred and five dollars; Windsor Castle Stock Growing Company, three hundred and eighty-three dollars and ninety-six cents; Wellsville Cooperative Mercantile Institution, two hundred and thirteen dollars and fifty cents; Willard Cooperative Mercantile Institution, forty dollars; George A. Waterman, thirty-eight dollars and thirty cents; Zion's Cooperative Rio Virgin Manufacturing Company, three hundred and twenty-five dollars.

Approved, February 28, 1901.

February 28, 1901.

**CHAP. 621.**—An Act To create the eastern division of the northern Federal judicial district of Georgia, and for other purposes.

Georgia northern judicial district.  
Eastern division of created.  
—counties composing.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the eastern division of the northern judicial district of Georgia is hereby created and established, to be composed of the counties of Banks, Clarke, Franklin, Greene, Habersham, Hart, Jackson, Morgan, Madison, Oglethorpe, Oconee, Walton, Rabun, White, and Elbert.

Terms of court.

**SEC. 2.** That there shall be held at the city of Athens, in said eastern division of the said northern judicial district of Georgia, two terms of the district and circuit courts in each and every year, on the third Monday in April and the first Monday in November, and it shall be the duty of the clerk or his deputy and other officers of the northern judicial district aforesaid to attend said terms of said court and perform all the duties appertaining to their position, and no additional district attorney, clerk, or marshal shall be appointed in said district. If in the opinion of the court it shall become necessary, a deputy clerk may be appointed by the court to attend to the duties of that office in the eastern division. All pleadings and other papers may be filed in the clerk's office at Atlanta, and all process may issue therefrom, except while court is in session at Athens. The compensation of the clerks shall not be changed or affected by the failure to appoint a deputy clerk at Athens: *Provided,* That suitable rooms and accommodations are furnished for the holding of said courts free of expense to the Government of the United States.

Clerk, etc.

No additional officers.

Deputy clerk.

Filing papers, etc.

*Proviso.*  
Court rooms.

Where suits to be brought.

**SEC. 3.** That all actions at law and all suits in equity against a defendant who shall be a resident of said eastern division shall be brought therein. Suits for the recovery of lands shall be brought in the division of the district where the land is situated; but in all cases at law or in equity against more than one defendant, in which some of the defendants shall reside in the western and some in the eastern division, such action at law may be brought in either division, and such suit in equity may be brought in either division in which a defendant may reside against whom substantial relief is prayed. Cases removed from any of the courts of the State of Georgia to the circuit court of the United States for the northern district shall be removed to the circuit court in and for the division in which said court is held from which it was removed.

Crimes.

**SEC. 4.** That all prosecutions for crime or offense committed after the date at which this Act takes effect, in any of the counties compos-

ing the said eastern division, shall be cognizable within such division, and all prosecutions begun and pending when this Act takes effect shall be proceeded with as if this Act had not been passed.

SEC. 5. That all grand and petit jurors summoned for service in said eastern division shall be residents thereof and shall be selected from such counties as the court may direct, and all laws heretofore applicable to the northern district of Georgia regulating writs, actions, suits, and other proceedings therein shall be applicable to the eastern division of said district hereby created so far as the same may relate to any right, action, suit, or other proceeding of which the courts of said eastern division shall have jurisdiction.

Jurors.

Existing laws applicable to new division.

SEC. 6. That this Act shall be of force from and after the thirtieth day of June, nineteen hundred and one, and all Acts and parts of Acts inconsistent therewith are hereby repealed.

Effect.

Repeal.

Approved, February 28, 1901.

**CHAP. 622.**—An Act To regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes.

February 28, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all moneys which shall belong to the Seneca Nation of New York Indians arising from existing leases or leases that may hereafter be made of lands within the Cattaraugus, Allegany and Oil Springs reservations, shall be paid to and be recoverable to the United States Indian agent for the New York Indian Agency for and in the name of the said Seneca Nation: Provided, That nothing herein contained shall be held to validate or confirm any lease that otherwise may be invalid.*

Seneca Nation of New York Indians. Collection of moneys from leases payable to agent New York Indian Agency.

Proviso.

Invalid leases unaffected.

SEC. 2. That from the moneys so received from said leases the said agent shall annually, on the first Wednesday after the first Tuesday in June, pay over to the treasurer of the Seneca Nation the sum of two thousand five hundred dollars for the disposal by its council, and shall distribute the balance of said moneys, after deducting as hereinafter provided, among the heads of families of the Seneca Nation in like manner and under the same conditions that the annuities paid to the said nation by the United States are distributed.

Payments by agent to Indians.

SEC. 3. That the said agent shall give bond to the United States in such sum as may be approved by the Secretary of the Interior, and he shall make an annual report to the Commissioner of Indian Affairs of the receipt and disbursement of all moneys arising from said leases, and he shall receive annually, as additional compensation, the sum of two hundred and fifty dollars.

Bond of agent. —report.

—compensation.

SEC. 4. That the treasurer of the Seneca Nation shall annually, on the last Tuesday in April, make a written report to the United States Indian agent of the New York Indian Agency of all moneys received and disbursed by him as treasurer of said Seneca Nation.

Report of treasurer of Seneca Nation.

SEC. 5. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Repeal.

Approved, February 28, 1901.

**CHAP. 623.**—An Act Relating to the Metropolitan police of the District of Columbia.

February 28, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Metropolitan police district of the District of Columbia shall be coextensive with the Dis-*

District of Columbia. Metropolitan police.

Composition, etc.  
R. S., D. C., sec. 321,  
p. 39.

Appointments and  
promotions.

Provisos.  
Commissioners to  
prescribe duties, etc.

Removal.

Bond of officers.

Detail for detective  
work.

Fines in police court  
and dog license re-  
ceipts available for  
deficiencies police-  
man and fireman's  
fund.

Provisos.  
Retirement allow-  
ance to officers of  
police and chief fire  
department.

—limit to widow, etc.

Penalty for illegal  
practice as private de-  
tective.

Powers of special  
policeman.

Repeal.

tract of Columbia, and shall be subdivided as the Commissioners of the said District may from time to time direct. The Metropolitan police force shall consist of one major and superintendent, one captain and assistant superintendent, and such number of captains, lieutenants, sergeants, privates of class two, privates of class one, desk sergeants, and others as Congress may from time to time provide. Original appointments of privates shall be made to class one, and all promotions within the force shall be made according to such regulations and after such physical and mental examinations as the Commissioners of the District of Columbia shall prescribe: *Provided*, That the said Commissioners shall fix the limits of age and height, and shall prescribe the duties of all officers and members of the police force: *And provided further*, That no removal from the police force shall be made except on written charges and after an opportunity for defense on the part of the person against whom such charges may be made; but no person so removed shall be reappointed to any office in said police force.

SEC. 2. That the Commissioners of the District of Columbia shall require security to be entered into by the major and superintendent, assistant superintendent, captains, lieutenants, and all other officers who may be intrusted with the keeping of money and valuables.

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized to detail from time to time from the privates of the police force such number of privates as may in their judgment be necessary for special service in the detection and prevention of crime, and while serving in such capacity they shall have the rank of sergeants in the force.

SEC. 4. That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of receipts from fines in the police court and receipts from dog licenses, a sufficient amount to meet any deficiency in the policemen's fund or firemen's fund: *Provided*, That the chief engineer of the fire department and the superintendent, assistant superintendent, any captain or lieutenant of police, in case of retirement as now provided by law, shall receive relief not exceeding one hundred dollars per month; and in case of the death from injury or disease of any of the officers named in this section, if he leave a widow or children under sixteen years of age, the same shall be for their relief during the period of widowhood, or until such children reach the age of sixteen years: *Provided*, That in no case shall the amount paid to a widow exceed fifty dollars per month, nor shall the amount paid for a child exceed twenty-five dollars per month.

SEC. 5. That any person practicing as a private detective or advertising or holding himself out as such without first complying with the provisions of law relative to private detectives shall be guilty of a misdemeanor and subject to a fine not exceeding five hundred dollars or imprisonment in the district jail for a period not exceeding eleven months and twenty-nine days.

SEC. 6. That the Act approved June twenty-fourth, eighteen hundred and ninety-eight, relating to the posting of special policemen, be, and the same is hereby, amended as follows:

"The special policemen aforesaid shall possess all the powers and authority now conferred by law upon privates in the Metropolitan police force, subject to such regulations as the Commissioners of the District of Columbia may from time to time prescribe."

SEC. 7. That all laws inconsistent herewith are hereby repealed.

Approved, February 28, 1901.



**CHAP. 668.**—An Act To permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation of the District of Columbia, and for other purposes.

March 1, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Protestant Episcopal Cathedral Foundation of the District of Columbia is hereby authorized to permit the burial of the dead in any designated part of its land in the District of Columbia situate between the Tennallytown road, Woodley lane, Galveston street, Thirty-fifth street, and Massachusetts avenue, or in vaults in the cathedral to be built on the said land, under such sanitary regulations as shall be prescribed by the Commissioners of the District of Columbia: *Provided,* That not more than four such burials shall be allowed in any one calendar year.

District of Columbia. Burials permitted in lands of Protestant Episcopal Cathedral Foundation.

*Proviso.*  
—limit annually.

Remains of first bishop of Maryland, removal, etc.

**SEC. 2.** That the remains of Thomas John Claggett, first bishop of Maryland, and his wife, may be allowed to remain in the vault in which they are now deposited in the churchyard of Saint Alban's Church, adjoining the lands of the Cathedral Foundation, and that the said remains may be removed hereafter to the grounds of the Protestant Episcopal Cathedral Foundation of the District of Columbia, or to the cathedral which shall be built thereon.

Approved, March 1, 1901.

**CHAP. 669.**—An Act To authorize the Fourth Pool Connecting Railroad Company to construct and maintain a bridge across the Monongahela River:

March 1, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Fourth Pool Connecting 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 one or more tracks, for railroad traffic across the Monongahela River, between a point in the township of Allen, in the county of Washington, and a point in the township of Washington, in the county of Fayette. 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.

Fourth Pool Connecting Railroad may bridge Monongahela River.

—location.

Lawful structure, etc.

**SEC. 2.** That the bridge authorized to be constructed under this Act shall be located and built under and subject to such requirements 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 one mile above and one-half mile below the proposed location, the topography of the banks of the river and the shore lines at high and low water. This map shall be accompanied by others drawn on a scale of one inch to two hundred feet, giving for a space of one-half a mile above the line of the proposed bridge and a quarter of a mile below, an accurate representation of the bottom of the soundings, and also showing over the whole width of this part of the river the force and direction of the currents at low water, at high water, and at least one intermediate stage, by triangulated observations on suitable floats, 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 no serious obstruction to the navigation of the river or injuriously affect the flow of water.

Secretary of War to approve plans.

**SEC. 3.** 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 plan and at said locality will conform to the provisions of

Notification to company, etc.

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.

Changes.

Transit.

Toll.

*Proviso.*  
Rights of railroads  
to use.

SEC. 4. That said bridge, at the option of the railroad company, may be constructed so that the same can be used for the passage of wagons and vehicles of all kinds, and for the transit of animals and for foot passengers over the same, and may be also used for that purpose in addition to railroad purposes, and the company maintaining the same shall have the right to charge such reasonable rates of toll as bridge companies are authorized to collect under the laws of Pennsylvania: *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 railway trains over the same, and over 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 proofs of the parties.

Lawful structure  
and post routes.

Postal telegraph.

SEC. 5. That any bridge constructed under this Act shall be a legal 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 United States over the same than the rate per mile charged for their transportation over the railways of, and public highways leading to, said bridge. The United States shall also have the right of way over said bridge for postal telegraph or telephone purposes.

No obstruction to  
navigation.

Lights.

Changes.

SEC. 6. That the said bridge shall be so kept and managed at all times as not to interfere with 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 may be made from time to time in the structure of said bridge as the Secretary of War may direct, at the expense of said railroad company in order the more effectually to preserve the free navigation of said river, or the said structure shall be altogether removed, if in the judgment of the Secretary of War the public good may require such removal, and without expense or charge to the United States.

Commencement and  
completion.

SEC. 7. That this Act shall be null and void if actual construction of said bridge be not commenced within one year and completed within three years from the date of the approval of this Act.

Amendment.

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

Approved, March 1, 1901.

March 1, 1901.

**CHAP. 670.**—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 two, and for other purposes.

District of Columbia.  
Appropriations.

*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 two, namely:

Half from District revenues.

### GENERAL EXPENSES.

General expenses.  
Executive office.

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 two hundred dollars each; clerk, one thousand five hundred dollars; clerk, one thousand four hundred dollars; three clerks, at one thousand two hundred dollars each; clerk, six hundred dollars; messenger, six hundred dollars; messenger, four hundred and eighty dollars; stenographer and typewriter, seven hundred and twenty dollars; two drivers, at four hundred and eighty dollars each; two laborers, one of whom shall also act as messenger and substitute elevator operator, at three hundred and sixty-five dollars each; veterinary surgeon for all horses in the departments of the District government, one thousand two hundred dollars; inspector of buildings, two thousand seven hundred and fifty dollars; principal assistant inspector of buildings, one thousand six hundred dollars; three assistant inspectors of buildings, at one thousand two hundred dollars each; four assistant inspectors of buildings, at one thousand dollars each; civil engineer or computer, one thousand five hundred dollars; two clerks, at nine hundred dollars each; messenger, four hundred and eighty dollars; janitor, one thousand 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; in all, sixty-three thousand nine hundred and eighty-eight dollars.

Commissioners, secretary, etc.

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; one clerk, arrears division, one thousand four hundred dollars; two clerks, at one thousand four hundred dollars each; four clerks, at one thousand two hundred dollars each; draftsman, one thousand two hundred dollars; four 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, six hundred dollars; messenger and driver, for board of assistant assessors, six hundred dollars; in all, thirty-eight thousand four hundred dollars.

Assessor's office.

To enable the Assessor of the District of Columbia to complete the card records of his office by placing thereon, in addition to charges for general taxes already listed, all assessments for special improvements, these additions being rendered necessary by the recent consolidation of the special assessment office with the Assessor's office, and also to prepare for the United States Treasury a list of balances of all general

Completing card records, authorized.

*Proviso.*  
Payment to employ-  
ees for overtime work.

tax levies, four thousand dollars to be immediately available: *Pro-  
vided*, That out of said amount such employees in the Assessor's Office  
as may be required for its successful prosecution may be paid for over-  
time work.

Collector'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.

For extra labor for preparation of tax-sale certificates, and so forth, with authority to employ clerks of this and other offices after office hours, to be immediately available, six hundred dollars.

Auditor's office.

FOR AUDITOR'S OFFICE: For auditor, three thousand six hundred dollars; chief clerk, two thousand one hundred dollars; bookkeeper, one thousand eight hundred dollars; clerk, one thousand six hundred dollars; disbursing officer, two thousand five hundred dollars; deputy disbursing officer, one thousand five hundred dollars; three clerks, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars each; clerk, one thousand dollars; messenger, six hundred dollars; in all, twenty-one thousand three hundred dollars.

Attorney's office.

FOR ATTORNEY'S OFFICE: For attorney, four thousand dollars; assistant attorney, two thousand dollars; second assistant attorney, during the fiscal year nineteen hundred and two, one thousand six hundred dollars; special assistant attorney, one thousand six hundred dollars; law clerk, one thousand two hundred dollars; stenographer, seven hundred and twenty dollars; messenger, two hundred dollars; in all, eleven thousand three hundred and twenty 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 four hundred and forty dollars; in all, four thousand seven hundred and forty 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; second assistant sealer of weights and measures, nine hundred dollars; clerk, nine hundred dollars; laborer, four hundred and eighty dollars; in all, five thousand nine hundred and eighty dollars.

Engineer's office.

FOR ENGINEER'S OFFICE: Record division: For chief clerk, one thousand nine hundred dollars; one clerk, one thousand eight hundred dollars; one clerk, one thousand six hundred dollars; one clerk, one thousand four hundred dollars; three clerks, at one thousand two hundred dollars each; clerk, eight hundred and forty 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 park-

ing, one thousand 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; index clerk and typewriter, seven hundred and twenty dollars; in all, sixty-seven thousand and twelve dollars.

**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.

Special assessment office.

**STREET SWEEPING OFFICE:** For superintendent, two thousand five hundred dollars; assistant superintendent and clerk, one thousand six hundred dollars; clerk, one thousand 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-five thousand one hundred dollars.

Street sweeping office.

**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.

The Commissioners of the District of Columbia are hereby authorized and directed to submit in the annual estimates for the fiscal year nineteen hundred and three estimates for all such clerks, overseers, inspectors, foremen, and other employees, other than day laborers, who are employed under authority of and paid from general appropriations, and are engaged upon regular and continuous work, and whose services will be required during said fiscal year, indicating in the case of every such employment the rate of compensation received and the appropriation from which paid.

Estimate of regular employees to be submitted.

**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; for resurvey of the Barry farm subdivision, two thousand dollars; in all, thirteen 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; two assistants, at six hundred dollars each; cata-

Free public library.

loguer, seven hundred and twenty dollars; cataloguer, six hundred dollars; stenographer and typewriter, six hundred dollars; janitor, four hundred and eighty dollars; one attendant, four hundred and eighty dollars; two attendants, at three hundred and sixty dollars each; one messenger, three hundred and sixty dollars; in all, eight thousand three hundred and eighty dollars.

For purchase of books, five thousand dollars; binding, two thousand five hundred dollars; rent, fuel, light, fitting up rooms, and other contingent expenses, three thousand five hundred dollars; in all, eleven thousand dollars.

### CONTINGENT AND MISCELLANEOUS EXPENSES.

Contingent 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; horseshoeing; fuel, ice, gas, repairs, insurance, repairs to pound and vehicles, and other general necessary expenses of District offices, including the sinking-fund office, board of charities, harbor master, health department, surveyor's office, sealer of weights and measures' office, and police court, twenty-four thousand two hundred and fifty 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.

*Proviso.*  
Horses, etc.

Sale of surplus books  
authorized.

Hereafter the Commissioners of the District of Columbia, after supplying each of the heads of the several departments and offices of the government and the judiciary of said District with the necessary copies of the bound editions of the laws affecting said District, which are prepared in the office of the secretary of the Board at the close of each session of Congress, may sell the surplus volumes at a rate per volume to be fixed by them, approximating but not less than the pro rata cost of compilation, and deposit all money so received to the credit of the appropriation out of which such cost is paid.

Index permit rec-  
ords.  
Engineer depart-  
ment, stables.

For card index for permit records, two thousand five hundred dollars. 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,  
etc.

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 testi-

mony, and photographing unidentified bodies, one thousand two hundred dollars.

For erection of morgue complete, fifteen thousand dollars; and said morgue shall be erected at such point on the water front between the north line of M street and the south line of N street as the Commissioners of the District of Columbia may decide to be most advantageous and desirable, and shall not exceed in cost said sum of fifteen thousand dollars.

Erection of morgue authorized.

For preparation of a plan or plans, specifications, and estimates of cost for a municipal hospital, five thousand dollars.

Plans municipal hospital.

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.

Advertising.

For advertising notice of taxes in arrears July first, nineteen hundred and one, 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.

Notice of arrears of taxes.  
Vol. 26, p. 24.

To enable the assessor to continue account of arrears of taxes on real property, due the District of Columbia, including the payment of necessary clerical force, two thousand dollars.

Arrears on real property.

For special repairs to market houses, two thousand two hundred and fifty dollars.

Repairs, market houses.

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.

Enforcing game and fish laws.

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.

Register of wills.

For one fore-and-aft compound engine, shaft, wheel, and other connections for harbor boat, three thousand five hundred dollars.

Engine for harbor boat.

### 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. 582.

### 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 "Ee," Book of Estimates, nineteen hundred and two, one hundred and fifty 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: Nine thousand four hundred and fifty dollars.

Allotment.

NORTHWEST SECTION SCHEDULE: Forty-six thousand and fifty dollars.

SOUTHWEST SECTION SCHEDULE: Eighteen thousand seven hundred and fifty dollars.

**SOUTHEAST SECTION SCHEDULE:** Thirty-six thousand six hundred dollars.

**NORTHEAST SECTION SCHEDULE:** Thirty-nine thousand one hundred and fifty dollars.

*Provisos.*  
Order of precedence.

*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.

Limit contracts for asphalt pavements.

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.

—increase for certain streets.

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.

Surveys and plats of outside subdivisions.

**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.

Vol. 25, p. 451.

Part of Fourth street renamed "John Marshall Place."

The name of that portion of Fourth street, northwest, formerly a part of Four-and-a-half street, extending from D street to Pennsylvania avenue, is hereby changed to John Marshall Place.

Sewers.

## SEWERS.

Cleaning.

For cleaning and repairing sewers and basins, fifty-eight thousand dollars.

Main and pipe. Suburban.

For main and pipe sewers and receiving basins, fifty thousand dollars. 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.

Flushing tanks.

For automatic flushing tanks, one thousand dollars.

Arizona avenue, etc., sewers.

For continuation of the work on the Arizona avenue sewer, fifty-five thousand dollars.

For the extension of the boundary sewer to the vicinity of Twenty-second and A streets northeast, now under contract, one hundred thousand dollars.

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 completing 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, twenty-six thousand dollars.

For constructing main sewer from Third and Cincinnati streets, northeast, through the grounds of W. W. Davidge and the Trinity College to Michigan avenue, twenty-five thousand dollars.



For sewage disposal system pumping station, three hundred and seventy-five thousand dollars. And the Commissioners of the District of Columbia are authorized to enter into contract or contracts for the completed building and so much of the machinery as may be immediately needed at a cost not to exceed seven hundred and fifty thousand dollars.

Sewage disposal station. Contracts authorized.

For low-area trunk sewer, sixty thousand dollars.

Low-area trunk sewer. Balances of appropriations available.

Any balances of former appropriations remaining after the execution of contracts for works of the sewage disposal system may be applied by the Commissioners of the District of Columbia in the execution of other portions of said sewage disposal system.

CONSTRUCTION OF COUNTY ROADS.

County roads.

For construction of county roads and suburban streets as follows: The Commissioners of the District of Columbia are hereby authorized to change and adjust the line of Cincinnati street in the vicinity of Connecticut avenue, and of Warder avenue in the vicinity of Rock Creek Church road, and of Park road between Kenesaw avenue and Klinge Ford road, and of C street in the subdivision of Deanwood Heights, upon plans approved by them: *Provided*, That no expense is incurred thereby to the United States or the District of Columbia.

Cincinnati street etc.

*Proviso.*—expense.

For paving Crescent street west of Sixteenth street, three thousand dollars.

Crescent street, Huntington street, etc.

For paving Huntington street, five thousand dollars.

For Blagden avenue, grading and macadamizing, ten thousand dollars;

For Elm street, Third to Fourth streets, northwest, paving, three thousand five hundred dollars;

For Erie street between Champlain avenue and Sixteenth street, grading and macadamizing, two thousand five hundred dollars;

For Gale street, Fifteenth to Seventeenth streets, northeast, paving, nine thousand dollars;

For Pennsylvania avenue, Anacostia River to Minnesota avenue, grading and macadamizing, three thousand dollars;

For paving Fourth street east from U street north to W street north, six thousand dollars.

For streets in Woodridge subdivision, grading and macadamizing, three thousand dollars;

For Connecticut avenue west of Rock Creek, grading and macadamizing, ten thousand dollars;

For Columbia road west from Fourteenth street, paving, five thousand dollars;

For California and Wyoming avenues, Twenty-third, Twenty-fourth, Decatur, and S streets, grading and macadamizing, five thousand dollars;

For Thirty-seventh street between New Cut road and Tennallytown road, and adjacent streets in Burleith addition, grading and macadamizing, two thousand dollars;

For Illinois avenue, grading, five thousand dollars;

For Providence street, grading and macadamizing, two thousand dollars;

For Nebraska avenue, grading and macadamizing, four thousand five hundred dollars;

For Genesee street between Brightwood avenue and Fourteenth street road, grading, one thousand dollars;

For grading and paving Connecticut avenue extended, between Le Roy place and Kalorama avenue, ten thousand dollars;

For Bunker Hill road, grading and macadamizing, seven thousand dollars;

For grading, regulating, and macadamizing Trenton street, from Brightwood avenue to Eighth street, three thousand dollars;

For Joliet street, Wisconsin avenue to Tunlaw road, grading and regulating, nineteen thousand six hundred dollars;

For Bennings and Anacostia roads, grading and macadamizing, five thousand dollars;

For completing masonry retaining wall on the east side of Rock Creek, between Cincinnati street and Woodley road, one thousand two hundred dollars;

For paving Cincinnati street and Connecticut avenue extended from Rock Creek to Cathedral avenue, twenty-one thousand five hundred dollars; in all, one hundred and forty-six thousand eight hundred 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.

## Sidewalks.

For replacing and repairing sidewalks and curbs around public reservations, Government and municipal buildings, ten thousand dollars.

## County roads.

**REPAIRS COUNTY ROADS:** For current work of repairs of county roads and suburban streets, eighty thousand dollars.

Half emergency appropriation for bridges, etc., charged to District.  
*Aut. p. 722.*

That one-half of the sum of ten thousand dollars appropriated by the joint resolution making an emergency appropriation for the repair of certain roads and bridges in the District of Columbia, approved June seventh, nineteen hundred, shall be charged to the revenues of the District of Columbia.

## Sprinkling, sweeping, etc., streets.

**SPRINKLING, SWEEPING, AND CLEANING:** For sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, including necessary incidental expenses, and work done under existing contracts, as well as hand work done under the immediate direction of the Commissioners without contract: *Provided*, That whenever it shall appear to the Commissioners that said latter work can not be done under their immediate direction at nineteen cents or less per thousand square yards, in accordance with the specifications under which the same was last advertised for bids, it shall at once be their duty to advertise to let said work under said specifications to the lowest responsible bidder, and if the same can not be procured to be done at a price not exceeding twenty cents per thousand square yards, they may continue to do said work under their immediate direction, in accordance with said specifications; one hundred and fifty-five thousand dollars.

Cleaning snow and ice.  
Vol. 28, p. 809.

For cleaning snow and ice from cross walks and gutters, under the Act approved March second, eighteen hundred and ninety-five, one thousand dollars.

## Garbage, etc., disposal.

**DISPOSAL OF CITY REFUSE:** For the collection and disposal of garbage: miscellaneous refuse and ashes from private residences 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.

## 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-five thousand dollars.

**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 eighty-five thousand dollars: *Provided*, 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: *Provided*, That all of said lamps shall burn every night, on the average, from fifteen minutes after sunset to forty-five minutes before sunrise: *Provided further*, 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: *And provided further*, That not more than ten thousand dollars of said appropriation may be expended for lighting, extinguishing, repairing, painting, and cleaning public lamps of a higher candlepower than those provided for above, which lamps shall not be subject to the restrictions of this paragraph excepting as to the time of burning.

Lighting.

*Provisos.*  
—limit per lamp.

—to burn every night.

—self-regulating burner, etc.

Amount available for lamps of higher candlepower.

For electric-arc lighting, including necessary inspection, and for extensions of such service, not exceeding sixty-five thousand dollars: *Provided*, That not more than seventy-two dollars per annum shall be paid for any electric arc light burning 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 the electric and gas light companies of the District of Columbia shall file with the Commissioners of the District of Columbia on the first day of August, nineteen hundred and two, and annually thereafter, a statement showing their receipts and expenditures for the previous fiscal year.

Electric lighting.

*Provisos.*  
Limit of price, etc.

Electric and gas light companies to file annual statements.

**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.

Harbor and river front.

**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.

Bathing beach.

**FOR PUBLIC SCALES:** For repair and replacement of public scales, two hundred dollars.

Public scales.

**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.

Public pumps.

**BRIDGES.**

Bridges.

For ordinary care of bridges, including keepers, oil, lamps, and matches, four thousand dollars.

Care.

For construction and repairs of bridges, fifteen thousand dollars.

Repairs, etc.

For completing the construction of a bridge across Rock Creek on the line of Massachusetts avenue extended, fifty thousand dollars.

Toward the construction of a bridge across Rock Creek on the line of Connecticut avenue extended, seventy-five thousand dollars.

Washington Aqueduct.

### WASHINGTON AQUEDUCT.

Maintenance.

For operation, maintenance, and repair of the aqueduct and its accessories, including Conduit road, twenty-two thousand dollars.

Filtration plant.

Toward establishing a slow sand filtration plant, and for each and every purpose connected therewith, including the preparation of plans, and for the purchase of such scientific books and periodicals as may be approved by the Secretary of War, five hundred thousand dollars, to be available immediately and until expended.

### INCREASING THE WATER SUPPLY.

Washington Aqueduct tunnel and Howard University reservoir.

For completion of Washington Aqueduct tunnel and Howard University reservoir, one hundred and sixty-two thousand two hundred and twenty-two dollars and ninety-seven cents.

Public schools.

### PUBLIC SCHOOLS.

Board of education.

**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, two thousand 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 six hundred and twenty dollars.

Teachers.

**FOR TEACHERS:** For one thousand two hundred and fifty-six teachers, to be assigned as follows:

For director of high schools, two thousand five hundred dollars;

For eleven supervising principals, at two thousand dollars each;

For director of manual training, two thousand dollars;

For five principals of high schools, at one thousand six hundred dollars each;

For principal of manual training school number one, one thousand six hundred dollars;

For principal of white normal school and principal of colored normal school, two, at one thousand six hundred dollars each;

For director of primary instruction, three heads of departments of high schools, and two grammar school principals, six 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, director of drawing, assistant director of drawing, director of physical culture, assistant director of manual training school number two, first assistant teacher of manual training, two normal training teachers, instructor in shopwork, assistant instructor in ironwork, instructor in free-hand drawing, twelve high school teachers, and ten principals of buildings, thirty-three 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 ninety-one, 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-eight, at eight hundred and twenty-five dollars each;

For thirty-four, at eight hundred dollars each;

For ninety-one, at seven hundred and seventy-five dollars each;  
 For seventeen, at seven hundred and fifty dollars each;  
 For one hundred and thirty-two, at seven hundred dollars each;  
 For four, at six hundred and seventy-five dollars each;  
 For one hundred and thirty-seven, at six hundred and fifty dollars each;

For twenty-six, at six hundred dollars each;  
 For eight, at five hundred and seventy-five dollars each;  
 For one hundred and fifty-eight, at five hundred and fifty dollars each;  
 For five, 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 one hundred and eight, at four hundred and fifty dollars each;  
 For fifty, at four hundred and twenty-five dollars each; in all, eight hundred and eighty-one thousand three hundred and seventy-five 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.

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.

For kindergarten instruction, twenty-five thousand dollars.

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, four in all, 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 Manual Training School Number One, and one twelve-room school building, thirteen in all, at nine hundred dollars each;

Of the Birney, Lincoln, Miner, and Mott buildings, four in all, at eight hundred dollars each;

Of the Manual Training School Building Number Two, seven hundred and fifty dollars;

Of the Abbott, Berrett, John F. Cook, and Randall buildings, four in all, 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, Carberry, Congress Heights, Corcoran, Cranch, Douglass, Fillmore, Garrison, Giddings, Eckington, Greenleaf, Harrison, Hayes, Hilton, Hubbard, 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, Webb, Weightman, Wilson, Wormly, building in third division, building in fourth division, building in seventh division (Washington Heights), building in tenth division, building in eleventh division, sixty-seven in all, at five hundred and forty dollars each;

Of the Garfield, Hillsdale, Thompson, Van Buren annex, and Woodburn buildings, five in all, at three hundred and sixty dollars each;

*Proviso.*  
 No sex discrimination.  
 Designated salaries not to be changed.

Night schools.

Kindergarten.  
 Janitors.

Of the Bennings (white), Bennings (colored), Chevy Chase, Hamilton, High Street, Langdon, Kenilworth, Petworth, Potomac, Reservoir, Takoma Park, Twining City, and Threlkeld buildings, thirteen in all, at two hundred and forty 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;

For one engineer and instructor in steam engineering at Manual Training School Number One, one thousand two hundred dollars;

For one engineer and instructor in steam engineering at Manual Training School Number Two, one thousand dollars;

In all, seventy-eight thousand one hundred and twenty-six dollars.

Rent.

MISCELLANEOUS: For rent of school buildings and repair shop, seven thousand dollars.

Repairs.

For repairs and improvements to school buildings and grounds, fifty thousand dollars.

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.

For furniture for and equipment of Manual Training School Number One, twenty-five thousand dollars.

For furniture for and equipment of Manual Training School Number Two, thirty-seven thousand eight hundred dollars.

Fuel.

For fuel, forty-five thousand dollars.

Furniture.

New buildings.

For furniture for new school buildings and additions to buildings, as follows: Lovejoy, eight rooms, one thousand six hundred and fifty dollars; Birney, eight rooms, one thousand six hundred and fifty dollars; building in fourth division, one thousand six hundred and fifty dollars; building in seventh division, one thousand six hundred and fifty dollars; building in tenth division, one thousand six hundred and fifty dollars; building in eleventh division, one thousand six hundred and fifty dollars; building in second division, twelve rooms, two thousand four hundred and seventy-five dollars; Petworth, four rooms, eight hundred and twenty-five dollars; Kenilworth, eight hundred and twenty-five dollars; Twining City, eight hundred and twenty-five dollars; in all, fourteen thousand eight hundred and fifty dollars.

Contingent expenses.

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-two thousand six hundred dollars.

Free text-books.

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: *Provided*, That the board of education in its discretion is authorized to make exchanges of such books and other educational publications now on hand as may not be desirable for use.

*Proviso.*

Exchange of undesirable books authorized.

Flags.

For purchase of United States flags, one thousand dollars.

For vacation schools, including contingent expenses, one thousand dollars.

Buildings and sites.

BUILDINGS AND GROUNDS: For completing twelve-room building, Eckington, second division, forty-six thousand dollars.

For completing eight-room building, to relieve Greenleaf School, fourth division, thirty-two thousand five hundred dollars.

For completing eight-room building, Washington Heights, seventh division, thirty-six thousand dollars.

For completing eight-room building, tenth division, thirty-two thousand five hundred dollars.

For completing eight-room building, eleventh division, twenty-seven thousand five hundred dollars.

For site for and toward the construction of one eight-room building (Trinidad or vicinity), sixth 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.

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, third 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 site for and toward the construction of one eight-room building, ninth 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.

For purchase of ground adjoining the Cranch School and enlarging the Cranch School to eight rooms, twenty-seven thousand dollars.

For one four-room building and site, Good Hope, eighth division, twenty-six thousand dollars.

For one four-room building and site, Brookland (colored), seventh division, twenty-six thousand dollars.

For one four-room building, seventh division, Grant road, twenty-five thousand dollars.

For purchase of lot adjoining Tenley School, one thousand five hundred dollars.

For reconstructing building at Seventh and G streets southeast, four rooms, manual training, fifteen thousand dollars.

For purchase of lots twenty-six and twenty-seven, square five hundred and seventy-eight, adjoining Bell School, four thousand dollars.

For additional amount for one four-room school building, Petworth, seventh division, five thousand dollars.

For additional amount for one four-room school building, eighth division, six thousand dollars.

For additional amount for one four-room school building, Kenilworth, eight thousand dollars.

That the total cost of the sites 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: *Provided*, That the Commissioners of the District of Columbia, in case they shall consider the bids received for the construction of any number of the school buildings herein provided for, not exceeding three, to be in excess of a reasonable amount, are hereby authorized to construct such building or buildings by day labor and the purchase of material in open market, if the same can be completed within the amount appropriated or authorized therefor.

That the plans and specifications for school buildings shall be prepared under the supervision of the inspector of buildings of the District of Columbia, and shall be approved by the Commissioners of the District, and shall be constructed by the Commissioners in con-

Limit of cost

*Provido.*  
Construction by day  
labor authorized.

Preparing plans, etc

formity therewith; and the plans and specifications 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 shall be constructed in conformity therewith.

## Police.

## FOR METROPOLITAN POLICE.

## Salaries.

For major and superintendent, three thousand three hundred dollars; captain, one thousand eight hundred dollars; four 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 seven hundred and twenty 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; ten lieutenants, at one thousand three hundred and twenty dollars each; thirty-five sergeants, at one thousand one hundred and forty dollars each; three hundred and forty-five privates, class one, at nine hundred dollars each; two hundred and thirty privates, class two, at one thousand and eighty dollars each; three telephone operators, at six hundred dollars each; twenty-two station keepers, at eight hundred and forty dollars each; eleven laborers, at five hundred and forty 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; fifty-one lieutenants, sergeants, and privates, mounted, at two hundred and forty dollars each; fifty sergeants and privates, mounted, on bicycles, at fifty dollars each; twenty-five drivers, at five hundred and forty dollars each; and three police matrons, at six hundred dollars each; in all, six hundred and ninety-three thousand and eighty dollars.

## Rent, Anacostia.

MISCELLANEOUS: For rent of substation at Anacostia, three hundred and sixty dollars;

## Fuel.

For fuel, two thousand five hundred dollars;

## Repairs.

For repairs to stations, five thousand dollars;

## Contingent expenses.

For miscellaneous and contingent expenses, including modern revolvers, and installation of card system in the police department, stationery, books, books of reference, and periodicals, telegraphing, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bedclothing, insignia of office, purchase and care of horses, police equipments and repairs of same, harness, forage, repairs to vehicles, van, ambulance, and patrol wagons, and expenses incurred in the prevention and detection of crime, and other necessary items, twenty-five thousand dollars;

## Flags.

For flags and balyards for station houses, one hundred and twenty-five dollars;

## New equipment.

For additional equipment for new station house north of Florida avenue, eight hundred dollars;

## Rent, storerooms.

For rent of police department headquarters and property storerooms, two thousand seven hundred dollars.

## Place for detention of children, etc.

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 final investigation or 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; *Proviso.*  
—detention of other persons.

For purchase of site and erection of temporary substation in Tennallytown or vicinity, six thousand dollars; Tennallytown.

In all, fifty thousand four hundred and eighty-five dollars.

FOR THE FIRE DEPARTMENT. Fire department

For chief engineer, two thousand dollars; three assistant chief engineers, at one thousand two hundred dollars each; clerk, one thousand dollars; fire marshal, one thousand dollars; machinist, one thousand dollars; twenty-four foremen, at one thousand dollars each; fourteen engineers, at one thousand dollars each; fourteen firemen, at nine hundred dollars each; six tillermen, at nine hundred dollars each; twenty-five drivers, at nine hundred dollars each; one hundred and sixty-six privates, at eight hundred and forty dollars each; twenty-four watchmen, at six hundred dollars each; and one laborer, at four hundred and eighty dollars; in all, two hundred and forty-one thousand four hundred and twenty dollars. Salaries.

MISCELLANEOUS: For repairs to engine houses, five thousand dollars; Miscellaneous.

For repairs to apparatus, and new appliances, four thousand five hundred dollars;

For purchase of hose, nine thousand dollars;

For fuel, four thousand five hundred 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;

In all, fifty-four thousand five hundred dollars.

INCREASE FIRE DEPARTMENT: For additional stable, to be erected in the rear of Number Eight engine house, North Carolina avenue between Sixth and Seventh streets southeast, five thousand dollars; Increase.

For house and furniture for a chemical engine company, to be located at Congress Heights, twenty-five thousand dollars;

In all, thirty thousand dollars.

ELECTRICAL DEPARTMENT. Electrical department.

For superintendent, one thousand six hundred dollars; inspector of lamps, one thousand dollars; electrician, one thousand two hundred dollars; draftsman, one thousand dollars; three telegraph operators, at one thousand dollars each; three inspectors, at nine hundred 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, sixteen thousand two hundred and twenty dollars. Salaries.

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 storeroom, and other necessary items, twelve thousand dollars. Supplies.

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 and between existing conduits, manholes, hand-holes, posts for fire-alarm and police boxes, extra labor, and other necessary items, eight thousand dollars. Fire-alarm telegraph.

—extension

For extension of the fire-alarm telegraph in order to provide for additional circuits in connection with new thirty-circuit board, fifty new boxes, six thousand two hundred and fifty dollars.

Poles, etc.

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.

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 five hundred dollars; fourteen sanitary and food inspectors, 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; four sanitary and food inspectors, one of whom shall be a veterinary surgeon, to assist in the enforcement of the milk and pure-food laws, at nine hundred dollars each; in all, forty-three thousand six hundred dollars.

Rent.

MISCELLANEOUS: For rent of stable, one hundred and twenty dollars.

Scarlet fever and  
diphtheria.  
Vol. 26, p. 691.  
Vol. 29, p. 635.

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 said District, twenty thousand dollars.

Disinfecting service.

For maintaining the disinfecting service, five thousand dollars.

Abating nuisances.

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, one hundred dollars.

Vol. 28, p. 257.

Removal of weeds.  
Vol. 30, p. 359.

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, one thousand dollars.

Drainage of lots.  
Vol. 29, p. 126.

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 five hundred dollars.

Adulteration of  
foods, etc.

For special services in connection with the detection of the adulteration of drugs and of foods, including candy and milk, one hundred dollars.

COURTS.

Courts.

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 at the rate of two hundred and fifty dollars per month each, seven hundred and fifty dollars; clerk, two thousand dollars; two deputy clerks, at one thousand five hundred dollars each; two deputy clerks, at one thousand two hundred dollars each; three bailiffs, at nine hundred dollars each; one deputy marshal, nine hundred dollars; janitor, five hundred and forty dollars; engineer, nine hundred dollars; assistant janitors, four hundred and fifty dollars; one bailiff, six hundred dollars; in all, twenty thousand two hundred and forty dollars.

Police court.

MISCELLANEOUS: For witness fees, four thousand dollars;

Miscellaneous.

For repairs of police-court building, eight hundred dollars;

For repairs to police-court furniture and replacing same, two hundred dollars;

For meals of jurors and of bailiffs in attendance upon them when ordered by the court, one 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: For defending suits in the United States Court of Claims, two thousand dollars.

Defending suits in claims.

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, one thousand five hundred dollars.

Lunacy writs.

Vol. 30, p. 511.

INTEREST AND SINKING 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.

Interest and sinking 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.

Emergency fund.

*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, thirty-seven thousand five hundred dollars.

Care and improvement.

FOR COURTS AND PRISONS.

Courts and prisons.

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.

**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.

Warden of jail.

**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.

Support of prisoners.

**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.

### CHARITIES AND CORRECTIONS.

Board of Charities.

**BOARD OF CHARITIES:** For secretary, three thousand dollars; clerk, one thousand dollars; stenographer, seven hundred and twenty dollars; messenger, six hundred dollars; one inspector, seven hundred and twenty dollars; traveling expenses, two hundred dollars; in all, six thousand two hundred and forty dollars.

### REFORMATORIES AND CORRECTIONAL INSTITUTIONS.

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, eight hundred and forty dollars; property clerk, eight hundred and forty dollars; baker, four hundred and twenty dollars; principal overseer, one thousand dollars; ten 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, six hundred dollars; graduate nurse, three hundred and sixty-five dollars; graduate nurse for receiving ward, three hundred and sixty dollars; pupil nurses, not less than thirteen in number, one thousand one hundred and forty dollars; registered pharmacist, who shall also act as hospital clerk, seven hundred and twenty dollars; in all, twenty-two thousand nine hundred and ninety-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, and not exceeding nine hundred dollars for purchase of kitchen utensils and diet for hospital, fifty-five thousand dollars.

For completing the erection of a workhouse for males, fifty thousand dollars: *Provided*, That the total cost of the building shall not exceed one hundred and fifty thousand dollars, including the one hundred thousand dollars heretofore appropriated; and said Commissioners are hereby authorized, in their discretion, to expend for temporary frame structures to meet present institutional needs not exceeding ten thousand dollars of the sum herein and heretofore appropriated for this purpose.

Workhouse.  
*Proviso.*  
—limit of cost.

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 bathrooms and closets for two buildings known as the "Old Men's Home," one thousand five hundred dollars, to be immediately available.

**MUNICIPAL ALMSHOUSE:** For the purchase by the Commissioners of the District of Columbia of a suitable site in the District of Columbia for a municipal almshouse, twenty-five thousand dollars, or so much thereof as may be necessary; for the preparation of plans for suitable buildings for such almshouse, two thousand five hundred dollars, or so much thereof as may be necessary; in all, twenty-seven thousand five hundred dollars; and the total cost of such almshouse, exclusive of site, and including water supply, heating, ventilating, and lighting apparatus, and improvement of grounds shall not exceed one hundred and twenty-five thousand dollars: *Provided*, That if acceptable to the Commissioners of the District of Columbia, the Secretary of the Interior is hereby authorized to transfer to them for a site for said almshouse the tract of land containing about sixty acres belonging to the United States lying south of Congress Heights and east of Nichols Avenue and detached from the present site of the Government Hospital for the Insane, and in the event of this acceptance and transfer, the said sum of twenty-five thousand dollars shall be available for construction of the buildings for the said almshouse.

Municipal almshouse.  
Purchase of site, etc., authorized.

—total cost limited.

*Proviso.*  
—donation of site authorized, etc.

**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 to exceed six in number, one thousand six hundred and twenty dollars; secretary and treasurer to board of trustees, six hundred dollars; in all, sixteen thousand four hundred and fifty-two dollars.

Reform school.

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 one additional one hundred horsepower boiler, including all expenses of installation, foundation, brickwork, connections, and so forth, three thousand dollars.

Reform School for Girls.

**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, ten thousand dollars;

In all, sixteen thousand three hundred and eighty-five dollars.

Transporting prisoners.

**TRANSPORTATION OF PRISONERS:** For conveying prisoners to the workhouse, two thousand dollars.

Medical charities.

#### MEDICAL CHARITIES.

Freedmen's Hospital.

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;

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.

Columbia Hospital.

For the Columbia Hospital for Women and Lying-in Asylum, for the care and treatment of indigent patients, under a contract to be made with the Columbia Hospital for Women and Lying-in Asylum, by the board of charities, not to exceed twenty thousand dollars.

For repairs, one thousand dollars.

Garfield and Providence hospitals.

**Garfield and Providence Hospitals:** For isolating wards for minor contagious diseases at Garfield and Providence hospitals, maintenance, each, four thousand dollars, eight thousand dollars.

For completing the retaining wall on Sherman avenue by extending it from its present northern terminus in front of the isolating wards for minor contagious diseases at the Garfield Hospital to the northern boundary of the hospital grounds, one thousand four hundred dollars.

Children's hospital.

For the care and treatment of indigent patients, under a contract to be made with the Children's Hospital by the board of charities, not to exceed ten thousand dollars.

Homeopathic Hospital.

For the care and treatment of indigent patients, under a contract to be made with the National Homeopathic Hospital Association by the board of charities, not to exceed eight thousand five hundred dollars.

Emergency Hospital, etc.

For Central Dispensary and Emergency Hospital, maintenance, fifteen thousand dollars.

For Eastern Dispensary, maintenance, two thousand dollars.

For the Women's Clinic, maintenance, one thousand dollars.

For the Washington Home for Incurables, maintenance, two thousand dollars.

#### CHILD-CARING INSTITUTIONS.

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-sixth, eighteen hundred and ninety-two, namely: For administrative expenses, includ-

ing 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;

For care of feeble-minded children, ten thousand dollars;

For 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, thirty thousand dollars: *Provided*, That when the Board of Children's Guardians place any of such children in private families, as far as practicable, such children shall be placed only in such families as are of the same religious denomination or belief as the parents or last surviving parent of the child, and this appropriation shall not be otherwise available.

Care of children.  
—committed by District courts.

*Proviso.*  
—when placed with private families, etc.

For burial of children who die while wards of the board, three hundred dollars;

In all for Board of Children's Guardians, forty-seven thousand three hundred dollars.

FOR THE INDUSTRIAL HOME SCHOOL: For maintenance, thirteen thousand dollars.

Industrial Home School, etc.

For repairs and improvements to buildings, fences, and grounds, two thousand dollars.

For enlargement and improvement of plant for industrial training, one thousand dollars.

For enlargement of girls' cottage, five thousand dollars.

For the National Association for the Relief of Destitute Colored Women and Children, maintenance, including repairs, nine thousand nine hundred dollars.

For the Newsboys' and Children's Aid Society, maintenance, one 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.

#### TEMPORARY HOMES.

For municipal lodging house and wood and stone yard, including rent, four thousand dollars.

Municipal lodging house, etc.

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.

That the Commissioners of the District of Columbia are hereby authorized and directed to pay to the Columbia Polytechnic Institute for the Blind, a duly incorporated organization of the District of Columbia, the sum of five thousand dollars, made available by Act of Congress approved June sixth, nineteen hundred, "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:" *Provided*, That such part of said appropriation as may be necessary may be used to reimburse any officer of said Columbia Polytechnic Institute for the Blind for any money he may have used of his own private funds for the equipping and maintenance of said workshop.

Columbia Polytechnic Institute for the Blind, payment to.  
*Ante*, p. 577.

*Proviso.*  
Private disbursements to be reimbursed.

## MISCELLANEOUS.

Government Hos-  
pital for the Insane.  
R. S., sec. 4844, etc.,  
p. 939.

**HOSPITAL FOR 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 thirty-six thousand five hundred dollars.

Deporting nonresi-  
dent insane.  
Vol. 30, p. 811.

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.

Columbia Institu-  
tion for Deaf and  
Dumb.  
R. S., sec. 4864, p. 942.

**COLUMBIA INSTITUTION FOR 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: *Provided*, That hereafter all deaf mutes of teachable age, of good mental capacity, and properly belonging to the District of Columbia shall be received and instructed in said institution, their admission thereto being subject to the approval of the superintendent of public schools in the District of Columbia. And said institution shall not be regarded nor classified as an institution of charity.

*Proviso.*  
District deaf mutes  
to be admitted.

Not deemed an in-  
stitution of charity.  
Relief of poor.

**RELIEF OF THE POOR:** For relief of the poor, thirteen thousand dollars.

Transporting pau-  
pers.

**TRANSPORTATION OF PAUPERS:** For transportation of paupers, two thousand dollars.

Purchase of burial  
ground for indigent  
dead authorized.

**BURIAL GROUND FOR THE INDIGENT DEAD:** For the purchase by the Commissioners of the District of Columbia of ground suitable as a place for the burial of the indigent dead, fifteen thousand dollars.

## 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:

Rent, etc.

For rent, fuel, light, care, and repair of armories, and practice ships, and for telephone service, including three thousand eight hundred dollars for refitting the Oneida, to be immediately available, eighteen thousand two hundred and seventy-five dollars.

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, 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-

*Proviso.*  
Members of Nation-  
al Guard not deemed  
officers of United  
States.



four hundred and ninety-eight of the Revised Statutes of the United States: *Provided further*, That all moneys collected on account of deductions made from the pay of any officer or enlisted man of the National Guard of the District of Columbia on account of Government property lost or destroyed by such individual shall be repaid into the United States Treasury to the credit of the officer of the militia of the District of Columbia who is accountable to the United States Government for such property lost or destroyed: *And provided further*, That all moneys collected on account of deductions made from the pay of any officer or enlisted man of the National Guard of the District of Columbia for or on account of any violation of the regulations governing said National Guard shall be held by the commanding general of the militia of the District of Columbia, who is authorized to expend such moneys so collected for general incidental expenses of the service; and for all moneys so collected and expended the commanding general shall make an accounting in like manner as for the appropriation disbursed for pay of troops.

R. S., sec. 5498, p. 1065.  
Payment for moneys collected on account of deductions for lost Government property, etc.

—and for violating regulations.

For general incidental expenses of the service, three hundred dollars.

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 seven hundred and fifty dollars; draftsman, one thousand five hundred dollars; foreman, one thousand four hundred dollars; two clerks, at one thousand dollars each; timekeeper, nine hundred dollars; assistant foreman, nine hundred dollars; tapper and machinist, nine hundred dollars; three steam engineers, at one thousand one hundred dollars each; 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 sixty-six dollars.

Distribution branch

For contingent expenses, including books, blanks, stationery, forage, advertising, printing, and other necessary items and services, two thousand five hundred dollars.

Contingent expenses.

For necessary labor, clerk hire, material, and so forth, for introducing the card system for water-main tax accounts, to be immediately available, 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.

The appropriation of five thousand dollars made in the District of Columbia appropriation Act for the fiscal year nineteen hundred and one, for the purchase of water meters, to be placed in such private residences as desired, and installed at the expense of the property owner, said meters at all times to remain and be the property of the water department, is hereby made available for and continued during the fiscal year nineteen hundred and two.

Water meters for private residences.  
*Ante*, p. 578.

Appropriation available.

For interest and sinking fund on water-stock bonds, six thousand and twenty-two dollars.

Interest and sinking fund.

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 two, after providing for the expenditures hereinbefore authorized, is hereby appropriated.

Limit of requisitions on the Treasury.

SEC. 2. The Commissioners of the District of Columbia 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 two than they make on the appropriations arising from the revenues, including drawback certificates, of said District, except as may be otherwise provided by law.

Approved, March 1, 1901.

March 1, 1901.

**CHAP. 671.**—An Act For the relocation of certain tracks of street railways in the District of Columbia.

District of Columbia. Commissioners may authorize the location of street railway on Bunker Hill road or Wisconsin avenue when improved.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the Bunker Hill road or Wisconsin avenue is improved by the Commissioners of the District of Columbia, the said Commissioners are authorized to permit the street railroad tracks upon said highways to be located in the middle of the roadway, should such location be considered for the best interests of the public.

Approved, March 1, 1901.

March 1, 1901.

**CHAP. 672.**—An Act To extend the time granted to the Muscle Shoals Power Company by an Act approved March third, eighteen hundred and ninety-nine, within which to commence and complete the work authorized in said Act to be done by said company.

Time extended to Muscle Shoals Power Company to complete canal, etc., at Muscle Shoals, Ala.  
Vol. 30, p. 1351.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time allowed the Muscle Shoals Power Company by 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 ninety-nine, to commence and complete the work therein authorized to be done, be extended so that unless the work authorized to be done in said Act be commenced within two years and completed within four years from the date of this Act the privileges granted to said company by said first-mentioned Act shall cease and be determined.

Approved, March 1, 1901.

March 1, 1901.

**CHAP. 673.**—An Act To revive and amend an Act entitled "An Act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River."

Time extended to Pittsburg and Mansfield Railroad to bridge Monongahela River.

Vol. 28, p. 702.  
Vol. 30, p. 330.

*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 Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River," approved March second, eighteen hundred and ninety-five, and amended by an Act approved March nineteenth, eighteen hundred and ninety-eight, is hereby revived, reenacted, and declared to be in full force and effect.

SEC. 2. That the said Act is hereby so amended as to extend the time for the completion of said bridge by said company, or its assigns, to March second, nineteen hundred and four.

Approved, March 1, 1901.

**CHAP. 674.**—An Act Providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection, shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes.

March 1, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes be, and the same are hereby, amended to read as follows:

Soldiers' and sailors' homesteads.  
R. S., secs. 2304, 2305, p. 422, amended.

“**SEC. 2304.** Every private soldier and officer who has served in the Army of the United States during the recent rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an Act approved February thirteenth, eighteen hundred and sixty-two, and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, and every private soldier and officer who has served in the Army of the United States during the Spanish war, or who has served, is serving, or shall have served in the said Army during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged; and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the Spanish war, or who has served, is serving, or shall have served in the said forces during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settlement and improvement.

Soldiers and sailors serving in war of rebellion.

Vol. 12, p. 339.

—during Spanish war.

—in Philippines.

—may enter public lands, etc.

—time to enter, etc.

“**SEC. 2305.** The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements:”

Deduction of military or naval service from time required to perfect title, etc.

*Provided,* That in every case in which a settler on the public land of the United States under the homestead laws died while actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine, during the war with Spain or the Philippine insurrection, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, may proceed forthwith to make final proof upon the land so held by the deceased soldier and settler, and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation for the full period of five years, and shall entitle his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, to make final proof upon

*Proviso.*  
Final proof by heirs of deceased soldier, etc.

—legal effect of death.

and receive Government patent for said land; and that upon proof produced to the officers of the proper local land office by the widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, that the applicant for patent is the widow, if unmarried, or in case of her death or marriage, his orphan children or his or their legal representatives, and that such soldier, sailor, or marine died while in the service of the United States as hereinbefore described, the patent for such land shall issue.

Approved, March 1, 1901.

March 1, 1901.

**CHAP. 675.**—An Act To ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes.

Agreement of Dawes Commission with Cherokee tribe of Indians ratified.

*Proviso.*  
Ratification by Indians.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the agreement negotiated between the Commission to the Five Civilized Tribes and the Cherokee tribe of Indians at the city of Washington on the ninth day of April, nineteen hundred, as herein amended, is hereby accepted, ratified, and confirmed, and the same shall be of full force and effect if ratified by a majority of the votes cast by the members of said tribe at an election to be held for that purpose: *Provided,* That such election shall be held within ninety days from the approval of this Act by the President of the United States.

This agreement, by and between the United States, 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 Cherokee tribe of Indians, in Indian Territory, entered into in behalf of said tribe by Lucian B. Bell, Percy Wyly, Jesse Cochran, and Benjamin J. Hilderbrand, duly appointed and authorized thereunto.

Witnesseth, that in consideration of the mutual undertakings herein contained it is agreed as follows:

#### DEFINITIONS.

Definitions.

1. The words "nation" and "tribe" shall each be deemed to refer to the Cherokee Nation or tribe of Indians in Indian Territory. The words "principal chief" shall be deemed to refer to the principal chief of said tribe. The words "citizen" or "citizens" shall be deemed to refer to a member or members of said tribe. The words "Dawes Commission" or "commission" shall be deemed to refer to the United States Commission to the Five Civilized Tribes. The word "Secretary" shall be deemed to refer to the Secretary of the Interior.

General allotment of lands.

#### GENERAL ALLOTMENT OF LANDS.

Appraisal.

2. All lands belonging to the Cherokee tribe of Indians in Indian Territory, except as herein reserved, shall be appraised at their true value, considering location and fertility of soil in each case, excluding improvements placed by allottee on the lands selected by him: *Provided, however,* That in cases where a citizen holding lands in excess of his rightful share has failed to sell or remove the buildings and fences from said excessive holding on or before the first day of July, nineteen hundred and one, the value of the buildings and fences shall be added to the value of the land by the appraisal committee.

*Proviso.*  
Failure to remove buildings from excessive holdings.

By whom appraisal made.

3. The appraisal shall be made under the direction of the Dawes Commission by such number of committees of appraisal as may be deemed sufficient to expedite the work, one member of each committee

to be appointed by said commission and one by the principal chief; and if the members of any committee fail to agree as to the value of any tract of land, the value thereof shall be determined by said commission.

The committees shall make report of their work to the commission as may be required. The commission shall prepare reports of the same in duplicate, and transmit them to the Secretary of the Interior for his approval, and when approved one copy shall be furnished the principal chief and one copy returned to the office of the commission for its use in making allotments as herein provided.

Reports.

4. All lands of said tribe, except as herein provided, shall be allotted by said commission among the citizens of the tribe entitled to share therein, so as to give to each an equal share of the whole, in value, as nearly as may be, in manner following: There shall be allotted to each citizen eighty acres of land (boundaries to conform to the Government survey as nearly as may be) which may be selected by him, so as to include improvements which belong to him. Eighty acres of land, valued at six dollars and fifty cents per acre, shall constitute a standard allotment, and shall be the measure for the equalization of values; and any allottee selecting lands of less value than such standard may select other lands, not lawfully held or occupied by any other citizen, which, at their appraised value, will make his allotment equal in value to the standard so fixed.

Allotments.

Eighty acres to be a standard.

5. If any citizen select eighty acres of land the appraised value of which, for any reason, is in excess of such standard, the excess of value shall be charged against him in the future distribution of lands and funds of the tribe arising from any source whatsoever, unless he has already paid the same, and he shall not be entitled to any further distribution of property or funds until all other citizens shall have received lands and funds equal in value to his allotment; and if there be not sufficient property and funds of the tribe to make the allotments of all other citizens equal in value to his, then for the excess there shall exist a lien on the rents and profits of his allotment; and no deed shall issue to such allottee until all charges against an allotment are liquidated. All controversies arising between citizens as to their right to select particular tracts of land shall be determined by said commission according to law.

Selection in excess of standard.

Controversies as to right to select land.

6. Any citizen having in his possession lands in actual cultivation in excess of eighty acres for himself and eighty acres for his wife and each of his minor children, shall, on or before the first day of July, nineteen hundred and one, select therefrom allotments of eighty acres each for himself and the members of his family aforesaid, which said allotments he may hold, and no more; and he shall, within said time, make report in writing to the Dawes Commission of the lands so selected by him, giving legal description thereof; and if he have lawful improvements upon such excess he may dispose of the same to any other citizen, who may thereupon select lands so as to include such improvements; but, after the expiration of said time, any citizen may take any lands not already selected by another; but if lands so taken be in actual cultivation, having thereon improvements belonging to another citizen, such improvements shall be valued by the appraisement committee and the amount paid to the owner thereof by the allottee, and the same shall be a lien upon the rents and profits of the land until paid: *Provided*, That the owner of improvements may remove the same if he desires.

Selection of allotments from excessive holdings.

Disposition of improvements, etc.

7. When allotments as hereinbefore provided have been made to all citizens the residue of lands, not herein reserved or otherwise disposed of, shall be so apportioned among such citizens as to equalize their allotments, but if the same be insufficient therefor the deficiency shall be supplied out of any funds of the tribe, so that the allotments of all

Equalization of allotments.

citizens may be made equal in value, as nearly as may be, in manner herein provided.

Selections above and below standard.

8. If the allotment of any citizen exceed in value that of the standard so fixed, he may pay the excess to the Indian agent, to be placed to the credit of the tribe, and shall thereupon receive title to such allotment; if a citizen select lands of the exact value of such standard allotment he shall receive title therefor; and if a citizen select lands of less value than such standard allotment he shall receive title to the lands so selected, and as soon as additional lands are selected by him for the purpose of equalizing his allotment he shall receive additional deed therefor.

Possession

9. When any citizen shall select his allotment and receive certificate therefor the Secretary of the Interior shall immediately thereupon, through the United States Indian agent in said Territory, put him in unrestricted possession of his allotment.

Allotments exempt from prior debts, etc.

10. Lands allotted to citizens hereunder shall not in any manner whatsoever, or at any time, be incumbered, taken, or sold to secure or satisfy any debt or obligation contracted or incurred prior to the date of the deed to the allottee therefor, and such lands shall not be alienable by the allottee or his heirs at any time before the expiration of five years from the ratification of this agreement, except with the approval of the Secretary of the Interior.

Homestead inalienable, etc.

11. Before receiving his deed therefor each citizen shall select from his allotment forty acres of land, and if he fail to select the same it shall be selected by the Dawes Commission, and a proper designation thereof shall be made in the deed to the allottee. Said forty acres shall not be alienable at any time before the expiration of twenty-five years from the ratification of this agreement, except with the approval of the Secretary of the Interior, and during the time the same remains so inalienable shall not be subject to any tax or be incumbered, taken, or sold to secure or satisfy any debt or obligation of the allottee contracted or incurred while the land remains so inalienable.

Minor's lands, liens against, etc.

12. No taxes assessed or levied against the lands of any minor, not herein made nontaxable, shall be a lien upon such lands, but the same shall be a lien upon the products of the lands composing his allotment.

Allotments to minors, etc.

13. Allotments to minors may be selected by the guardian, or by the father or mother, if citizens, in the order named, and shall not be sold during their minority. Allotments may be selected for prisoners, convicts, and aged and infirm persons by their duly appointed agents, and for incompetents by guardians, curators, or other suitable persons akin to them, but it shall be the duty of said commission to see that such selections are made for the best interests of such parties.

Allotments to Delawares who are Cherokee citizens, according to suit pending in Court of Claims, etc.

14. All Delaware Indians who are Cherokee citizens shall take lands and share in the funds of the tribe as their rights may be determined by the judgment of the Court of Claims, or by the Supreme Court, if appealed, in the suit instituted therein by the Delawares against the Cherokee Nation, and now pending; but if said suit be not determined before said commission is ready to begin the allotment of lands of the tribe as herein provided, the commission shall cause to be segregated one hundred and fifty-seven thousand six hundred acres of land, including lands which have been selected and occupied by Delawares in conformity to provisions of their agreement with the Cherokees dated April eighth, eighteen hundred and sixty-seven, such lands so to remain subject to disposition according to such judgment as may be rendered in said cause; and said commission shall, thereupon, proceed to the allotment of the remaining lands of the tribe as aforesaid. Said commission shall, when final judgment is rendered, allot lands to such Delawares in conformity to the terms of the judgment and their individual rights thereunder.

Nothing in this agreement shall in any manner impair the rights of either party to said contract as the same may be finally determined by the court, or shall interfere with the holdings of the Delawares under their contract with the Cherokees of April eighth, eighteen hundred and sixty-seven, until their rights under said contract are determined by the courts in their suit now pending against the Cherokees.

Existing rights unimpaired.

TOWN SITES.

Town sites.

15. All towns in the Cherokee Nation having a present population of two hundred or more shall be surveyed, laid out, and appraised under the provisions of an Act of Congress entitled "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," approved May thirty-first, nineteen hundred, which said provisions are as follows: "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.

Provisions for surveys, plats, etc.

*Ante*, p. 237.

Filing plats.

"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.

Choctaw and Chickasaw tribes.

Vol. 30, p. 505.

Work of commissions to begin on approval of survey.

"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

Choctaw, Chickasaw, Creek, and Cherokee nations.  
Separate town-site commissions for towns.

Appointment.  
Vol. 30, p. 500.

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.'

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 com-  
missioners, 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 town-  
site 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.

"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. *Pro-*

*Proviso*.  
Compensation for  
occupant's improve-  
ments.

Secretary of Interior  
may appoint town-  
site commissioner on  
failure of chief of  
nation, etc.

*vided*, That hereafter the Secretary of the Interior may, whenever the chief executive or principal chief of said nation fails or refuses to appoint a townsite commissioner for any town or to fill any vacancy caused by the neglect or refusal of the townsite commissioner appointed by the chief executive or principal chief of said nation to qualify or act, in his discretion appoint a commissioner to fill the vacancy thus created."



16. Any citizen in rightful possession of any town lot which has been improved as required by tribal laws, the right of occupancy of which he has acquired under tribal laws, shall have the right to purchase same by paying one-half the appraised value thereof, deducting therefrom such amount as may have been paid into the Cherokee national treasury for such right of occupancy.

Right to purchase where right of occupancy acquired under tribal laws, etc.

17. Any citizen in rightful possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase such lot by paying one-half the appraised value thereof: *Provided*, That any other person in the peaceful possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase such lot by paying one-half the appraised value thereof.

18. Any citizen in rightful possession of any town lot not having improvements thereon, the occupancy of which has been acquired under tribal laws, shall have the right to purchase such lot by paying two-thirds the appraised value thereof, deducting therefrom such amounts as may have been paid into the Cherokee national treasury for such right of occupancy.

19. When the appraisal of any town lot so improved is made and approved the commission shall notify the claimant thereof of the amount of appraisal, and he shall, within sixty days thereafter, make payment of ten per centum of the amount due for the lot, and four months thereafter he shall pay fifteen per centum additional, and the remainder of the purchase money he shall pay in three equal annual installments without interest; but if the owner of any such lot fail to purchase same and make the first and second payments aforesaid within the time aforesaid, the lot and improvements shall be sold at public auction to the highest bidder, under the direction of the town-site commission, at a price not less than their appraised value; and the purchaser shall pay the purchase price to the owner of the improvements, less the appraised value of the lot.

Appraisal and payment.

—failure to pay.

20. All town lots not having thereon improvements other than temporary buildings, fencing, and tillage, the sale or disposition of which is not herein otherwise specifically provided for, shall be sold within twelve months after appraisal, under direction of the Secretary of the Interior, after due advertisement, at public auction, to the highest bidder, at not less than their appraised value.

Sale of unspecified, unimproved lots.

21. Any citizen occupying more than four acres of unplatted lands, which may be laid out in town lots in any town, and which are to be sold at public auction as above, shall have the right to select, in a body, and retain a sufficient number of such lots at their appraised value as may be equal to the standard allotment herein fixed, to be taken in lieu of his allotment, and in addition thereto he may purchase one-fourth of the remaining lots, to be selected in a body, into which such land has been divided, by paying two-thirds of their appraised value.

Selection of lots in lieu of standard allotment.

22. If any citizen have lands in any town, occupied and used by him as a home, he may purchase the lots into which such lands may be platted by paying one-half their appraised value, not, however, exceeding four acres; but this right shall not extend to persons who take their allotments out of unplatted lands as herein provided.

Deduction for lands used as a home.

23. The purchaser of any unimproved town lot sold at public auction shall pay twenty-five per centum of the purchase money at the time of the sale, and within four months thereafter he shall pay twenty-five per centum additional, and the remainder of the purchase money he shall pay in two equal annual installments, without interest.

Payment of purchase money.

24. If the purchaser of any town lot fail to make payment of any

Default in payment.

sum when due, the same shall thereafter bear six per centum interest per annum until paid.

Title on immediate payment.

25. The purchaser of any town lot may at any time pay the full amount of purchase money, and he shall thereupon receive title therefor.

Church lands.

26. All town lots or parts of lots, not exceeding fifty by one hundred and fifty feet in size, upon which church houses and parsonages have been erected, and which are occupied as such at the time of appraisal, shall be conveyed gratuitously to the churches to which such improvements belong, and if such churches have inclosed other adjoining lots actually necessary for their use, they may purchase the same by paying one-half the appraised value thereof.

Lots exempt from debt prior to deed, etc.

27. All town lots purchased by citizens under provisions of this agreement shall be free from incumbrance by any debt contracted prior to the date of the deed therefor, except for improvements thereon, or for money borrowed to pay the purchase price to the nation.

Purchase of unimproved residence lot, etc.

28. Any citizen having the right of occupancy of an unimproved residence lot in any town at the date of this agreement, and owning no other lot or land therein, shall have the right to purchase such lot by paying one-half of the appraised value thereof.

Anyone may bid.

29. Any person whomsoever may bid for and purchase any lot sold at public auction as herein provided.

Assessment of taxes, etc.

30. No taxes shall be assessed by any town government against any town lot remaining unsold, but taxes may be assessed against any town lot sold as herein provided, and the same shall constitute a lien upon the interest of the purchaser therein after any payment thereon has been made by him, and if forfeiture of any lot be made all taxes assessed against such lot shall be paid out of any money paid thereon by the purchaser.

Cemetery.

31. The town authorities may select and locate, subject to the approval of the Secretary of the Interior, a cemetery within suitable distance from each town, to embrace such number of acres as may be deemed necessary for such purpose, and the town-site commission shall appraise the same at its true value, and the town may purchase same by paying such value; and if any citizen have improvements thereon, other than fencing and tillage, they shall be appraised by said committee and paid for by the town. The town authorities shall dispose of the lots in such cemetery at reasonable prices, in suitable sizes for burial purposes, and the proceeds thereof shall be applied to the general improvement of the property: *Provided*, That lands already laid out for cemeteries by the tribal authorities shall be included in the cemeteries herein provided for, without cost to the towns; and the holdings of burial lots therein now occupied for such purposes shall in no wise be disturbed.

*Proviso.*  
Inclusion of existing cemeteries.

Surveys of plats in existing towns.

32. All towns now in existence where there are two or more places of business and less than two hundred inhabitants may be surveyed and laid out into town lots and necessary streets and alleys and platted as other towns, each to embrace such amount of land as may be deemed necessary, not exceeding forty acres, which survey may be made in manner provided for other towns, and the appraisalment of the town lots of said towns may be made by any commission appointed for either of the other towns having two hundred inhabitants or more; and all lots in said towns having thereon improvements other than temporary buildings, fencing, and tillage may be purchased by any person having rightful possession thereof and owning the improvements thereon by paying one-half the appraised value. The survey, appraisalment, and sale of lots shall be made under regulations to be prescribed by the Secretary of the Interior.

—regulations.

Public buildings.

33. The United States may purchase in any town in the Cherokee Nation suitable lands for court-houses, jails, and other necessary public

buildings, for its use, by paying the appraised value thereof, the same to be selected under the direction of the Department for whose use such buildings are to be erected, and if any person have improvements thereon, other than temporary buildings, fencing, and tillage, the same shall be appraised and paid for by the United States.

TITLES.

Titles.

34. After the ratification of this agreement by Congress and the tribe the Secretary of the Interior shall furnish the principal chief with blank deeds necessary for all conveyances herein provided for, and when any citizen receives his allotment of land amounting to and not exceeding in value the standard allotment herein fixed, or when any allotment has been so ascertained and fixed that title should, under the provisions of this agreement, be conveyed, the principal chief shall thereupon proceed to execute in due form and deliver to him a deed conveying to him all the right, title, and interest of the Cherokee Nation, and of all other citizens, in and to the lands embraced in his allotment certificate.

Deeds for allotments.

35. The principal chief shall, in like manner and with like effect, execute and deliver to proper parties deeds of conveyance in all other cases herein provided for. All lands and town lots to be conveyed to one person shall, as far as practicable, be included in one deed, and all deeds shall be executed free of charge.

36. All conveyances shall be approved by the Secretary of the Interior, which shall serve as a relinquishment to the grantee of all the right, title, and interest of the United States in and to the lands embraced in his deed.

Approval of deed; effect.

37. Any allottee accepting such deed shall be deemed to assent to the allotment and conveyance of all the lands of the tribe as provided herein, and as a relinquishment of all his right, title, and interest in and to the same, except in the proceeds of lands reserved from allotment.

Acceptance of deed; effect.

38. The acceptance of deeds of minors and incompetents by persons authorized to select their allotments for them shall be deemed sufficient to bind such minors and incompetents as to the conveyance of all other lands of the tribe as provided herein.

—for minors, etc.

39. All deeds, when so executed and approved, shall be filed in the office of the Dawes Commission and recorded in a book appropriate for the purpose without expense to the grantee, and such records shall have like effect as other public records.

Filing deeds, etc.

ROLLS OF MEMBERSHIP.

40. The rolls of citizenship of the Cherokee Nation shall be made as of April first, nineteen hundred, and the names of all persons then living and entitled to enrollment on that date shall be placed on said rolls by the Dawes Commission.

Rolls of membership. Date.

41. No child born to any citizen after the first day of April, nineteen hundred, nor any white person who has intermarried with a Cherokee citizen since the sixteenth day of December, eighteen hundred and ninety-five, shall be entitled to enrollment.

Who excluded.

42. Such rolls shall in all other respects be made in strict compliance with the provisions of section twenty-one of the Act of Congress 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."

Provisions. Vol. 30, p. 502.

43. If any citizen who was living and entitled to be enrolled on the first day of April, nineteen hundred, die before receiving his allotment of lands and share of the tribal funds, his right of allotment and share of the funds shall descend to his heirs according to the laws of

Death before allotment.

descent and distribution of the Cherokee Nation, and shall be allotted and distributed to them accordingly.

Citizens enrolled as of other tribes barred.

44. No person who has been enrolled by the Dawes Commission as a citizen of any other tribe shall be enrolled as a citizen of the Cherokee Nation.

To be final rolls.

45. The rolls made by said commission, when approved by the Secretary of the Interior, shall be the final rolls of membership of said tribe upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made.

#### SCHOOLS.

Schools. Rules, etc.

46. The Cherokee school fund shall be used, under direction of the Secretary of the Interior, for the education of children of Cherokee citizens, and the Cherokee schools shall be conducted under rules prescribed by him according to Cherokee laws, subject to such modifications as he may deem necessary to make the schools most effective and to produce the best possible results, said schools to be under the direct supervision of a supervisor appointed by the Secretary and a school superintendent appointed by the principal chief.

Supervision.

Qualifications of teachers.

47. All teachers shall be examined by or under direction of said supervisor and said superintendent, and competent teachers and other persons to be engaged in and about the schools, with good moral character only, shall be employed; but where all qualifications are equal, preference shall be given to citizens in such employment.

Payment of expenses.

48. All moneys for running the schools shall be appropriated by the Cherokee national council, not exceeding the amount of the Cherokee school fund, but if said council fail or refuse to make the necessary appropriations, the Secretary of the Interior may direct the use of sufficient amount of the school funds to pay all expenses necessary to the efficient conduct of the schools, strict account thereof to be rendered to him and to the principal chief.

Accounts.

49. All accounts for expenditures in running the schools shall be examined and approved by said supervisor and superintendent, and also by the general superintendent of Indian schools in Indian Territory before payment thereof is made.

Appeal to Secretary of the Interior.

50. If the supervisor and superintendent fail to agree upon any matter under their direction and control, it shall be decided by said general superintendent, subject to appeal to the Secretary of the Interior, but his decision shall govern until reversed by the Secretary.

Equal benefits from school funds.

51. Said school fund shall be administered so that each Cherokee citizen of school age entitled thereto shall have equal benefits therefrom, as nearly as may be.

Cherokee Orphan Asylum.

52. The interest arising from the Cherokee orphan fund shall in like manner be used, under direction of the Secretary of the Interior, for maintaining the Cherokee Orphan Asylum for the benefit of the Cherokee orphan children. The buildings of said asylum, and one hundred and twenty acres of land, to be taken in a body, on which they are located, subject to the approval of the Secretary of the Interior, shall be reserved from allotment, and said institution continued in operation until allotment is completed.

Cherokee Advocate.

#### CHEROKEE ADVOCATE.

Publication of, etc.

53. The national newspaper, the Cherokee Advocate, printed in both the Cherokee and English languages, shall continue to be published the present year under the appropriation already made by the Cherokee Nation, after which time the same shall be leased by the principal chief of the Cherokee Nation for a period of two years at a time, to the lowest responsible citizen bidder, at an annual expense to the Cherokee Nation of not to exceed one thousand five hundred dollars, to

Lease.

be paid out of the general fund of the Cherokee Nation: *Provided*, That said newspaper plant, including everything connected therewith, together with the buildings and grounds reserved for said newspaper, shall be sold before final allotment is completed under this agreement, under the direction of the Secretary of the Interior, and the proceeds placed to the credit of the general fund of the Cherokee Nation.

*Proviso.*  
Sale of plant.

RESERVATIONS.

54. The following lands shall be reserved from the general allotment herein provided: *Reservations from allotment.*

- (a) All lands set apart for town sites.
- (b) All lands to which, at the date of the ratification of this agreement, any railroad company may, under any treaty or Act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards, or similar uses connected with the maintenance and operation of the railroad.
- (c) All lands selected for town cemeteries, as herein provided.
- (d) One acre of land for each schoolhouse not included in town sites, as herein provided.
- (e) One hundred and sixty acres for Willie Halsell College at Vinita.
- (f) Four acres for the Baptist Mission School at Tahlequah.
- (g) Four acres for the Presbyterian School at Tahlequah.
- (h) Four acres for the Park Hill Mission School south of Tahlequah.
- (i) Four acres for the Elm Springs Mission School on Barren Fork.
- (j) Forty acres for Dwight Mission on Sallisaw.
- (k) Four acres for Skiatook Mission near Skiatook.
- (l) Four acres for Lutheran Mission School on Illinois River, north of Tahlequah.
- (m) Sufficient ground for burial purposes where neighborhood cemeteries are now located, not to exceed three acres each.
- (n) One acre for each church house outside of towns.
- (o) The square now occupied by the capitol building at Tahlequah.
- (p) The grounds now occupied by the national jail at Tahlequah.
- (q) The grounds now occupied by the Cherokee Advocate printing office at Tahlequah.
- (r) Forty acres for the Cherokee Male Seminary near Tahlequah.
- (s) Forty acres for the Cherokee Female Seminary at Tahlequah.
- (t) One hundred and twenty acres for the Cherokee Orphan Asylum on Grand River.
- (u) Forty acres for the Colored High School in Tahlequah district.
- (v) Forty acres for the Cherokee Insane Asylum.
- (w) Forty acres for the school for the blind, and deaf and dumb children near Fort Gibson.
- (x) A sufficient amount of land, to be selected by the General Government, and heretofore included in the old military reservation, for an army post, and for a penitentiary, or for either, and the same, with the buildings thereon, is tendered to the United States for said purposes: *Provided*, That in case the same is not accepted and occupied by the Government for the purposes aforesaid on or before March fourth, nineteen hundred and three, this provision shall be void.

Army post, etc.

*Proviso.*  
—condition.

MUNICIPAL CORPORATIONS.

Municipal corporations.

Powers, etc.

55. Authority is hereby conferred upon municipal corporations in the Cherokee Nation to issue bonds and borrow money thereon for sanitary purposes, and for the construction of sewers, lighting plants, waterworks, and schoolhouses, subject to all the provisions of laws of the United States in force in the organized Territories of the United States in reference to municipal indebtedness and issuance of bonds for public purposes; and said provisions of law are hereby put in force in

Bond issues.

said nation and made applicable to the cities and towns therein, the same as if specially enacted in reference thereto: *Provided*, That the whole amount of bonds issued under this provision shall not exceed five per cent of the value of all the real and personal property in the town; and the town authorities may cause such bonds to be issued for the purpose of carrying out this provision, and no bonds shall be issued without the approval of the Secretary of the Interior.

*Proviso.*  
—limit.

Public buildings.

PUBLIC BUILDINGS.

School lands reserved.

56. The buildings of the Cherokee Male Seminary, with forty acres of land; and of the Cherokee Female Seminary, with forty acres of land; and the Cherokee Orphan Asylum, with one hundred and twenty acres of land; and the Colored High School, with forty acres of land, such lands in each case to be in one body, embracing lands upon which the buildings are located, and to be selected by the Dawes Commission, shall, before completion of allotment, be set aside for school purposes until final allotment, when the same shall be subject to the provisions of section sixty.

Other lands, etc., may be sold.

57. All other public buildings and other public property of whatsoever character belonging to the Cherokees not herein otherwise disposed of may be sold or otherwise disposed of by the nation, subject to the approval of the Secretary of the Interior.

Miscellaneous.

MISCELLANEOUS.

Duration of tribal government.

58. The tribal government of the Cherokee Nation shall not continue longer than March fourth, nineteen hundred and six, subject to such future legislation as Congress may deem proper.

Officer to collect revenue.

59. The collection of all revenues of whatsoever character belonging to the tribe shall be made by an officer appointed by the Secretary of the Interior, under rules and regulations prescribed by the Secretary, and the expenses of such collection shall be deducted from the funds collected.

Consent of tribe to disbursements necessary.

60. No funds belonging to said tribe shall be used or paid out for any purposes by any officer of the United States without consent of the tribe expressly given through its national council, except as herein provided.

Additional power to Secretary of the Interior

61. All things necessary to carry into effect the provisions of this agreement not otherwise herein specifically provided for shall be done under the authority and direction of the Secretary of the Interior.

No permit tax from noncitizens.

62. No noncitizen renting lands from a citizen for agricultural purposes, as provided by law, whether such lands have been selected as an allotment or not, shall be required to pay any permit tax.

Federal citizenship conferred on Cherokees.

63. Each Cherokee citizen shall, on the date of the ratification of this agreement, become a citizen of the United States and be entitled to all the rights and privileges thereof, but the same shall in no wise affect his rights as a member of said tribe.

Railroads not to acquire rights to lands under transfer of title to allottees, etc.

64. The transfer of the title of the Cherokee tribe to individual allottees and to other persons, as provided in this agreement, shall not inure to the benefit of any railroad company, nor vest in any railroad company any right, title, or interest in or to any of the lands in the Cherokee Nation.

Expenses of surveys, etc.

65. The United States shall pay all expenses incident to the survey, platting, and disposition of town lots and all allotments of lands made under the provisions of this agreement, except where the town authorities may have been or may be duly authorized to survey and plat their respective towns at the expense of such towns, except when towns are authorized to survey at their own expense.

Payments to be made into the Treasury to credit of tribe, etc.

66. All moneys to be paid to the tribe under any of the provisions of this agreement shall be paid under the direction of the Secretary of the Interior into the Treasury of the United States to the credit of the

tribe, and an itemized report thereof shall be made to the Secretary of the Interior and to the principal chief.

67. All funds of the tribe and all moneys accruing under the provisions of this agreement, when needed for the purpose of equalizing allotments, or for any other purpose herein prescribed, shall be paid out under the direction of the Secretary of the Interior, and when required for per capita payments, if any, shall be paid out directly to each individual by a bonded officer of the United States, under the direction of the Secretary of the Interior, without unnecessary delay; and moneys paid to citizens shall not be liable for the payment of any previously contracted obligation.

Secretary of the Interior to make payments for tribe, etc.

68. The Methodist Episcopal Church South may, within twelve months after the ratification of this agreement, pay five dollars per acre for the one hundred and sixty acres of land adjacent to the town of Vinita, and heretofore set apart by act of the Cherokee national council for the use of said church for missionary and educational purposes, and now occupied by Willie Halsell College (formerly Galloway College), and shall thereupon receive title thereto; but if said church fail so to do, it may continue to occupy said one hundred and sixty acres of land as long as it uses same for the purposes aforesaid.

Methodist Episcopal Church South may acquire certain land.

69. Cherokee citizens may rent their allotments, when selected, for a term not exceeding one year, and after receiving title to their allotments may rent them without restriction; and cattle grazed on such allotments shall not be liable to any tribal tax. No cattle shall hereafter be introduced into the Cherokee Nation and grazed on lands not selected by citizens as allotments unless permission therefor has been granted by the principal chief and approved by the Secretary of the Interior, in which case the Secretary is authorized to collect from the owners of such cattle a reasonable grazing tax for the benefit of the tribe. Section twenty-one hundred and seventeen, Revised Statutes of the United States, shall not hereafter apply to Cherokee lands.

Lease of allotments permitted, etc.

Grazing of cattle.

Penalty for driving stock to feed on Indian lands.  
R. S., sec. 2117, p. 370, amended.

70. All deferred payments under the provisions of this agreement shall constitute a lien in favor of the tribe on the property for which the debt was contracted, and if default in any annual payment is made the lien for the payment of all purchase money remaining unpaid may thereupon be enforced in the United States court in the same manner as vendors' liens are enforced, suit therefor to be brought in the name of the principal chief for the benefit of the tribe, or, on his failure for any cause, in the name of some person appointed therefor by the court.

Deferred payments a lien on property.

—enforcement of lien.

All other liens herein created may be in like manner enforced after the expiration of two years from the date when the amount secured thereby becomes a charge upon the property.

71. The provisions of section thirteen of the Act of Congress approved 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 not apply to or in any manner affect the lands or other property of said tribe, and no Act of Congress or treaty provision inconsistent with this agreement shall be in force in said nation except sections fourteen and twenty-seven of said last-mentioned Act, which shall continue in force as if this agreement had not been made.

Mineral leases.  
Vol. 30, pp. 498, 499, 504.

72. Nothing contained in this agreement, however, shall be construed to revive or reestablish the Cherokee courts abolished by said last-mentioned Act of Congress, or the authority of any officer, at any time, in any manner connected with said courts.

Cherokee courts abolished.

73. The Secretary of the Interior shall cause to be paid all just indebtedness of said tribe existing at the date of ratification of this agreement which may have lawfully been contracted and warrants therefor regularly issued upon the several funds of the tribe, as also warrants drawn by authority of law after the ratification of this

Existing tribal indebtedness to be paid.

agreement and prior to the dissolution of the tribal government, such payment to be made from any funds in the United States Treasury belonging to said tribe. And all such indebtedness of the tribe shall be paid in full before any pro rata distribution of the funds of the tribe shall be made.

—regulations, etc.

The Secretary of the Interior shall make such payments at the earliest time practicable, and he shall make all needful rules and regulations to carry this provision into effect.

Instruments affecting land east of Grant River, etc.

74. All instruments of writing affecting lands in the Cherokee Nation which lie south of Spavinaw Creek, east of Grand River, and north of the Arkansas River, and all other instruments affecting property within said boundaries, required by law to be recorded, shall be recorded in the office of the clerk of the United States court at Tahlequah; and all instruments of writing affecting lands in said nation lying north of the Arkansas River, north of Spavinaw Creek, and west of Grand River, and all other instruments affecting property within said boundaries, required by law to be recorded, shall be recorded in the office of the clerk of the United States court at Vinita: *Provided*, That this shall not include the record of original deeds to allotments and other parcels of lands, and of town lots, herein otherwise provided for.

—where recorded.

—land north of Arkansas River, etc., where recorded.

—exception.

Tribal ordinance affecting land, etc.

75. No act, ordinance, or resolution of the Cherokee national council in any manner affecting the lands of the tribe, or of individuals after allotment, or the moneys or other property of the tribe, or of the citizens thereof, except appropriations for the necessary incidental and salaried expenses of the Cherokee government as herein limited, shall be of any validity until approved by the President of the United States.

Approval, etc., by President.

When any such act, ordinance, or resolution shall be passed by said council and approved by the principal chief, a true and correct copy thereof, duly certified, shall be immediately transmitted to the President, who shall, within thirty days after its receipt, approve or disapprove the same. If disapproved, it shall be so indorsed and returned to the principal chief. If approved, the approval thereof shall be indorsed thereon, and it shall be published in at least two newspapers having a bona fide circulation in the Cherokee Nation.

Reversion of land reserved from allotment.

76. All lands herein reserved from allotment and not sold, as provided in this agreement, when they cease to be used for the purpose for which they have been set apart, shall, if that occur prior to the completion of the allotment of lands, or to the dissolution of the tribal government, revert to the tribe, and be sold under direction of the Secretary of the Interior, and the proceeds paid into the United States Treasury and become a part of the general fund of the tribe; but if said lands revert after allotment has been completed, and after dissolution of the tribal government, the same may be in like manner sold, and the proceeds thereof used by the United States for the support of the insane asylum herein provided for: *Provided*, That the lots of land upon which the church houses and schoolhouses outside of towns are located, with the improvements thereon, when they cease to be used for the purposes for which they are herein reserved, shall go to the allottees taking the forty-acre tracts from which said reservations were taken.

—sale, etc.

—church and school lands outside of towns.

Court of Claims given jurisdiction of claims of Cherokees against the United States, etc.

77. Jurisdiction is hereby conferred upon the Court of Claims to examine, consider, and adjudicate, with a right of appeal to the Supreme Court of the United States by any party in interest feeling aggrieved at the decision of the Court of Claims, any claim which the Cherokee tribe, or any band thereof, arising under treaty stipulations, may have against the United States, upon which suit shall be instituted within two years after the ratification of this agreement; and also to examine, consider, and adjudicate any claim which the United States may have against said tribe, or any band thereof. The institu-

Attorneys.



tion, prosecution, or defense, as the case may be, on the part of the tribe, or any band thereof, of any such suit shall be through attorneys employed, and to be compensated in the manner prescribed in sections twenty-one hundred and three to twenty-one hundred and six, both inclusive, of the Revised Statutes of the United States, the tribe acting through its principal chief in the employment of such attorneys, and a band acting through a committee recognized by the Secretary of the Interior. The Court of Claims shall have full authority by proper orders and process to make parties to any such suit all persons whose presence in the litigation may be deemed necessary or proper to the final determination of the matter in controversy; and any such suit shall, on motion of either party, be advanced on the docket of either of said courts, and determined at the earliest practicable time.

—compensation.  
R. S., secs. 2103, etc.,  
p. 367.

Making parties.

Case may be advanced.

Pending suit of Delaware Indians and Cherokee Nation, Court of Claims.

Payment to attorneys authorized.

78. That in the suit pending between the Delaware Indians and the Cherokee Nation in the Court of Claims said court is hereby authorized to fix the compensation of the attorneys of record of the respective litigants, and the same shall be paid to the attorneys representing the Cherokees out of the general fund of the Cherokee Nation and to the attorneys representing the Delawares out of any money belonging to said Delaware Indians; but in no event shall the fees allowed by said court exceed the amounts specified in the contracts with said tribes.

Existing coal or oil rights unaffected.

79. That nothing in this Act contained shall be held or construed to change, alter, modify or impair any existing coal or oil rights heretofore acquired by lease, location, development, or otherwise, or to ratify, confirm, recognize, or validate any such rights.

Ratification of agreement.

80. This agreement shall be binding upon the United States and on the Cherokee Nation and all Cherokee citizens when ratified by Congress and by a majority of the whole number of votes cast by the legal voters of the Cherokee Nation in the manner following: The principal chief shall, within twenty days after the approval of this Act, make public proclamation that the same shall be voted upon at a special election to be held for that purpose within sixty days thereafter, on a certain day therein named, and he shall appoint such officers and make such other provisions as may be necessary for holding such election. The votes cast at such election shall be forthwith duly certified as required by Cherokee law, and the votes shall be counted by the Cherokee national council in the presence of the Dawes Commission and the principal chief, and said commission and principal chief shall jointly make certificate thereof and proclamation of the result.

—election.

Approved, March 1, 1901.

**CHAP. 676.**—An Act To ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes.

March 1, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement negotiated between the Commission to the Five Civilized Tribes and the Muscogee or Creek tribe of Indians at the city of Washington on the eighth day of March, nineteen hundred, as herein amended, is hereby accepted, ratified, and confirmed, and the same shall be of full force and effect when ratified by the Creek national council. The principal chief, as soon as practicable after the ratification of this agreement by Congress, shall call an extra session of the Creek national council and lay before it this agreement and the Act of Congress ratifying it, and if the agreement be ratified by said council, as provided in the constitution of said nation, he shall transmit to the President of the United States the act of council ratifying the agreement, and the President of*

Agreement of Dawes Commission with Muscogee or Creek tribe of Indians ratified.

Ratification by Indians.

*Proviso.*  
—when to be ratified.

the United States shall thereupon issue his proclamation declaring the same duly ratified, and that all the provisions of this agreement have become law according to the terms thereof: *Provided*, That such ratification by the Creek national council shall be made within ninety days from the approval of this Act by the President of the United States.

This agreement by and between the United States, 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 Muskogee (or Creek) tribe of Indians, in Indian Territory, entered into in behalf of said tribe by Pleasant Porter, principal chief, and George A. Alexander, David M. Hodge, Isparhecher, Albert P. McKellop, and Cub McIntosh, delegates, duly appointed and authorized thereunto,

Witnesseth that in consideration of the mutual undertakings herein contained it is agreed as follows:

#### DEFINITIONS.

Definitions.

1. The words "Creek" and "Muskogee," as used in this agreement, shall be deemed synonymous, and the words "Creek Nation" and "tribe" shall each be deemed to refer to the Muskogee Nation or Muskogee tribe of Indians in Indian Territory. The words "principal chief" shall be deemed to refer to the principal chief of the Muskogee Nation. The words "citizen" or "citizens" shall be deemed to refer to a member or members of the Muskogee tribe or nation of Indians. The words "The Dawes Commission" or "commission" shall be deemed to refer to the United States Commission to the Five Civilized Tribes.

General allotment  
of lands.

#### GENERAL ALLOTMENT OF LANDS.

Appraisal.

2. All lands belonging to the Creek tribe of Indians in the Indian Territory, except town sites and lands herein reserved for Creek schools and public buildings, shall be appraised at their true value, excluding only lawful improvements on lands in actual cultivation. The appraisal shall be made under direction of the Dawes Commission by such number of committees, with necessary assistance, as may be deemed necessary to expedite the work, one member of each committee to be appointed by the principal chief; and if the members of any committee fail to agree as to the value of any tract of land, the value thereof shall be fixed by said commission. Each committee shall make report of its work to said commission, which shall from time to time prepare reports of same, in duplicate, and transmit them to the Secretary of the Interior for his approval, and when approved one copy thereof shall be returned to the office of said commission for its use in making allotments as herein provided.

By whom appraisal  
made.

Reports.

Allotments.

3. All lands of said tribe, except as herein provided, shall be allotted among the citizens of the tribe by said commission so as to give each an equal share of the whole in value, as nearly as may be, in manner following: There shall be allotted to each citizen one hundred and sixty acres of land—boundaries to conform to the Government survey—which may be selected by him so as to include improvements which belong to him. One hundred and sixty acres of land, valued at six dollars and fifty cents per acre, shall constitute the standard value of an allotment, and shall be the measure for the equalization of values, and any allottee receiving lands of less than such standard value may, at any time, select other lands, which, at their appraised value, are sufficient to make his allotment equal in value to the standard so fixed.

Standard allotment.

Selection of land in  
excess of standard.

If any citizen select lands the appraised value of which, for any reason, is in excess of such standard value, the excess of value shall be charged against him in the future distribution of the funds of the tribe

arising from all sources whatsoever, and he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and money equal in value to his allotment. If any citizen select lands the appraised value of which is in excess of such standard value, he may pay the overplus in money, but if he fail to do so, the same shall be charged against him in the future distribution of the funds of the tribe arising from all sources whatsoever, and he shall not receive any further distribution of property or funds until all other citizens shall have received lands and funds equal in value to his allotment; and if there be not sufficient funds of the tribe to make the allotments of all other citizens of the tribe equal in value to his, then the surplus shall be a lien upon the rents and profits of his allotment until paid.

4. Allotment for any minor may be selected by his father, mother, or guardian, in the order named, and shall not be sold during his minority. All guardians or curators appointed for minors and incompetents shall be citizens. Allotments to minors, etc., how selected.

Allotments may be selected for prisoners, convicts, and aged and infirm persons by their duly appointed agents, and for incompetents by guardians, curators, or suitable persons akin to them, but it shall be the duty of said commission to see that such selections are made for the best interests of such parties.

5. If any citizen have in his possession, in actual cultivation, lands in excess of what he and his wife and minor children are entitled to take, he shall, within ninety days after the ratification of this agreement, select therefrom allotments for himself and family aforesaid, and if he have lawful improvements upon such excess he may dispose of the same to any other citizen, who may thereupon select lands so as to include such improvements; but, after the expiration of ninety days from the ratification of this agreement, any citizen may take any lands not already selected by another; but if lands so taken be in actual cultivation, having thereon improvements belonging to another citizen, such improvements shall be valued by the appraisement committee, and the amount paid to the owner thereof by the allottee, and the same shall be a lien upon the rents and profits of the land until paid: *Provided*, That the owner of improvements may remove the same if he desires. Selection of allotments from excessive holdings.

6. All allotments made to Creek citizens by said commission prior to the ratification of this agreement, as to which there is no contest, and which do not include public property, and are not herein otherwise affected, are confirmed, and the same shall, as to appraisement and all things else, be governed by the provisions of this agreement; and said commission shall continue the work of allotment of Creek lands to citizens of the tribe as heretofore, conforming to provisions herein; and all controversies arising between citizens as to their right to select certain tracts of land shall be determined by said commission. —disposition of improvements.

7. Lands allotted to citizens hereunder shall not in any manner whatsoever, or at any time, be incumbered, taken, or sold to secure or satisfy any debt or obligation contracted or incurred prior to the date of the deed to the allottee therefor and such lands shall not be alienable by the allottee or his heirs at any time before the expiration of five years from the ratification of this agreement, except with the approval of the Secretary of the Interior. Former allotments confirmed, etc.

Each citizen shall select from his allotment forty acres of land as a homestead, which shall be nontaxable and inalienable and free from any incumbrance whatever for twenty-one years, for which he shall have a separate deed, conditioned as above: *Provided*, That selections of homesteads for minors, prisoners, convicts, incompetents, and aged and infirm persons, who can not select for themselves, may be made in the manner herein provided for the selection of their allotments; and Allotments exempt from prior debts.

Homestead inalienable.

Proviso. Minors', etc., homestead.

if, for any reason, such selection be not made for any citizen, it shall be the duty of said commission to make selection for him.

Descent of homestead.

The homestead of each citizen shall remain, after the death of the allottee, for the use and support of children born to him after the ratification of this agreement, but if he have no such issue, then he may dispose of his homestead by will, free from limitation herein imposed, and if this be not done, the land shall descend to his heirs according to the laws of descent and distribution of the Creek Nation, free from such limitation.

Possession.

8. The Secretary of the Interior shall, through the United States Indian agent in said Territory, immediately after the ratification of this agreement, put each citizen who has made selection of his allotment in unrestricted possession of his land and remove therefrom all persons objectionable to him; and when any citizen shall thereafter make selection of his allotment as herein provided, and receive certificate therefor, he shall be immediately thereupon so placed in possession of his land.

Equalizing allotments.

9. When allotment of one hundred and sixty acres has been made to each citizen, the residue of lands, not herein reserved or otherwise disposed of, and all the funds arising under this agreement shall be used for the purpose of equalizing allotments, and if the same be insufficient therefor, the deficiency shall be supplied out of any other funds of the tribe, so that the allotments of all citizens may be made equal in value, as nearly as may be, in manner herein provided.

Town sites.

TOWN SITES.

Provisions for surveys, plats, etc.

10. All towns in the Creek Nation having a present population of two hundred or more shall, and all others may, be surveyed, laid out, and appraised under the provisions of an Act of Congress entitled "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," approved May thirty-first, nineteen hundred, which said provisions are as follows:

*Aut.* p. 237.

"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.

Filing plats.

Choctaw and Chickasaw Tribes.

Vol. 30, p. 505.

Work of commission to begin on approval of survey.

"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.

“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.

Appointment.

Vol. 30, p. 500.

“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.

Surveys by towns.

“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.

Appraisal and sale of lots.

“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.

Removal of commissioners, etc.

“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.

Establishment of corporate and townsite limits.

Proviso.—regulations.

“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

Reservation from allotments at railroad stations.

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: *Provided*, That hereafter the Secretary of the Interior may, whenever the chief executive or principal chief of said nation fails or refuses to appoint a townsite commissioner for any town or to fill any vacancy caused by the neglect or refusal of the townsite commissioner appointed by the chief executive or principal chief of said nation to qualify or act, in his discretion appoint a commissioner to fill the vacancy thus created."

*Proviso.*  
Compensation for occupant's improvements.

*Proviso.*  
Secretary of the Interior may appoint town-site commissioner on failure of chief of nation, etc.

Right of occupants of town lots, improved, to purchase, etc.

11. Any person in rightful possession of any town lot having improvements thereon, other than temporary buildings, fencing, and tillage, shall have the right to purchase such lot by paying one-half of the appraised value thereof, but if he shall fail within sixty days to purchase such lot and make the first payment thereon, as herein provided, the lot and improvements shall be sold at public auction to the highest bidder, under direction of the appraisement commission, at a price not less than their appraised value, and the purchaser shall pay the purchase price to the owner of the improvements, less the appraised value of the lot.

—of residence, etc.

12. Any person having the right of occupancy of a residence or business lot or both in any town, whether improved or not, and owning no other lot or land therein, shall have the right to purchase such lot by paying one-half of the appraised value thereof.

Deduction for lands used as a home.

13. Any person holding lands within a town occupied by him as a home, also any person who had at the time of signing this agreement purchased any lot, tract, or parcel of land from any person in legal possession at the time, shall have the right to purchase the lot embraced in same by paying one-half of the appraised value thereof, not, however, exceeding four acres.

Sale of unspecified unimproved lots.

14. All town lots not having thereon improvements, other than temporary buildings, fencing, and tillage, the sale or disposition of which is not herein otherwise specifically provided for, shall be sold within twelve months after their appraisement, under direction of the Secretary of the Interior, after due advertisement, at public auction to the highest bidder at not less than their appraised value.

Preference right of purchase to occupant of land laid out into town lots.

Any person having the right of occupancy of lands in any town which has been or may be laid out into town lots, to be sold at public auction as above, shall have the right to purchase one-fourth of all the lots into which such lands may have been divided at two-thirds of their appraised value.

Payment for improved lots, etc.

15. When the appraisement of any town lot is made, upon which any person has improvements as aforesaid, said appraisement commission shall notify him of the amount of said appraisement, and he shall, within sixty days thereafter, make payment of ten per centum of the amount due for the lot, as herein provided, and four months thereafter he shall pay fifteen per centum additional, and the remainder of the purchase money in three equal annual installments, without interest.

—for unimproved lots.

Any person who may purchase an unimproved lot shall proceed to make payment for same in such time and manner as herein provided for the payment of sums due on improved lots, and if in any case any amount be not paid when due, it shall thereafter bear interest at the rate of ten per centum per annum until paid. The purchaser may in any case at any time make full payment for any town lot.

16. All town lots purchased by citizens in accordance with the provisions of this agreement shall be free from incumbrance by any debt contracted prior to date of his deed therefor, except for improvements thereon.

Lots exempt from debts prior to deed, etc.

17. No taxes shall be assessed by any town government against any town lot remaining unsold, but taxes may be assessed against any town lot sold as herein provided, and the same shall constitute a lien upon the interest of the purchaser therein after any payment thereon has been made by him, and if forfeiture of any lot be made all taxes assessed against such lot shall be paid out of any money paid thereon by the purchaser.

Assessment of taxes, etc.

18. The surveyors may select and locate a cemetery within suitable distance from each town, to embrace such number of acres as may be deemed necessary for such purpose, and the appraisement commission shall appraise the same at not less than twenty dollars per acre, and the town may purchase the land by paying the appraised value thereof; and if any citizen have improvements thereon, other than fencing and tillage, they shall be appraised by said commission and paid for by the town. The town authorities shall dispose of the lots in such cemetery at reasonable prices, in suitable sizes for burial purposes, and the proceeds thereof shall be applied to the general improvement of the property.

Cemetery.

19. The United States may purchase, in any town in the Creek Nation, suitable land for court-houses, jails, and other necessary public buildings for its use, by paying the appraised value thereof, the same to be selected under the direction of the department for whose use such buildings are to be erected; and if any person have improvements thereon, other than temporary buildings, fencing, and tillage, the same shall be appraised and paid for by the United States.

Public buildings purchase of land for.

20. Henry Kendall College, Nazareth Institute, and Spaulding Institute, in Muskogee, may purchase the parcels of land occupied by them, or which may have been laid out for their use and so designated upon the plat of said town, at one-half of their appraised value, upon conditions herein provided; and all other schools and institutions of learning located in incorporated towns in the Creek Nation may, in like manner, purchase the lots or parcels of land occupied by them.

Certain schools, etc., may purchase land occupied by them.

21. All town lots or parts of lots, not exceeding fifty by one hundred and fifty feet in size, upon which church houses and parsonages have been erected, and which are occupied as such at the time of appraisement, shall be properly conveyed to the churches to which such improvements belong gratuitously, and if such churches have other adjoining lots inclosed, actually necessary for their use, they may purchase the same by paying one-half the appraised value thereof.

Church lands: gratuitous conveyances authorized.

22. The towns of Clarksville, Coweta, Gibson Station, and Mounds may be surveyed and laid out in town lots and necessary streets and alleys, and platted as other towns, each to embrace such amount of land as may be deemed necessary, not exceeding one hundred and sixty acres for either, and in manner not to include or interfere with the allotment of any citizen selected prior to the date of this agreement, which survey may be made in manner provided for other towns; and the appraisement of the town lots of said towns may be made by any committee appointed for either of the other towns hereinbefore named, and the lots in said towns may be disposed of in like manner and on the same conditions and terms as those of other towns. All of such work may be done under the direction of and subject to the approval of the Secretary of the Interior.

Towns of Clarksville, Coweta, etc., may be surveyed platted, etc.

TITLES.

Titles.

23. Immediately after the ratification of this agreement by Congress and the tribe, the Secretary of the Interior shall furnish the principal

Deeds for allotments.

chief with blank deeds necessary for all conveyances herein provided for, and the principal chief shall thereupon proceed to execute in due form and deliver to each citizen who has selected or may hereafter select his allotment, which is not contested, a deed conveying to him all right, title, and interest of the Creek Nation and of all other citizens in and to the lands embraced in his allotment certificate, and such other lands as may have been selected by him for equalization of his allotment.

The principal chief shall, in like manner and with like effect, execute and deliver to proper parties deeds of conveyance in all other cases herein provided for. All lands or town lots to be conveyed to any one person shall, so far as practicable, be included in one deed, and all deeds shall be executed free of charge.

Approval of deed; effect.

All conveyances shall be approved by the Secretary of the Interior, which shall serve as a relinquishment to the grantee of all the right, title, and interest of the United States in and to the lands embraced in his deed.

Acceptance; effect.

Any allottee accepting such deed shall be deemed to assent to the allotment and conveyance of all the lands of the tribe, as provided herein, and as a relinquishment of all his right, title, and interest in and to the same, except in the proceeds of lands reserved from allotment.

—for minors, etc.

The acceptance of deeds of minors and incompetents, by persons authorized to select their allotments for them, shall be deemed sufficient to bind such minors and incompetents to allotment and conveyance of all other lands of the tribe, as provided herein.

Transfers to individual allottees not to inure to benefit of railroads.

The transfer of the title of the Creek tribe to individual allottees and to other persons, as provided in this agreement, shall not inure to the benefit of any railroad company, nor vest in any railroad company, any right, title, or interest in or to any of the lands in the Creek Nation.

Filing deeds.

All deeds when so executed and approved shall be filed in the office of the Dawes Commission, and there recorded without expense to the grantee, and such records shall have like effect as other public records.

#### RESERVATIONS.

Reservations from allotment.

24. The following lands shall be reserved from the general allotment herein provided for:

- (a) All lands herein set apart for town sites.
- (b) All lands to which, at the date of the ratification of this agreement, any railroad company may, under any treaty or act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards, or similar uses connected with the maintenance and operation of the railroad.
- (c) Forty acres for the Eufaula High School.
- (d) Forty acres for the Wealaka Boarding School.
- (e) Forty acres for the Newyaka Boarding School.
- (f) Forty acres for the Wetumka Boarding School.
- (g) Forty acres for the Euchee Boarding School.
- (h) Forty acres for the Coweta Boarding School.
- (i) Forty acres for the Creek Orphan Home.
- (j) Forty acres for the Tallahassee Colored Boarding School.
- (k) Forty acres for the Pecan Creek Colored Boarding School.
- (l) Forty acres for the Colored Creek Orphan Home.
- (m) All lands selected for town cemeteries, as herein provided.
- (n) The lands occupied by the university established by the American Baptist Home Mission Society, and located near the town of Muskogee, to the amount of forty acres, which shall be appraised, excluding improvements thereon, and said university shall have the right to purchase the same by paying one-half the appraised value thereof, on terms and conditions herein provided. All improvements made by



said university on lands in excess of said forty acres shall be appraised and the value thereof paid to it by the person to whom such lands may be allotted.

(o) One acre each for the six established Creek court-houses with the improvements thereon.

(p) One acre each for all churches and schools outside of towns now regularly used as such.

All reservations under the provisions of this agreement, except as otherwise provided herein, when not needed for the purposes for which they are at present used, shall be sold at public auction to the highest bidder, to citizens only, under directions of the Secretary of the Interior.

Sale of reservations, etc.

MUNICIPAL CORPORATIONS.

Municipal corporations.

Authorized to issue bonds.

25. Authority is hereby conferred upon municipal corporations in the Creek Nation, with the approval of the Secretary of the Interior, to issue bonds and borrow money thereon for sanitary purposes, and for the construction of sewers, lighting plants, waterworks, and schoolhouses, subject to all the provisions of laws of the United States in force in the organized Territories of the United States in reference to municipal indebtedness and issuance of bonds for public purposes; and said provisions of law are hereby put in force in said nation and made applicable to the cities and towns therein the same as if specially enacted in reference thereto.

CLAIMS.

26. All claims of whatsoever nature, including the "Loyal Creek claim" under Article Four of the treaty of eighteen hundred and sixty-six, and the "Self-emigration claim" under Article Twelve of the treaty of eighteen hundred and thirty-two, which the tribe or any individual thereof may have against the United States, or any other claim arising under the treaty of eighteen hundred and sixty-six, or any claim which the United States may have against said tribe, shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof; and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of same.

Claims to be submitted to Senate for determination.

Vol. 7, p. 367.  
Vol. 14, p. 787.

Of these claims the "Loyal Creek claim," for what they suffered because of their loyalty to the United States Government during the civil war, long delayed, is so urgent in its character that the parties to this agreement express the hope that it may receive consideration and be determined at the earliest practicable moment.

Preference to "Loyal Creek claim."

Any other claim which the Creek Nation may have against the United States may be prosecuted in the Court of Claims of the United States, with right of appeal to the Supreme Court; and jurisdiction to try and determine such claim is hereby conferred upon said courts.

Court of Claims, etc. to have jurisdiction of other claims.

FUNDS OF THE TRIBE.

27. All treaty funds of the tribe shall hereafter be capitalized for the purpose of equalizing allotments and for the other purposes provided in this agreement.

Tribal funds.

ROLLS OF CITIZENSHIP.

Rolls of citizenship.

28. No person, except as herein provided, shall be added to the rolls of citizenship of said tribe after the date of this agreement, and no person whomsoever shall be added to said rolls after the ratification of this agreement.

Additions to rolls prohibited, etc.

Who may be enrolled.

All citizens who were living on the first day of April, eighteen hundred and ninety-nine, entitled to be enrolled under section twenty-one of the Act of Congress approved 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 be placed upon the rolls to be made by said commission under said Act of Congress, and if any such citizen has died since that time, or may hereafter die, before receiving his allotment of lands and distributive share of all the funds of the tribe, the lands and money to which he would be entitled, if living, shall descend to his heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed to them accordingly.

Vol. 30, p. 502.

Enrolling children of citizens, etc.

All children born to citizens so entitled to enrollment, up to and including the first day of July, nineteen hundred, and then living, shall be placed on the rolls made by said commission; and if any such child die after said date, the lands and moneys to which it would be entitled, if living, shall descend to its heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed to them accordingly.

To be final rolls.

The rolls so made by said commission, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons.

Enrollment of certain Creeks recently arrived and certain nonresidents authorized.

29. Said commission shall have authority to enroll as Creek citizens certain full-blood Creek Indians now residing in the Cherokee Nation, and also certain full-blood Creek Indians now residing in the Creek Nation who have recently removed there from the State of Texas, and the families of full-blood Creeks who now reside in Texas, and such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: *Provided*, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of Creek citizens as aforesaid.

Proviso.—condition.

Miscellaneous.

MISCELLANEOUS.

Deferred payments a lien on property.

30. All deferred payments, under provisions of this agreement, shall constitute a lien in favor of the tribe on the property for which the debt was contracted, and if, at the expiration of two years from the date of payment of the fifteen per centum aforesaid, default in any annual payment has been made, the lien for the payment of all purchase money remaining unpaid may be enforced in the United States court within the jurisdiction of which the town is located in the same manner as vendor's liens are enforced; such suit being brought in the name of the principal chief, for the benefit of the tribe.

Payments for tribe to be paid into the Treasury to credit of tribes.

31. All moneys to be paid to the tribe under any of the provisions of this agreement shall be paid, under direction of the Secretary of the Interior, into the Treasury of the United States to the credit of the tribe, and an itemized report thereof shall be made monthly to the Secretary of the Interior and to the principal chief.

Secretary of Interior to make payments for tribe, etc.

32. All funds of the tribe, and all moneys accruing under the provisions of this agreement, when needed for the purposes of equalizing allotments or for any other purposes herein prescribed, shall be paid out under the direction of the Secretary of the Interior; and when required for per capita payments, if any, shall be paid out directly to each individual by a bonded officer of the United States, under direction of the Secretary of the Interior, without unnecessary delay.

Consent of tribe to disbursements necessary.

33. No funds belonging to said tribe shall hereafter be used or paid out for any purposes by any officer of the United States without consent of the tribe, expressly given through its national council, except as herein provided.

34. The United States shall pay all expenses incident to the survey, platting, and disposition of town lots, and of allotment of lands made under the provisions of this agreement, except where the town authorities have been or may be duly authorized to survey and plat their respective towns at the expense of such town.

Expenses of surveys, etc.

35. Parents shall be the natural guardians of their children, and shall act for them as such unless a guardian shall have been appointed by a court having jurisdiction; and parents so acting shall not be required to give bond as guardians unless by order of such court, but they, and all other persons having charge of lands, moneys, and other property belonging to minors and incompetents, shall be required to make proper accounting therefor in the court having jurisdiction thereof in manner deemed necessary for the preservation of such estates.

Parents guardians of children.

—accounting.

36. All Seminole citizens who have heretofore settled and made homes upon lands belonging to the Creeks may there take, for themselves and their families, such allotments as they would be entitled to take of Seminole lands, and all Creek citizens who have heretofore settled and made homes upon lands belonging to Seminoles may there take, for themselves and their families, allotments of one hundred and sixty acres each, and if the citizens of one tribe thus receive a greater number of acres than the citizens of the other, the excess shall be paid for by such tribe, at a price to be agreed upon by the principal chiefs of the two tribes, and if they fail to agree, the price shall be fixed by the Indian agent, but the citizenship of persons so taking allotments shall in no wise be affected thereby.

Allotments to Seminoles domiciled with Creeks and to Creeks domiciled with Seminoles.

Titles shall be conveyed to Seminoles selecting allotments of Creek lands in manner herein provided for conveyance of Creek allotments, and titles shall be conveyed to Creeks selecting allotments of Seminole lands in manner provided in the Seminole agreement, dated December sixteenth, eighteen hundred and ninety-seven, for conveyance of Seminole allotments: *Provided*, That deeds shall be executed to allottees immediately after selection of allotment is made.

—conveyances.

This provision shall not take effect until after it shall have been separately and specifically approved by the Creek national council and by the Seminole general council; and if not approved by either, it shall fail altogether, and be eliminated from this agreement without impairing any other of its provisions.

—approval of provision

37. Creek citizens may rent their allotments, when selected, for a term not exceeding one year, and after receiving title thereto without restriction, if adjoining allottees are not injured thereby, and cattle grazed thereon shall not be liable to any tribal tax; but when cattle are introduced into the Creek Nation and grazed on lands not selected by citizens, the Secretary of the Interior is authorized to collect from the owners thereof a reasonable grazing tax for the benefit of the tribe; and section twenty-one hundred and seventeen, Revised Statutes of the United States, shall not hereafter apply to Creek lands.

Lease of allotments permitted.

Grazing of cattle.  
Penalty for driving stock to feed on Indian lands.

R. S., sec. 2117, p. 370, amended.

38. After any citizen has selected his allotment he may dispose of any timber thereon, but if he dispose of such timber, or any part of same, he shall not thereafter select other lands in lieu thereof, and his allotment shall be appraised as if in condition when selected.

Disposal of timber.

No timber shall be taken from lands not so selected, and disposed of, without payment of reasonable royalty thereon, under contract to be prescribed by the Secretary of the Interior.

39. No noncitizen renting lands from a citizen for agricultural purposes, as provided by law, whether such lands have been selected as an allotment or not, shall be required to pay any permit tax.

No permit tax from noncitizens.

40. The Creek school fund shall be used, under direction of the Secretary of the Interior, for the education of Creek citizens, and the Creek schools shall be conducted under rules and regulations prescribed by him, under direct supervision of the Creek school superintendent

Creek school fund, school regulations etc.

and a supervisor appointed by the Secretary, and under Creek laws, subject to such modifications as the Secretary of the Interior may deem necessary to make the schools most effective and to produce the best possible results.

Qualifications of teachers.

All teachers shall be examined by or under direction of said superintendent and supervisor, and competent teachers and other persons to be engaged in and about the schools with good moral character only shall be employed, but where all qualifications are equal preference shall be given to citizens in such employment.

Expenses.

All moneys for running the schools shall be appropriated by the Creek national council, not exceeding the amount of the Creek school fund, seventy-six thousand four hundred and sixty-eight dollars and forty cents; but if it fail or refuse to make the necessary appropriations the Secretary of the Interior may direct the use of a sufficient amount of the school funds to pay all expenses necessary to the efficient conduct of the schools, strict account thereof to be rendered to him and to the principal chief.

Accounts.

All accounts for expenditures in running the schools shall be examined and approved by said superintendent and supervisor, and also by the general superintendent of Indian schools, in Indian Territory, before payment thereof is made.

Appeal.

If the superintendent and supervisor fail to agree upon any matter under their direction or control, it shall be decided by said general superintendent, subject to appeal to the Secretary of the Interior; but his decision shall govern until reversed by the Secretary.

Mineral leases.  
Vol. 30, pp. 498, 499,  
504.

41. The provisions of section thirteen of the Act of Congress approved 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 not apply to or in any manner affect the lands or other property of said tribe, or be in force in the Creek Nation, and no Act of Congress or treaty provision inconsistent with this agreement shall be in force in said nation, except section fourteen of said last-mentioned Act, which shall continue in force as if this agreement had not been made.

Tribal ordinance,  
etc., to be approved  
by the President.

42. No act, ordinance, or resolution of the national council of the Creek Nation in any manner affecting the lands of the tribe, or of individuals after allotment, or the moneys or other property of the tribe, or of the citizens thereof, except appropriations for the necessary incidental and salaried expenses of the Creek government as herein limited, shall be of any validity until approved by the President of the United States. When any such act, ordinance, or resolution shall be passed by said council and approved by the principal chief, a true and correct copy thereof, duly certified, shall be immediately transmitted to the President, who shall, within thirty days after received by him, approve or disapprove the same. If disapproved, it shall be so indorsed and returned to the principal chief; if approved, the approval shall be indorsed thereon, and it shall be published in at least two newspapers having a bona fide circulation in the Creek Nation.

Intoxicants prohibited.

43. The United States agrees to maintain strict laws in said nation against the introduction, sale, barter, or giving away of liquors or intoxicants of any kind whatsoever.

Existing treaties unaffected.

44. This agreement shall in no wise affect the provisions of existing treaties between the United States and said tribe except so far as inconsistent therewith.

Additional power to Secretary of Interior.

45. All things necessary to carrying into effect the provisions of this agreement, not otherwise herein specifically provided for, shall be done under authority and direction of the Secretary of the Interior.

Duration of tribal government.

46. The tribal government of the Creek Nation shall not continue longer than March fourth, nineteen hundred and six, subject to such further legislation as Congress may deem proper.

47. Nothing contained in this agreement shall be construed to revive or reestablish the Creek courts which have been abolished by former Acts of Congress. Creek courts not re-  
vived.

Approved, March 1, 1901.

**CHAP. 677.**—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.

March 1, 1901.

*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 any moneys in the Treasury not otherwise appropriated, to be available until expended, namely:

Fortifications appro-  
priations.

**FORTIFICATIONS AND OTHER WORKS OF DEFENSE.**

Fortifications, etc.

For construction of gun batteries, one million six hundred and fifteen thousand dollars.

Gun batteries.

For purchase and installation of search lights for the defenses of New York Harbor, one hundred and fifty thousand dollars.

Search lights, New  
York Harbor.

For installation of range and position finders, one hundred and fifty thousand dollars.

Range, etc., finders.

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.

Sites.

For the protection, preservation, and repair of fortifications for which there may be no special appropriation available, one hundred thousand dollars.

Repairs.

For reconstruction and repair of the fortifications to protect the harbor of Galveston, Texas, and for each and every purpose necessary in connection therewith, nine hundred and ninety-two thousand dollars.

—Galveston.

For preparation of plans for fortifications, five thousand dollars.

Plans.

For tools, electrical and engine supplies, to be furnished by the Engineer Department, for use of the troops for maintaining and operating electric light and power plants in gun and mortar batteries, twenty-five thousand dollars.

Tools, etc.

For construction of sea walls and embankments, one hundred thousand dollars.

Sea walls.

For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal sea-ports, including San Juan, Porto Rico; needful casemates, cable galleries, and so forth, to render it possible to operate submarine mines, and continuing torpedo experiments, fifty thousand dollars.

Submarine mines.

**ARMAMENT OF FORTIFICATIONS.**

Armament.

For oil-tempered and annealed steel for eight-inch, ten-inch, and twelve-inch seacoast guns, four hundred and seventy-six thousand dollars: *Provided*, 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-one cents per pound: *Provided*, 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.

Steel.

*Proviso.*  
Maximum price.

Steel-wire seacoast  
guns.

For purchase, manufacture, alteration, and issue of carriages for mounting seacoast guns of eight, ten, and twelve inch calibers, four hundred and eighty-five thousand dollars.

Carriages.

For powders, projectiles, and explosives for reserve supply for cannon, six hundred thousand dollars.

Reserve supply.  
powder, etc.

For rapid-fire guns, including their mounts and ammunition, four hundred and seventy-seven thousand nine hundred and eight dollars.

Rapid-fire guns.

Carriages for mortars.	For carriages for twelve-inch breech-loading mortars, steel, seventy-one thousand dollars.
Contract guns. Vol. 26, pp. 319, 770.	For eight, ten, and twelve inch guns manufactured by contract under the provisions of the fortifications Acts approved August eighteenth, eighteen hundred and ninety, and February twenty-fourth, eighteen hundred and ninety-one, four hundred and fourteen thousand five hundred and thirty-six dollars.
Proof eight, etc., inch guns.	For proof of eight-inch, ten-inch, and twelve-inch guns, twelve thousand one hundred dollars.
Ammunition for proof of guns.	For powder and projectiles for the proof of twelve-inch steel breech-loading seacoast mortars, five thousand dollars.
Armor-piercing tests.	For armor plates and deck plates for testing armor and deck-piercing projectiles, twenty-four thousand dollars.
Practice ammunition.	For ammunition for artillery practice, including components thereof, and tools, etc., for reloading the fired cases, one hundred and seventeen thousand dollars.
Armament chests.	For armament chests for siege and seacoast guns and mortars, seven thousand three hundred dollars.
Machine guns.	For machine guns, including metallic carriages, with limbers and protective shields for same, fifty thousand dollars.
Range finders.	For range finders, including instruments for fire control and azimuth instruments for coast defense, thirty-five thousand dollars.
Preservation, etc.	For implements and equipments for service, and also for mounting, repairs, care, and preservation of armament and of range finders, including twenty-five thousand dollars for care, repair, and preservation of fortifications in the harbor of Galveston, Texas, fifty thousand dollars.
—Galveston, Tex.	
Tools.	For material, power lathes, machinist tools, and tools and implements for the use of battery mechanics at the fortifications, ninety-two thousand six hundred and eighty dollars.
Mountain guns.	For mountain guns, with their carriages and ammunition, seventy-seven thousand dollars.
Siege rifles.	For five-inch breech-loading rifles, siege, eighteen thousand eight hundred and eighty dollars.
—carriages.	For carriages for steel breech-loading rifles, siege, of five-inch caliber, including implements, equipments, platform, and ammunition wagons, twenty-six thousand nine hundred and ninety dollars.
Sights.	For sights for cannon, twenty-three thousand dollars.
Fuses and primers.	For fuses and primers for cannon, twenty-five thousand dollars.
Ammunition.	For providing and procuring mountain, field, and siege ammunition of all kinds, three hundred thousand dollars.
Inspecting instruments.	For inspecting instruments, gauges, and templets for the manufacture of cannon projectiles, and carriages, five thousand dollars.
Subcaliber tubes, etc.	For subcaliber tubes, fittings, and ammunition for seacoast artillery practice, two hundred and twelve thousand dollars.

Sandy Hook proving ground.

#### PROVING GROUND, SANDY HOOK, NEW JERSEY.

Maintenance.

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.

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.

For repairs of railroad tracks connecting the proving ground with the Central Railroad of New Jersey, four thousand dollars. Repair of railroad tracks, etc.

For concrete traverse on two sides of the service magazine, eight hundred and thirty-seven dollars.

For gun skids for parking new guns and those proved, three thousand two hundred dollars.

For observation platforms on traverses, and steps leading thereto, six hundred dollars.

For clay soil covering between the gun platforms and armor plate backings, one thousand one hundred and thirty dollars.

For ash covering in the gun park and railroad yard, one thousand one hundred dollars.

For electric power for operating gantry crane used for heavy weights and for operating experimental carriages using electrical motors, fifteen thousand dollars.

For building for electrical plant, including foundation for batteries, and so forth, two thousand five hundred dollars. Buildings.

For erecting and equipping a chemical laboratory, fifteen thousand dollars.

WATERVLIET ARSENAL, WEST TROY, NEW YORK.

Watervliet Arsenal.

For completing repairs and alterations on gun shops, including new cornice, ten thousand dollars.

For gallery drive, twelve thousand dollars.

BOARD OF ORDNANCE AND FORTIFICATION.

Board of Ordnance and Fortification.

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, the expenditure of which shall be made by the several Bureaus of the War Department heretofore having jurisdiction of the same, or by the Board itself, as the Secretary of War may direct, and one additional member shall be added to the said Board of Ordnance and Fortification, who shall be an artillery officer of technical ability and experience, to be selected by the Secretary of War: *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 construc-

Purchases.

Vol. 25, p. 489.

Civilian member.

Vol. 26, p. 769.

Expenses.

*Proviso.*  
Right to use inventions.

tion or test is made at the request of a person either having such lawful right or authorized to convey the same to the Government.

Gathmann torpedo gun test.

To enable the Secretary of War to make a comparative test of destructive energy between the Gathmann torpedo gun now at Sandy Hook and the Army twelve-inch service rifle, such tests to be made against two similar targets representing the side construction of the latest type of battle ship; each of said structures to be faced with a Kruppized armor plate eight feet by sixteen, and twelve inches thick, and at least ten shots to be fired from the Army rifle against one structure and one or more Gathmann torpedoes against the other; for the erection of the structures and the purchase of materials, armor plates, ammunition, mount for the torpedo gun and other necessary expenses of such test, fifty thousand five hundred and fifty dollars.

Isham shell, and Tuttle "thorite."

ISHAM SHELL AND TUTTLE "THORITE."

Inquiry as to feasibility of purchase of patent.

To enable the Secretary of War, in his discretion, and if in his judgment it will be for the best interests of the Government, to purchase the United States Letters Patent Numbered Six hundred and twenty-two thousand four hundred and seventy-nine, issued April fourth, eighteen hundred and ninety-nine, covering the Isham high-explosive shell, designed for firing high explosives and carrying the same through armor plate, invented and now owned and controlled by Willard S. Isham, and also to purchase the entire and exclusive right for the United States to manufacture and use the high explosive "thorite," invented and now owned and controlled by Doctor Hiram P. Tuttle, one hundred thousand dollars: *Provided*, That all formulæ, data, and facts related to said process and necessary to the successful manufacture of said "thorite" shall be placed in the possession of the Secretary of War, and to his satisfaction, before any payment for the same shall be made: *Provided further*, That before any money shall be expended in the purchase of said patent the Secretary of War shall be satisfied, after full investigation, that the Government of the United States shall have a lawful right to use said patent, without the use of same being an infringement upon any prior invention, patent, or pending application for patent covering said invention or any material part thereof.

Proviso. Formula, etc., "thorite" process to be included in sale.

Patent not to infringe.

Purchases to be of American manufacture.

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.

Approved, March 1, 1901.

March 1, 1901.

CHAP. 678.—An Act Authorizing Calhoun County, State of Texas, to construct and maintain a free bridge across Lavaca Bay.

Calhoun County, Tex., may bridge Lavaca Bay —location.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the county of Calhoun, State of Texas, be, and is hereby, authorized to construct and maintain a free bridge across Lavaca Bay, in said State and county, at a point between Nobles Point on one side of said bay and Coxs Point on the other, for the passage of all legitimate traffic of foot, horse, vehicle, animal, and all other legitimate purposes, and for transmission of mails free of all rates of toll whatsoever.

Aids to navigation.

SEC. 2. That the bridge herein authorized to be constructed shall be so kept and managed by said county 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 night, and if the bridge be constructed as



a drawbridge the draw shall be opened promptly upon reasonable signal for the passage of boats as the Light-House Board may prescribe.

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 bay, 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 obstruction be removed at the expense of said county, and in case of any litigation arising from obstruction or alleged obstruction to the free navigation of said bay the case may be brought in the district court of the United States having jurisdiction thereof: *Provided*, That nothing in this Act 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 and bays or to exempt said bridge from the operation of the same.

Unobstructed navigation.

*Proviso.*  
Existing law unimpaired.

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 bay as the Secretary of War shall prescribe; and to secure that object the said county 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 bay, 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 bay, 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.

Secretary of War to approve plans.

SEC. 5. That the bridge constructed, maintained, and operated under this Act and according 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 the munitions of war of the United States than the rate per mile paid for 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.

Lawful structure and post route.

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, March 1, 1901.

CHAP. 800.—An Act To carry into effect the stipulations of article seven of the treaty between the United States and Spain concluded on the tenth day of December, eighteen hundred and ninety-eight.

March 2, 1901.

*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 shall appoint, by and with the advice and consent of the Senate, five suitable persons learned in the law, who shall constitute a commission, whose duty it shall be, and it shall have jurisdiction, to*

Commission to adjudicate claims of citizens of the United States against Spain (vol. 30, p. 1757) constituted.

receive, examine, and adjudicate all claims of citizens of the United States against Spain, which the United States agreed to adjudicate and settle by the seventh article of the treaty concluded between the United States and Spain on the tenth day of December, anno Domini eighteen hundred and ninety-eight. It shall adjudicate said claims according to the merits of the several cases, the principles of equity, and of international law. One of said persons shall be designated by the terms of his appointment to be the president of said commission.

President.

Vacancies.

The President of the United States, by and with the advice and consent of the Senate, shall fill by appointment all vacancies which may occur in said commission.

Oath.

SEC. 2. That each of the members of said commission, the Assistant Attorney-General, the assistant attorneys, and the clerk provided for by this Act shall be citizens of the United States, and shall take the oath of office prescribed by law to be taken by officers of the United States.

Sessions.

SEC. 3. That the said commission shall, within thirty days after the appointment of the members thereof, meet, and it shall thereafter hold its sessions, in the city of Washington. The Department of Justice shall provide said commission with all necessary and suitable rooms and offices for holding its sessions and transacting its business.

Rooms.

Payment of salaries,  
etc.

All the expenses, including salaries and compensation of said commission and of its officers and employees, shall be paid by the Department of Justice, upon vouchers certified by the president of the commission or by order of the other members of the commission in case of his absence or inability to act; and the sum of fifty thousand dollars annually, or so much thereof as may be necessary, is hereby appropriated and made immediately available for the Department of Justice as a special fund for the payment of said expenses.

Appropriation.

Rules.

SEC. 4. That the commission is empowered to make all necessary or convenient and proper rules and regulations of practice and procedure for the transaction of its business.

Employees.

SEC. 5. That the commission is empowered to appoint a clerk, and may also appoint one messenger and one or more stenographers, typewriters, and interpreters as the business of the commission may require; and may also appoint one or more commissioners, whose duty it shall be to take testimony in such cases as may be brought before said commission. Such commissioners to take testimony shall be citizens of the United States, and they shall receive for their services such fees as may be fixed by said commission, not exceeding the fees allowed by law for the taking of testimony to be used in the courts of the United States, including the sum of three dollars per day which the courts of the United States are now authorized by section twenty-one of the Act of May twenty-eighth, eighteen hundred and ninety-six, to allow to commissioners.

Commissioners to  
take testimony.

Vol. 29, p. 184.

Bond of clerk.

The clerk of said commission shall, before assuming the duties of his office, execute a bond to the United States, with sufficient surety or sureties, in such amount and conditioned as the Attorney-General shall prescribe, for the faithful performance of his duties as such clerk.

Civil service exemption.

The appointments authorized by this section shall be made without reference to the rules and regulations of the civil service.

Additional Assistant  
Attorney-General  
and assistant attor-  
neys authorized.

SEC. 6. That the President shall appoint, by and with the advice and consent of the Senate, one additional Assistant Attorney-General of the United States, who shall hold his office during the existence of said commission, and the Attorney-General of the United States is empowered to employ such assistant attorneys as the business of the commission may require. It shall be the duty of said Assistant Attorney-General and assistant attorneys to appear as attorneys and counsel for the United States, under the direction of the Attorney-General, and defend the United States in all proceedings to adjudicate claims which may be had before said commission.

—duties.

SEC. 7. That each of the said commissioners and the clerk and each of the commissioners to take testimony shall have authority to administer oaths in all proceedings before the commission, and every person knowingly and willfully swearing or affirming falsely in any such proceedings shall be deemed guilty of perjury, and shall, upon conviction, suffer the punishment provided by the laws of the United States for that offense, when committed in its courts of justice.

Authority to administer oaths.

—penalty.

SEC. 8. That all reports, records, proceedings, and other documents now on file or of record in the Department of State, or in any other Department, or certified copies thereof, relating to any claims prosecuted before the said commission under this Act shall be furnished to the commission upon its order, made of its own motion or at the request of the claimant or of the attorney representing the United States before said commission.

Access to departmental files.

SEC. 9. That every claim prosecuted before said commission shall be presented by petition, setting forth concisely and without unnecessary repetition the facts upon which such claim is based together with an itemized schedule setting forth all damages claimed. Said petition shall also state the full name, the residence, and the citizenship of the claimant, and the amount of damages sought to be recovered, and shall pray judgment upon the facts and law. It shall be signed by the claimant or his attorney or legal representative, and be verified by the affidavit of the claimant, his agent, attorney, or legal representative. It shall be filed with the clerk of the commission, and the prosecution of the claim shall be deemed to have been commenced at the date of such filing. All claims shall be filed as aforesaid within six months from the date of the first meeting of the commission, and every claim not filed within such time shall be forever barred: *Provided*, That the commission may receive claims presented within six months after the termination of said period if the claimants shall establish to their satisfaction good reasons for not presenting the same earlier.

Petition.

—contents, etc.

Time for filing claims limited.

*Proviso.*—reception afterwards.

SEC. 10. That service of the petition shall be made upon the Attorney-General of United States at such time and in such manner as may be prescribed by the rules of said commission. It shall be his duty to defend the interests of the United States, and he shall, within sixty days after the service of the petition upon him, unless the time shall be extended by order of the commission, file a demurrer or answer to said petition, which answer shall set up all matters of counterclaim, set-off, claim of damages, demand, or defense whatsoever of the Government against such claim: *Provided*, That should the Attorney-General fail to so answer or demur, the claimant may proceed with the case under such rules as the commission may adopt; but the claimant shall not in such case have award for his claim or for any part thereof unless he shall establish the same by proof satisfactory to the commission.

Service of petition.

Answer.

*Proviso.*—failure to answer; procedure.

SEC. 11. That the award in favor of any claimant shall be only for the amount of the actual and direct damage which said claimant shall prove that he has sustained. Remote or prospective damages shall not be awarded, nor shall interest be allowed on any claim.

Extent of award.

SEC. 12. That all awards of said commission shall be final unless a new trial or hearing shall be granted by said commission and no new trial or rehearing shall be had except upon motion made within sixty days of said award.

When award final.

SEC. 13. When the commission is in doubt as to any question of law arising upon the facts in any case before them, they may state the facts and the question of law so arising and certify the same to the Supreme Court of the United States for its decision, and said court shall have jurisdiction to consider and decide the same.

Appeal to Supreme Court.

SEC. 14. That the commission shall file with the Secretary of State a copy of the award in each case immediately after the same shall have been made and become final, and in every case of final award by said

Filing copy of award with Secretary of State.

Payment.

commission the sum found to be due shall be paid out of any appropriation made or to be made by Congress for the payment and satisfaction of such awards on presentation to the Secretary of the Treasury of a copy of said award, certified by the clerk of the commission and signed by the president of said commission, or by the Secretary of State in case said commission has terminated and ceased to exist.

Disposition of records on expiration of commission.

All the files and records of said commission shall immediately upon the expiration thereof be deposited in the office of the Secretary of State.

Salaries.

SEC. 15. That the salaries and compensation of the persons appointed under this Act shall be as follows, and the same shall be paid monthly in equal installments:

To each commissioner, the sum of five thousand dollars per annum.

To the Assistant Attorney-General, the sum of five thousand dollars per annum.

To the clerk, the sum of three thousand five hundred dollars per annum.

To such assistant attorneys as may be employed, at the rate of two hundred dollars per month to each for the time of actual employment.

To the messenger and to each stenographer and typewriter, the sum of one thousand two hundred dollars per annum.

To each interpreter, not exceeding the sum of one thousand eight hundred dollars per annum.

Duration of commission.

SEC. 16. That the powers and jurisdiction hereby granted to said commission shall be in force and continue for the period of two years from the date of the approval of this Act, and for no longer time:

Provisos.—extension.

*Provided*, That the President may, from time to time, extend the said period beyond said two years, not exceeding six months in each instance, when in his judgment such extension is necessary to enable the commission to complete its work: *And provided further*, That in case the commission shall have completed its work before the expiration of the said two years the President may dissolve said commission.

—dissolution before two years.

Approved, March 2, 1901.

March 2, 1901.

**CHAP. 801.**—An Act To create a new Federal judicial district in Pennsylvania, to be called the middle district.

Pennsylvania, middle judicial district created.

Counties detached from eastern and western districts.

R. S., sec. 545, p. 91, amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the counties of Lackawanna, Wyoming, Bradford, Monroe, Wayne, Pike, Susquehanna, Carbon, Tioga, Potter, Cameron, Clinton, Lycoming, Center, Union, Snyder, Mifflin, Juniata, Northumberland, Montour, Columbia, Sullivan, Luzerne, Dauphin, Lebanon, Perry, Huntingdon, Fulton, Franklin, Adams, York, and Cumberland, in the State of Pennsylvania, are hereby detached from the eastern and western districts of said State and shall henceforth constitute and compose a judicial district to be known as the middle district of Pennsylvania, and a circuit and a district court of the United States are hereby established therein.

Courts established.

To be part of third judicial circuit. Terms of court.

SEC. 2. That the said middle district of Pennsylvania shall be attached to and constitute part of the third judicial circuit, and terms of said circuit and district courts shall be held therein as follows, to wit: At the city of Scranton, in the county of Lackawanna, on the first Monday of March and first Monday of October in each year; at the city of Williamsport, in the county of Lycoming, on the second Monday of January and second Monday of June in each year; at the city of Harrisburg, in the county of Dauphin, on the first Monday of May and second Monday of November in each year, the sessions of said courts to continue for such periods of time as the judges thereof shall, by their prior order, determine; and adjourned terms, sittings,

and sessions may be held when the business shall, in the opinion of such courts, respectively, require it.

SEC. 3. That the President, by and with the advice and consent of the Senate, shall appoint for said middle district a district judge, a marshal, and district attorney; and clerks for the said circuit and district courts shall be appointed in the same manner as is now provided by law with regard to such officers in the western district of Pennsylvania.

Judicial officers to be appointed.

SEC. 4. That the courts and judges of said middle district shall, within said district, respectively possess the same jurisdiction and powers, civil, criminal, equitable, or otherwise, and perform the same duties as are now respectively possessed and performed by the circuit and district courts and judges of the United States of the western district of Pennsylvania.

Jurisdiction.

SEC. 5. That the district judge of the said middle district shall receive the same compensation as is now by law provided for the district judge of the western district of Pennsylvania; and the marshal, district attorney, and clerks of the circuit and district courts shall severally possess the powers and perform the duties lawfully possessed and performed by the like officers in the said western district, and shall be, respectively, entitled to like fees, compensation, and emoluments; and until otherwise provided by law the salaries herein prescribed or provided for shall be paid out of any money in the Treasury not otherwise appropriated.

Salaries, etc.

SEC. 6. That the said circuit and district courts, or either of them, may from time to time, in their discretion, appoint special terms of court, civil or criminal, and require grand, traverse, or petit juries, or all of them, to attend the same, by an order to be entered of record thirty days before the day at which such term shall convene, and at such special terms shall have all the powers which they respectively have at the regular terms appointed by law: *Provided, however,* That no special term of said circuit court shall be appointed except upon the order of the circuit judge or of the associate judge of the supreme court allotted to the third judicial circuit.

Special terms.

*Proviso.*  
—order of circuit judge, etc., necessary.

SEC. 7. That the jurisdiction and authority of the courts and officers of the eastern and western districts of Pennsylvania over the territory embraced within the said middle district shall continue as heretofore constituted and established up to the day of the organization of the courts of said middle district, but shall thereafter cease and determine, except as hereinafter provided in regard to crimes and misdemeanors theretofore committed therein; but any lien acquired by virtue of a decree, judgment, execution, attachment, seizure, or otherwise upon property situate or being within the said middle district shall not be divested or affected by this Act: *Provided,* That to enforce the same, certified copies of the record thereof shall be taken and entered in the proper court of the said middle district, and thereafter like proceedings shall be had thereon as though the same had been originally entered in such court.

Present jurisdiction continued until new courts established.

Existing liens unaffected.

*Proviso.*  
—enforcement of.

SEC. 8. That the jurisdiction of the courts and officers of the eastern and western districts of Pennsylvania as now constituted and established is hereby reserved to the same, respectively, over all crimes and misdemeanors which shall have been committed within the territory embraced in the said middle district prior to the organization of the courts thereof the same as though the said middle district had not been established; and the respective courts of the said eastern and western districts shall have the right to summon grand and petit jurors from the body of the districts as now constituted, respectively, for the purpose of inquiring into such crimes and misdemeanors, and prosecuting and trying indictments founded thereon, until every of such crimes and misdemeanors shall have been inquired into, prosecuted, and tried: *Provided,* That such offenses shall be inquired into, prosecuted, and

Pending prosecutions.

*Provisos.*

Special sessions, etc. tried at special terms or sessions to be convened, and upon special writs of *venire facias juratores*, issued by said courts, respectively: *Provided*  
 Future offenses not included. *further*, That nothing in this section shall affect the jurisdiction of the courts of said middle district over crimes and misdemeanors committed therein after the organization of the courts of said middle district.

Removal of pending suits to new district. SEC. 9. That all local actions, suits, and proceedings pending in any of the courts of the eastern or western district of Pennsylvania at the time of the organization of the courts of said middle district, and which relate to property embraced within the territory of the said middle district, shall thereafter be no further proceeded with in the courts where the same are depending, but upon petition of either or any of the parties thereto such local action, suit, or proceedings shall, upon the order of such court, or of a judge thereof in vacation, be removed to the proper court of the said middle district, and the original files thereof and a certified copy of the docket entries shall forthwith be delivered to the clerk of the court to which the same is so removed, who shall enter the same in file and of record, respectively, and like proceedings shall thereafter be had thereon as fully and completely as though the said action, suit, or proceeding had been originally begun in such court of said middle district; and like removals may, in the discretion of the courts of said eastern or western districts, or of a judge thereof in vacation, be had in all transitory actions, suits, and proceedings, upon petition of the defendant or defendants therein, or either of them, where such petitioner resides within the said middle district. In like manner all local actions, suits, and proceedings pending among the records of the courts of the western district of Pennsylvania at Williamsport or Scranton at the time of the organization of the courts of said middle district, and relating to property embraced within the territory of the said western district as hereby constituted, shall, and all transitory actions, suits, and proceedings where a defendant resides in said western district may, be removed to the proper court of such western district; but all other actions pending in the courts at Williamsport or Scranton not so removed or properly removable under the provisions of this section, and all records of said courts there remaining, shall be proceeded with, held, and regarded as though originally begun and depending in the corresponding courts of said middle district. The costs of removal in every case provided for in this section, where such removal shall be ordered, shall be taxed and paid as part of the costs of the action, suit, or proceedings so removed.

Removal to western district, etc.

—costs.

Organization meeting; where held. SEC. 10. That the organization and first session of the courts of said middle district shall be held at the city of Harrisburg, in the county of Dauphin, on the first Monday of May, anno Domini nineteen hundred and one, and it shall be the duty of the marshal of said middle district, when appointed, to provide a suitable place for the temporary accommodation of said courts at the several cities hereinbefore appointed for holding the same, and also safe and convenient offices for the proper keeping of the records thereof.

Temporary court rooms.

Approved, March 2, 1901.

March 2, 1901.

**CHAP. 802.**—An Act Making appropriations for the diplomatic and consular service for the fiscal year ending June thirtieth, nineteen hundred and two.

Diplomatic and consular 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 they are hereby, severally appropriated, in full compensation for the diplomatic and consular service for the fiscal year ending June thirtieth, nineteen hundred and two, out of any money in the Treasury

not otherwise appropriated, for the objects hereinafter expressed, namely:

SCHEDULE A.

Schedule A.

SALARIES OF AMBASSADORS AND MINISTERS.

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;

Ambassadors.

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;

Envoy extraordinary and minister plenipotentiary to Bolivia, seven thousand five hundred dollars;

Envoy extraordinary and minister plenipotentiary to Ecuador, seven thousand five hundred dollars;

Envoy extraordinary and minister plenipotentiary to Haiti, to be accredited also as chargé d'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;

Consul-general at Constantinople and agent at Sofia, five thousand dollars;

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

Agent at Cairo.

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

Chargés d'affaires.

Total, three hundred and ninety 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 two, is hereby appropriated.

Instruction and transit pay.

R. S., sec. 1740, p. 309.

## SALARIES OF SECRETARIES OF EMBASSIES AND LEGATIONS.

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 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 and consul-general to Stockholm, one thousand five hundred dollars;

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

Secretary of legation to Roumania, Servia, and Greece, with residence at Athens, 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 Netherlands, Turkey, Austria, Spain, and Brazil, at one thousand eight hundred dollars each, nine thousand 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.

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

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;

Second secretary of legation at Constantinople, Turkey, who shall be an American student of the language of Turkey, and shall be allowed and required, under the direction of the Secretary of State, to devote his time to the acquisition of such language, one 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, seventy-one thousand one 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.



LEGATION TO SPAIN.

Spain.

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

Clerk hire.

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.

Contingent expenses, foreign missions.

Dispatch agents.

Printing.

Loss by exchange.

STEAM LAUNCH FOR LEGATION AT CONSTANTINOPLE.

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

Steam launch, Turkey.

RENT OF LEGATION BUILDINGS AND EXTENSION OF LEGATION 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.

Purchase of ground adjacent to the present legation grounds at Peking, China, and for the erection of necessary buildings thereon, forty thousand dollars, or so much thereof as may be necessary.

Purchase of ground, China.

GROUND RENT OF LEGATION AT TOKYO, JAPAN.

Rent.

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

Japan.

REPAIRS OF LEGATION PREMISES AT BANGKOK, 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 five hundred 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 expenses. Vol. 22, p. 216.

extradition cases," approved August third, eighteen hundred and eighty-two, to be disbursed by the Secretary of State, five thousand dollars.

#### RESCUING SHIPWRECKED AMERICAN SEAMEN.

Life-saving testimonials.

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.

#### EXPENSES UNDER THE NEUTRALITY ACT.

Expenses neutrality act.

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

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.

#### EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE.

Unforeseen emergencies.

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

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.

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

Payment to heirs 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, at their post or at home, 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 two, 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. 25, p. 1518.

To meet the share of the United States in the annual expense for the year ending March thirty-first, nineteen hundred and two, 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 and one, pursuant to convention proclaimed December seventeenth, eighteen hundred and ninety.

INTERNATIONAL (WATER) BOUNDARY COMMISSION, UNITED STATES AND MEXICO. Mexican Water Boundary Commission.

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. Vol. 24, p. 1011.  
Vol. 26, p. 1512.

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

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 two, one hundred dollars. Bureau for repression African slave trade.  
Vol. 27, p. 917.

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 Prison Commission.

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.

For safe-deposit vault for legation premises at Seoul, Korea, one thousand dollars, or so much thereof as may be necessary.

INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION.

To meet the share of the United States in the expenses for the year nineteen hundred of the International Bureau of the Permanent Court of Arbitration, created under article twenty-two of the convention concluded at The Hague, July twenty-ninth, eighteen hundred and ninety-nine, for the pacific settlement of international disputes, one thousand six hundred and forty dollars. International Bureau of Permanent Court of Arbitration.

SCHEDULE B.

Schedule B.

SALARIES, CONSULAR SERVICE.

Salaries.

CONSULS-GENERAL.

Consuls-general.

For salaries of consuls-general at the following places, namely: Calcutta, Hongkong, London, Paris, Rio de Janeiro, and Shanghai, at five thousand dollars each, thirty thousand dollars;

Melbourne, four thousand five hundred dollars;  
 Berlin, Mexico, Montreal, Ottawa, Panama, and Yokohama, at four thousand dollars each, twenty-four thousand dollars;  
 Halifax and Vienna, at three thousand five hundred dollars each, seven thousand dollars;  
 Antwerp, Apia, Barcelona, Cape Town (Africa), Dresden, Frankfurt, Guayaquil, Rome, Saint Gall, Saint Petersburg, and Singapore, at three thousand dollars each, thirty-three thousand dollars;  
 Marseilles and Monterey, at two thousand five hundred dollars each, five thousand dollars;  
 Coburg, Guatemala, Maracaibo, Tangier, and Santo Domingo, at two thousand dollars each, ten thousand dollars;  
 Christiania, one thousand five hundred dollars;  
 Total for salaries of consuls-general, one hundred and fifteen thousand dollars.

Consuls.

CONSULS.

For salaries of consuls at the following places, namely :

Class I, \$5,000 a year.

CLASS I.

At five thousand dollars per annum.  
 Liverpool, England.

Class II, \$3,500 a year.

CLASS II.

At three thousand five hundred dollars per annum.  
 Amoy, China.  
 Callao, Peru.  
 Canton, China.  
 Havre, France.  
 Tientsin, China.

Class III, \$3,000 a year.

CLASS III.

At three thousand dollars per annum.  
 Barmen, Germany.  
 Basle, Switzerland.  
 Belfast, Ireland.  
 Bordeaux, France.  
 Bradford, England.  
 Chefoo, China.  
 Chin Kiang, China.  
 Colon, Colombia.  
 Dawson City, Northwest Territory.  
 Demerara, Guiana.  
 Fuchau, China.  
 Glasgow, Scotland.  
 Hankau, China.  
 Kingston, Jamaica.  
 Manchester, England.  
 Montevideo, Uruguay.  
 Nagasaki, Japan.  
 Niuchwang, China.  
 Nottingham, England.  
 Nuremberg, Germany.  
 Osaka and Hiogo, Japan.  
 Prague, Austria.  
 Quebec, Canada.  
 Valparaiso, Chile.  
 Vera Cruz, Mexico.

## CLASS IV.

Class IV, \$2,500 a year.

At two thousand five hundred dollars per annum.

Aix la Chapelle, Germany.  
 Annaberg, Germany.  
 Athens, Greece.  
 Bahia, Brazil.  
 Barbados, West Indies.  
 Birmingham, England.  
 Bremen, Germany.  
 Brussels, Belgium.  
 Buenos Ayres, Argentine Republic.  
 Chemnitz, Germany.  
 Ciudad Juarez, Mexico.  
 Dundee, Scotland.  
 Edinburgh, Scotland.  
 Hamburg, Germany.  
 Huddersfield, England.  
 Jerusalem, Syria.  
 Lyons, France.  
 Mainz, Germany.  
 Odessa, Russia.  
 Para, Brazil.  
 Pernambuco, Brazil.  
 Plauen, Germany.  
 Reichenberg, Austria.  
 Rotterdam, Netherlands.  
 Saint Thomas, West Indies.  
 San Juan del Norte, Nicaragua.  
 Santos, Brazil.  
 Sheffield, England.  
 Smyrna, Turkey.  
 Southampton, England.  
 Stuttgart, Germany.  
 Swansea, Wales.  
 Tunstall, England.  
 Victoria, British Columbia.  
 Vladivostock, Siberia.  
 Zurich, Switzerland.

## CLASS V.

Class V, \$2,000 a year.

At two thousand dollars per annum.

Aarau, Switzerland.  
 Acapulco, Mexico.  
 Asuncion, Paraguay.  
 Auckland, New Zealand.  
 Bamberg, Germany.  
 Barranquilla, Colombia.  
 Beirut, Syria.  
 Berne, Switzerland.  
 Bombay, India.  
 Brunswick, Germany.  
 Calais, France.  
 Cardiff, Wales.  
 Chatham, Canada.  
 Chihuahua, Mexico.  
 Ciudad Porfirio Diaz, Mexico.  
 Collingwood, Canada.  
 Cologne, Germany.  
 Copenhagen, Denmark.

Consuls—Class V—  
Continued.

Cork, Ireland.  
 Crefeld, Germany.  
 Curaçao, West Indies.  
 Dublin, Ireland.  
 Dunfermline, Scotland.  
 Dusseldorf, Germany.  
 Erzerum, Turkey.  
 Genoa, Italy.  
 Ghent, Belgium.  
 Glauchau, Germany.  
 Hamilton, Bermuda.  
 Hamilton, Ontario.  
 Hanover, Germany.  
 Kehl, Germany.  
 La Guayra, Venezuela.  
 Leeds, England.  
 Leghorn, Italy.  
 Liege, Belgium.  
 Leipsic, Germany.  
 London, Canada.  
 Lourenço Marquez, Africa.  
 Magdeburg, Germany.  
 Malta, Great Britain.  
 Managua, Nicaragua.  
 Mazatlan, Mexico.  
 Milan, Italy.  
 Munich, Bavaria.  
 Naples, Italy.  
 Nassau, New Providence.  
 Newcastle-on-Tyne, England.  
 Nuevo Laredo, Mexico.  
 Palermo, Italy.  
 Port Louis, Mauritius.  
 Port Stanley, Falkland Islands.  
 Pretoria, South African Republic.  
 Rheims, France.  
 Roubaix, France.  
 Saint Etienne, France.  
 Saint Johns, Newfoundland.  
 Saint John, New Brunswick.  
 Saint Thomas, Canada.  
 San Jose, Costa Rica.  
 San Salvador, Salvador.  
 Sherbrooke, Canada.  
 Solingen, Germany.  
 Sydney, New South Wales.  
 Tamatave, Madagascar.  
 Tampico, Mexico.  
 Tegucigalpa, Honduras.  
 Toronto, Canada.  
 Trieste, Austria.  
 Trinidad, West Indies.  
 Vancouver, British Columbia.  
 Weimar, Germany.  
 Zanzibar, Zanzibar.

Class VI, \$1,500 a  
year.

CLASS VI.

At one thousand five hundred dollars per annum.  
 Aden, Arabia.  
 Alexandretta, Syria.

Amherstburg, Canada.  
Amsterdam, Netherlands.  
Antigua, West Indies.  
Belize, Honduras.  
Breslau, Germany.  
Bristol, England.  
Brockville, Canada.  
Cadiz, Spain.  
Cartagena, Colombia.  
Castellamare di Stabia, Italy.  
Catania, Italy.  
Ceylon, India.  
Charlottetown, Prince Edward Island.  
Coaticook, Canada.  
Cornwall, Canada.  
Durango, Mexico.  
Florence, Italy.  
Fort Erie, Canada.  
Freiburg, Germany.  
Funchal, Madeira.  
Geneva, Switzerland.  
Gibraltar, Spain.  
Goderich, Canada.  
Gothenberg, Sweden.  
Grenoble, France.  
Guadeloupe, West Indies.  
Guelph, Canada.  
Harput, Turkey.  
Hull, England.  
Kingston, Canada.  
La Rochelle, France.  
Limoges, France.  
Malaga, Spain.  
Mannheim, Germany.  
Martinique, West Indies.  
Matamoras, Mexico.  
Messina, Italy.  
Moscow, Russia.  
Nantes, France.  
Niagara Falls, Canada.  
Nice, France.  
Nogales, Mexico.  
Orillia, Canada.  
Port Hope, Canada.  
Port Sarnia, Canada.  
Prescott, Canada.  
Progreso, Mexico.  
Puerto Cabello, Venezuela.  
Rosario, Argentine Republic.  
Saint Christopher, West Indies.  
Saint Helena, Canada.  
Saint Hyacinthe, Canada.  
Saint Johns, Quebec.  
Saint Michaels, Azores.  
Saint Pierre, Saint Pierre Island.  
Saint Stephen, New Brunswick.  
Sierra Leone, Africa.  
Sivas, Turkey.  
Stettin, Germany.  
Stratford, Canada.

Sydney, Nova Scotia.  
 Tamsui, Formosa.  
 Teneriffe, Spain.  
 Three Rivers, Canada.  
 Valencia, Spain.  
 Venice, Italy.  
 Wallaceburg, Canada.  
 Windsor, Ontario.  
 Winnipeg, Manitoba.  
 Woodstock, New Brunswick.  
 Yarmouth, Nova Scotia.  
 Zittau, Germany.

Schedule C.

### SCHEDULE C.

Class VII, \$1,000 a year.

### CLASS VII.

At one thousand dollars per annum.

Batavia, Java.  
 Cape Haitien, Haiti.  
 Ensenada, Mexico.  
 Gaspé Basin, Canada.  
 Patras, Greece.  
 Rouen, France.  
 Saltillo, Mexico.  
 Tahiti, Society Islands.  
 Turin, Italy.  
 Utila, Honduras.  
 Windsor, Nova Scotia.

Total, salaries of consuls, four hundred and fifty-five thousand five hundred dollars.

### SALARIES OF CONSULAR CLERKS.

Consular clerks.

Nine consular clerks, at one thousand two hundred dollars each, ten thousand eight hundred dollars; and four consular clerks, at one thousand dollars each, four thousand dollars; total, fourteen thousand eight hundred dollars.

### SALARIES OF CONSULAR OFFICERS NOT CITIZENS.

Payment to 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.

### ALLOWANCES FOR CLERK HIRE AT UNITED STATES CONSULATES.

Clerks at consulates.

For allowance for clerk hire at consulates as follows:  
 London, three thousand dollars;  
 Paris, two thousand six hundred dollars;  
 Liverpool, two thousand dollars;  
 Bradford, one thousand eight hundred dollars;  
 Southampton, one thousand seven hundred and fifty dollars;  
 Rio de Janeiro and Shanghai, at one thousand six hundred dollars each, three thousand two hundred dollars;  
 Antwerp, one thousand five hundred dollars;  
 Barmen, Berlin, Bordeaux, Bremen, Chemnitz, Crefeld, Frankfort, Hamburg, Havre, Hongkong, Lyons, Manchester, Mexico (city), Montreal, Osaka and Hiogo, Ottawa, Rotterdam, Vienna, and Yokohama, at one thousand two hundred dollars each, twenty-two thousand eight hundred 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;

Beirut, Brussels, Calcutta, Colon, Dresden, Dundee, Glasgow, Guayaquil, Kingston (Jamaica), Leipzig, Maracaibo, Melbourne, Mesina, Monterey, Naples, Nuremberg, Palermo, Panama, Port au Prince, Saint Gall, Sheffield, Singapore, Smyrna, Tangier, Toronto, Tunstall, Vancouver, Vera Cruz, and Victoria, at eight hundred dollars each, twenty-four thousand dollars;

Prague, seven hundred and twenty dollars;

Aix la Chapelle, Ciudad Juarez, Ciudad Porifirio Diaz, Edinburgh, and Halifax, at six hundred and forty dollars each, three thousand two hundred dollars;

Aarau, Cairo, Canton, Cologne, Constantinople, Huddersfield, Mainz, Munich, Newcastle-on-Tyne, Nottingham, Odessa, Para, Pernambuco, Tampico, and Zurich, at six hundred dollars each, nine thousand dollars;

Kehl, five hundred dollars;

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

Total, clerk hire, eighty-three thousand three hundred and fifty dollars.

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, forty thousand dollars: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated;

Consulates not specified.

*Proviso.*  
—limit.

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

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.

Interpreters.

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

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.

Interpreters, guards etc.

SALARIES, MARSHALS FOR CONSULAR COURTS.

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

Marshals.

EXPENSES OF PRISONS FOR AMERICAN CONVICTS.

Consular prisons.

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

Bangkok.

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;

Shanghai.

Paying for the keeping and feeding of prisoners in China, Korea, Siam, and Turkey, and for such miscellaneous expenses in connection

Keeping prisoners.

therewith as may be approved by the Secretary of State, 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;

*Proviso.*  
—maximum allowance.  
—self-supporting prisoners.

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

Korea, wages, etc. Wages of prison keeper in Korea, six hundred dollars;  
Total, thirteen thousand one 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, Porto Rico, and the Philippine Islands, or so much thereof as may be necessary, thirty thousand dollars.

Foreign hospitals.

## FOREIGN HOSPITAL AT CAPE TOWN.

Cape Town.

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.

## FOREIGN HOSPITALS AT PANAMA.

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.

## PUBLICATION OF DIPLOMATIC, CONSULAR, AND OTHER COMMERCIAL REPORTS.

Preparing, etc., consular reports.

Employees, etc.

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 six thousand 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.

*Proviso.*  
Equivalents of measure, etc.

Limit of issue of reports.

## CONTINGENT EXPENSES, UNITED STATES CONSULATES.

Contingent expenses, 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.

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 two.

Bureau of American Republics.  
*Provisos.*  
Use of receipts from sales.

Printing of Monthly Bulletin authorized.

Approved, March 2, 1901.

**CHAP. 803.**—An Act Making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and two.

March 2, 1901.

*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 two:

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, seventy-five 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, seven 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,

United States service schools.

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, fifteen thousand dollars.

OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal service.

**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 (excluding 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 ninety-two thousand five hundred dollars.

Cable to Gardiners Island, N. Y.

For cable from Goshen Point, Connecticut, to Gardiners Island, New York, fourteen miles, sixteen thousand two hundred and ninety-six dollars.

Electrical communication for coast artillery.

For the purchase, installation, operation, and maintenance of the necessary lines and means of electrical communication, including telephones, dial and other telegraphs, wiring, and all special instruments, apparatus, and materials connected with the use of coast artillery, thirty-five thousand dollars: *Provided*, That so much of the appropriation of four hundred and fifty thousand five hundred and fifty dollars, made by the army appropriation Act approved May twenty-sixth, nineteen hundred (Thirty-first Statutes, page two hundred and six), for the purpose of connecting headquarters, Department of Alaska, at Saint Michael, by military telegraph and cable lines with other military stations in Alaska, as shall remain unexpended on June thirtieth, nineteen hundred and one, be continued and made available for the same purpose during the fiscal year ending June thirtieth, nineteen hundred and two.

*Proviso.*  
Unexpended balance for St. Michael, Alaska, available.

Pay.

PAY OF OFFICERS OF THE LINE.

Line.

For pay of officers of the line, five million dollars.

Longevity.

For pay of officers for length of service, to be paid with their current monthly pay, one million dollars.

PAY OF ENLISTED MEN.

Enlisted men.

For pay of enlisted men of all grades, including recruits, fourteen million dollars.

Longevity.

For additional pay for length of service for all enlisted men, exclusive of Hospital Corps, one million dollars.

*Provisos.*  
Allotments of pay by enlisted men for support of their families, etc. Certain credits authorized to disbursing officers who made payments to allottees, etc.

*Provided*, That hereafter 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

Vol. 30, p. 977.  
—inquiry by disbursing officer required.

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: *Provided*, That enlistments in the Regular Army on and after April twenty-first, eighteen hundred and ninety-eight, from which date war was declared to have existed between the United States and Spain, up to and including April twenty-sixth, eighteen hundred and ninety-eight, shall be deemed enlistments for the war with Spain, and shall entitle men so enlisting to the extra pay and on the same conditions granted to men who enlisted in the Regular Army subsequent to the declaration of war, for the war only, as provided by an Act approved March third, eighteen hundred and ninety-nine, entitled "An Act making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred:" *Provided further*, That in fulfillment of the declaration contained in the joint resolution approved April twentieth, eighteen hundred and ninety-eight, entitled, "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

—liability of officers for failure to report, etc.

Dates when enlistments deemed for Spanish war.

Vol. 30, p. 1065.

Cuba. Future relations with United States must be defined in Constitution. Vol. 30, p. 798.

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

Conditions.—treaties.

II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government shall be inadequate.

—public debt.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

—intervention by United States.

IV.

That all Acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

—acts of United States during military occupancy ratified.

## V.

—sanitary measures.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

## VI.

—Isle of Pines.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

## VII.

—coaling stations.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

## VIII.

—foregoing to be made part of a treaty.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

## ENGINEER BATTALIONS.

Engineer battalions.

Four hundred and sixteen thousand four hundred and eight-four dollars.

Longevity.

Additional for length of service, eighty-three thousand two hundred and ninety-six 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).

Noncommissioned staff.

One hundred and thirty-two thousand six hundred dollars.

Additional pay for length of service, twenty-six thousand five hundred and twenty dollars.

## SIGNAL CORPS.

Signal Corps.

Two hundred and four thousand nine hundred and sixty dollars.

Additional pay for length of service, twenty thousand four hundred and ninety-six dollars.

## HOSPITAL CORPS.

Hospital Corps.

One million two hundred and forty thousand eight hundred dollars.

Additional pay for length of service, sixty-two thousand and forty dollars.

PAY TO CLERKS AND MESSENGERS AT DEPARTMENT HEADQUARTERS  
AND AT HEADQUARTERS OF THE ARMY.

Five clerks at one thousand eight hundred dollars each per annum.

Ten clerks at one thousand six hundred dollars each per annum.

Twenty-five clerks at one thousand four hundred dollars each per annum.

Sixty-five clerks at one thousand two hundred dollars each per annum.

Eighty-six clerks at one thousand dollars each per annum.

Sixty-eight messengers at seven hundred and twenty dollars each per annum.

In all, two hundred and seventy-two thousand nine 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, eighty-three 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, twenty-five thousand and fifty dollars.

Longevity.

In all, one hundred and eight thousand five hundred and fifty dollars.

INSPECTOR-GENERAL'S DEPARTMENT: For pay of officers in the Inspector-General's Department, fifty-one 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, fifteen thousand four hundred and fifty dollars.

Longevity.

In all, sixty-six thousand nine hundred and fifty dollars.

*Provided*, That upon the occurrence of a vacancy in the grade of colonel in the Inspector-General's Department after the present lieutenant-colonels therein shall have been promoted or retired, such vacancy shall not be filled, and thereafter the number of officers authorized for that department shall be as follows: One inspector-general with the rank of brigadier-general; three inspectors-general with the rank of colonel; four inspectors-general with the rank of lieutenant-colonel, and nine inspectors-general with the rank of major.

*Proviso.*  
Composition of Department after vacancy in grade of colonel.

THE CORPS OF ENGINEERS: For pay of officers in the Corps of Engineers, three hundred and thirty-one thousand nine hundred dollars.

Corps of Engineers

For additional pay to such officers for length of service, to be paid with their current monthly pay, ninety-nine thousand five hundred and seventy dollars.

Longevity.

In all, four hundred and thirty-one thousand four hundred and seventy dollars.

ORDNANCE DEPARTMENT: For pay of officers in the Ordnance Department, one hundred and fifty-six thousand four hundred dollars.

Ordnance Department.

For additional pay to such officers for length of service, to be paid with their current monthly pay, forty-six thousand nine hundred and twenty dollars.

Longevity.

In all, two hundred and three thousand three hundred and twenty dollars.

QUARTERMASTER'S DEPARTMENT: For pay of officers in the Quartermaster's Department, two hundred and seventy-three thousand five hundred dollars.

Quartermaster's Department.

For additional pay to such officers for length of service, to be paid with their current monthly pay, sixty-seven thousand and fifty dollars.

Longevity

In all, three hundred and forty thousand five hundred and fifty dollars.

Subsistence Department.

**SUBSISTENCE DEPARTMENT:** For pay of officers in the Subsistence Department, one hundred and forty-nine thousand five hundred dollars.

Longevity.

For additional pay to such officers for length of service, to be paid with their current monthly pay, thirty-one thousand three hundred and fifty dollars.

In all, one hundred and eighty thousand eight hundred and fifty dollars.

Medical Department.

**MEDICAL DEPARTMENT:** For pay of officers in the Medical Department, one million and seventy-six thousand five hundred dollars.

Longevity.

For additional pay to such officers for length of service, to be paid with their current monthly pay, one hundred and ninety-five thousand four hundred and fifty dollars.

In all, one million two hundred and seventy-one thousand nine hundred and fifty dollars.

Pay Department.

**PAY DEPARTMENT:** For pay of officers in the Pay Department, one hundred and twenty-eight thousand dollars.

Longevity.

For additional pay to such officers for length of service, to be paid with their current monthly pay, thirty-eight thousand four hundred dollars.

In all, one hundred and seventy-one thousand six hundred dollars.

Judge-Advocate-General's Department.

**JUDGE-ADVOCATE-GENERAL'S DEPARTMENT:** For pay of officers in the Judge-Advocate-General's Department, forty thousand dollars.

Longevity.

For additional pay to such officers for length of service, to be paid with their current monthly pay, twelve thousand dollars.

In all, fifty-two thousand dollars.

Signal Corps.

**SIGNAL CORPS:** For pay of the officers of the Signal Corps, eighty-seven thousand nine hundred dollars.

Longevity.

For additional pay to such officers for length of service, to be paid with their current monthly pay, twenty-one thousand seven hundred and twenty dollars.

In all, one hundred and nine thousand six hundred and twenty dollars.

Record and Pension Office.

**RECORD AND PENSION OFFICE:** For pay of officers of the Record and Pension Office, eight thousand dollars.

Longevity.

For additional pay to such officers for length of service, to be paid with their current monthly pay, two hundred and fifty dollars.

In all, eight thousand two hundred and fifty dollars.

*Proviso.*  
Staff Departments.  
Officers of Volunteers eligible for appointment to lowest grades, etc.

*Provided,* That appointments to fill original vacancies in the lowest grade in the Adjutant-General's Department, the Inspector-General's Department, and Judge Advocate-General's Department, and in the grade of captain in the Quartermaster's Department, Subsistence Department, and Pay Department may be made from officers of volunteers commissioned since April twenty-first, eighteen hundred and ninety-eight, and the age limit prescribed as to chaplains shall not apply to persons who served as chaplains of volunteers after said date who were under forty-two years of age when originally appointed.

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 five hundred thousand dollars.

Longevity.

For additional pay to such officers for length of service, to be paid with their current monthly pay, four hundred and nineteen thousand four hundred and seventy-eight dollars and sixty cents.

In all, one million nine hundred and nineteen thousand four hundred and seventy-eight dollars and sixty cents.



RETIRED ENLISTED MEN.

For pay of the enlisted men of the Army on the retired list, six hundred and thirty-five thousand four hundred and twenty-three dollars and seventy cents. Enlisted men.

MISCELLANEOUS.

For pay of not exceeding one hundred hospital matrons, twelve thousand dollars. Hospital matrons.

For pay of one Superintendent Nurse Corps, one thousand eight hundred dollars. Nurses.

For two hundred and twenty-seven nurses, one hundred and thirty thousand dollars.

For pay of forty-two veterinarians, at one thousand five hundred dollars, sixty-three thousand dollars: *Provided*, That twelve of the veterinarians herein provided for, may be assigned to the artillery. Veterinarians.  
*Proviso.*  
—artillery quota.

For thirty dental surgeons, at one hundred and fifty dollars per month, fifty-four thousand dollars. Dental surgeons.

For pay of ninety paymasters' clerks, one hundred and twenty-six thousand dollars. Paymasters' clerks.

For paymasters' clerks for length of service, eight thousand seven hundred dollars.

For pay of paymasters' messengers, ten thousand dollars. —messengers.

For traveling expenses of paymasters' clerks and expert accountant of the Inspector-General's Department, thirty-five thousand dollars. Travel expenses,  
paymasters' clerks.

For expenses of courts-martial, courts of inquiry, and compensation of reporters and witnesses attending the same, twenty 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, District of  
Columbia.

For commutation of quarters to commissioned officers on duty, without troops, at stations where there are no public quarters, four hundred thousand dollars. Commutation of  
quarters.

For travel allowance to enlisted men on discharge, four million dollars. Travel allowance,  
enlisted men on dis-  
charge.

For clothing not drawn due to enlisted men on discharge, one million dollars. Undrawn clothing.

For interest on soldiers' deposits, fifty thousand dollars, and so much as may be necessary to pay back such deposits. Interest on deposits,  
enlisted men.

For pay of the translator and librarian of the military information division of the Adjutant-General's Office, one thousand eight hundred dollars. Translator, Adju-  
tant-General's Office.

For pay of expert accountant for the Inspector-General's Department, two thousand five hundred dollars. Expert accountant,  
Inspector-General's  
Department.

For mileage to officers and contract surgeons, when authorized by law, five hundred thousand dollars: *Provided*, That hereafter 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 and deductions 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 date of payment. The Secretary of War may determine what shall constitute travel and duty "without troops" within the meaning of the laws governing the payment of mileage and commutation of quarters to officers of the Army: *Provided* *further*, That officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation Mileage to officers.  
*Provisos.*  
—limit.

*further*, That officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation Settlement of mile-  
age accounts.

*further*, That officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation Travel "without  
troops;" what con-  
stitutes, etc.

*further*, That officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation Transportation re-  
quests.

*further*, That officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation

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*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, and of the amount so deducted there shall be turned over to an authorized officer of the Quartermaster's Department three cents per mile for transportation furnished over any railroad which is not a free, bond-aided, or fifty per centum land-grant railroad 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 any fifty per centum land-grant railroad, 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: *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 officers of the Army and acting assistant surgeons who, by reason of failure to obtain transportation requests for travel over so-called "Agreement railroads," have, in addition to paying their own fare over such railroads, been required by the accounting officers of the Treasury to refund to the United States one-half of the cost of travel fare over such railroads, shall be reimbursed by the proper accounting officers the amount so refunded; and paymasters against whom disallowances have been made by the accounting officers on account of failure to deduct the cost of travel fare over such railroads shall have the amount so disallowed passed to their credit: *And provided further*, That in all cases where three cents per mile has been deducted from the mileage accounts of officers of the Army or acting assistant surgeons on account of transportation which should have been but was not furnished such officers and acting assistant surgeons shall be reimbursed by the proper accounting officers an amount equal to what it would have cost the Government if transportation had 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*, That leaves of absence which may be granted officers of the Regular or Volunteer Army serving in the Territory of Alaska or without the limits of the United States, for the purpose of returning thereto, or which may have been granted such officers for such purpose since the thirteenth day of October, eighteen hundred and ninety-eight, shall be regarded as taking effect on the dates such officers reached or may have reached the United States, respectively, and as terminating, or as having terminated, on the respective dates of their departure from the United States in returning to their commands, as authorized by an order of the Secretary of War dated October thirteenth, eighteen hundred and ninety-eight: *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, enroll-

Travel on bond-aided, etc., railroads, etc.

-deduction.

-reimbursement to officers traveling without transportation requests for certain refunds to United States.

-credit to paymasters.

-reimbursement to officers for transportation not furnished, etc.

Leaves of absence to officers, foreign service, when to commence, etc.

Travel allowance on discharge - officers.

-enlisted men.

ment, or original muster into the service: *Provided further*, That any officer or enlisted man in the service of the United States who was discharged in the Philippine Islands and there reentered the service through commission or enlistment shall, when discharged, except by way of punishment for an offense, receive for travel allowances from the place of his discharge to the place in the United States of his last preceding appointment or enlistment, or to his home if he was appointed or enlisted at a place other than his home, four cents per mile: *Provided further*, That for sea travel on discharge actual expenses only shall be paid to officers and transportation and subsistence only shall be furnished to enlisted men.

—reentering service in Philippines.

—sea travel.

For contract surgeons, eight hundred and sixty-four thousand dollars.

Contract surgeons.

For additional twenty per centum increase on pay of enlisted men, two million five hundred thousand dollars.

Twenty per cent increase, enlisted men.

For additional ten per centum increase on pay of officers serving at foreign stations, five hundred thousand dollars: *Provided*, That hereafter the pay proper of all officers and enlisted men serving beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, 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 for time of peace, and the time of such service shall be counted from the date of departure from said States to the date of return thereto: *Provided further*, That the officers and enlisted men who have served in China at any time since the twenty-sixth day of May, nineteen hundred, shall be allowed and paid for such service the same increase of pay proper as is herein provided for: *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.

—officers, foreign service.

*Provisos.*  
Increase for foreign service fixed.

—time of service computed.  
Increase for Chinese service.

—no extra-duty pay.

For the continuance 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, ten thousand dollars.

Army War College.

All the money hereinbefore appropriated, except the appropriation for mileage of officers when authorized by law shall be disbursed and accounted for by the Pay Department as pay of the Army, 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); military convicts at posts; 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, and for toilet paper for use by enlisted men at posts, camps, rendezvous, and offices, where water-closets are provided with sewer connections. For payments: For meals for recruiting parties and recruits; for hot coffee, canned meats, 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, advertis-

Supplies.  
Purchases.

Payments.

Extra-duty pay.	ing, 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 coffee roasters; 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:
Civilian employees.	To enlisted men on furlough, to ordnance sergeants on duty at ungarisoned posts, to enlisted men and male and female nurses when 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; and to male and female nurses on leaves of absence; to be expended under the direction of the Secretary of War, twelve million dollars.
Commutation of rations.	Subsistence of the masters, officers, crews, and employees of the vessels of the army transport service, three hundred and fifty thousand dollars.
Amount.	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, four hundred and thirty-eight thousand dollars.
Transport service.	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.
Increased cost of ration enlisted men in hospitals.	For ice to organizations of enlisted men stationed in island possessions, fifty-four thousand seven hundred and fifty dollars.
Convalescents.	Total for the Subsistence Department, thirteen million twenty-two thousand seven hundred and fifty dollars, to be disbursed and accounted for as "Subsistence of the Army," and for that purpose it shall constitute one fund.
Ice, men in foreign service.	

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

Forage, etc.

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, nine million dollars: *Provided*, That 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 of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the hire of the necessary labor for the purpose: *Provided further*, That hereafter, except in cases of emergency or where it is impracticable to secure competition, the purchase of all supplies for the use of the various departments, and posts of the Army and of the branches of the army service shall only be made after advertisement, and shall be purchased where the same can be purchased the cheapest, quality and cost of transportation and the interests of the Government considered; but every open-market emergency purchase made in the manner common among business men which exceeds in amount two hundred dollars shall be reported for approval to the Secretary of War under such regulations as he may prescribe.

Amount.

*Provisos.*  
Contracts for printing.

Purchase of supplies  
by advertisement, etc.

—report.

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 in all cases where such expenses 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 the amount now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases may be paid out of the proper funds appropriated by this Act, and the disbursing officers shall be credited with such reimbursement heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the twenty-first day of April, eighteen hundred and ninety-eight; 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, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than fifty dollars for each deserter or escaped military prisoner 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.

Amount.

Purchase of horses.

**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: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster's Department, and an inspection by such Department, all under the direction and authority of the Secretary of War.

*Proviso.*  
—limit, etc.

Barracks and quarters.

**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: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel, or for quarters to officers or enlisted men, three million dollars: *Provided further*. That the number of and total sum paid for civilian employees in the Quartermaster's Department, including those paid from the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than one hundred and fifty dollars per month, except upon the approval of the Secretary of War.

*Provisos.*  
Not available for  
commutation of fuel,  
etc.

Civilian employees,  
number, etc., limited.

—limit individual  
salaries.

Transportation.

**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 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 transportation 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 that 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-four million dollars: *Provided*, That the balance of the appropriation of one hundred thousand dollars made by the Act of May twenty-sixth, nineteen hundred, for construction of military roads and bridges in Alaska remaining unexpended on June thirtieth, nineteen hundred and one, is hereby reappropriated and made available for such construction: *Provided further*, That the number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service.

Payment to land-grant railroads.

—maximum compensation, how computed.

Fifty per cent to railroads not bond aided.

Unexpended balance for military roads in Alaska available. *Ante*, p. 214.

Limit number of draft animals.

Clothing, camp, and garrison equipage.

**CLOTHING, AND CAMP AND GARRISON EQUIPAGE:** 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 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 dollars.

Amount.

Hospitals. Hot Springs.

**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, one hundred thousand dollars.

**QUARTERS FOR HOSPITAL STEWARDS:** For construction of quarters for hospital stewards at military posts already established and occu-

Quarters for hospital stewards.

Shooting ranges. pied, including the extra-duty pay of enlisted men employed on the same, ten thousand dollars.

**SHOOTING GALLERIES AND RANGES:** For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, ten thousand dollars.

Medical Department.

**MEDICAL DEPARTMENT.**

Supplies, etc.

For the purchase of medical and hospital supplies, including disinfectants for military posts, camps, hospitals, hospital ships, and transports; for the purchase, installation, operation, and maintenance of ice-making plants; for expenses of medical supply depots; for medical care and treatment of officers and enlisted men of the Army on duty, and of prisoners of war and other persons in military custody or confinement, at posts and stations for which no other provision is made, under such regulations as shall have been or shall be prescribed by the Secretary of War; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Nurse Corps (female), and of cooks and other civilians, employed for the proper care of sick officers and soldiers under such regulations fixing their number, qualifications, assignment, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional service from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Arkansas; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, two million dollars.

Nurses, etc.

Museum.

**ARMY MEDICAL MUSEUM AND LIBRARY:** For Army Medical Museum, preservation of specimens, and the preparation and purchase of new specimens, five thousand dollars.

Library.

For the library of the Surgeon-General's Office, including the purchase of necessary books of reference and periodicals, ten thousand dollars.

Engineer Department.

**ENGINEER DEPARTMENT.**

Incidental expenses.

**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, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers, repairs of, and for materials to repair, public buildings, machinery, and unforeseen expenses, five thousand dollars.

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, and for travel expenses of officers on journeys approved by the Chief of Engineers and made for the purpose of instruction, one thousand five hundred



dollars: *Provided*, That the traveling expenses herein provided for shall be in lieu of mileage or other allowances.

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.

Instruments.

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.

Library.

Addition to the building containing the collection of engineering models used for illustration and instruction, and the library of the United States Engineer School, to be available until expended, twelve thousand dollars.

Addition to building.

For pontoon trains, intrenching tools, instruments, and drawing materials, twenty thousand dollars.

Tools, etc.

For services of surveyors, draftsmen, photographers, master laborers, clerks to engineer officers on the staff of division, corps, and department commanders, twenty-five thousand dollars.

Surveyors, etc.

Total for Engineer Department, sixty-seven thousand dollars.

ORDNANCE DEPARTMENT.

Ordnance Department.

ORDNANCE SERVICE: For current expenses of the ordnance service required to defray the current expenses 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 purchase of publications for ordnance office and payment for mechanical labor in the office of the Chief of Ordnance, three hundred thousand dollars.

Current expenses.

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.

Ammunition for small arms.

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.

Repairing and preserving stores, etc.

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

Purchases for requisitions.

For infantry, cavalry, and artillery equipments, including horse equipments for cavalry and artillery, seven hundred and fifty thousand dollars.

Equipments.

For overhauling, cleaning, and preserving new ordnance and ordnance stores on hand at the arsenals, posts, and depots, fifty thousand dollars.

Preserving, etc., ordnances.

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 cartridge bags, reworking obsolete powder, and so forth, twenty-five thousand dollars.

Morning and evening gun.

For targets for artillery practice and implements for mechanical maneuvers, ten thousand dollars.

Artillery targets.

Manufacturing arms.  
*Provisos.*  
 Appropriations not available for freight charges.

Additional members Board of Ordnance, etc., authorized.

Time extended to War Department to examine monthly accounts of Army expenditures.

Vol. 28, p. 209.

Philippine Islands. Vol 30, p. 1754.  
 President authorized to establish temporary civil government in.

*Provisos.*  
 Franchises to contain reservation of right to amend.  
 Reports to be made to Congress, etc.

*Proviso.*  
 No sale, etc., of public lands.

Restrictions on grant of franchises.

Repeal.

Manufacture, repairing, procuring, and issuing arms at the national armories, one million one hundred thousand dollars: *Provided*, That no part of the appropriations made for the Ordnance Department shall be used in payment of freight charges on ordnance or ordnance stores issued by said Department.

*Provided further*, That the Secretary of War is hereby authorized to appoint two additional members for the Board of Ordnance and Fortification, both of whom shall be selected from the Artillery Corps. The time for examination of monthly accounts, covering expenditures from appropriations for the Army, 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, Act approved July thirty-first, eighteen hundred and ninety-four, is hereby extended from twenty to sixty days.

All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the tenth day of December, eighteen hundred and ninety-eight, and at Washington on the seventh day of November, nineteen hundred, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion: *Provided*, That all franchises granted under the authority hereof shall contain a reservation of the right to alter, amend, or repeal the same.

Until a permanent government shall have been established in said archipelago full reports shall be made to Congress on or before the first day of each regular session of all legislative acts and proceedings of the temporary government instituted under the provisions hereof; and full reports of the acts and doings of said government, and as to the condition of the archipelago and of its people, shall be made to the President, including all information which may be useful to the Congress in providing for a more permanent government: *Provided*, That no sale or lease or other disposition of the public lands or the timber thereon or the mining rights therein shall be made: *And provided further*, That no franchise shall be granted which is not approved by the President of the United States, and is not in his judgment clearly necessary for the immediate government of the islands and indispensable for the interest of the people thereof, and which can not, without great public mischief, be postponed until the establishment of permanent civil government; and all such franchises shall terminate one year after the establishment of such permanent civil government.

All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved, March 2, 1901.

March 2, 1901.

**CHAP. 804.**—An Act Making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes.

Military Academy 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, for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and two.

Permanent establishment.  
 Pay of professors.

PERMANENT ESTABLISHMENT.

For pay of seven professors, twenty-two thousand five hundred dollars;

For pay of one chaplain, two thousand dollars;

For pay of one associate professor of mathematics, two thousand dollars;

For pay of cadets, two hundred and twenty-nine thousand five hundred dollars;

Cadets.

*Provided*, That section thirteen hundred and nineteen, chapter four, title fourteen, of the Revised Statutes be, and the same is hereby, amended to read as follows:

“SEC. 1319. Appointees shall be examined under regulations to be framed by the Secretary of War before they shall be admitted to the Academy and shall be required to be well versed in such subjects as he may, from time to time, prescribe.”

—examination.  
R. S., sec. 1319, p. 226  
amended.

*Provided further*, That the Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the Academy and shall not thereafter be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps, until two years after the graduation of the class of which he was a member.

Penalty for hazing

In all, for permanent establishment, two hundred and fifty-six thousand 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, not mounted, one thousand four hundred and eighty 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 six assistant instructors of cavalry, artillery, and infantry tactics (captains), in addition to pay as second lieutenants, not mounted, three thousand six hundred dollars;

For pay of one adjutant, in addition to pay as second lieutenant, not mounted, six 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 pay of one line officer on duty in Quartermaster's Department, in addition to pay as first lieutenant, mounted, four hundred dollars;

For additional pay of librarian, one hundred and twenty dollars;

For additional pay of professors and officers (and officers on increased rank) for length of service, nine thousand three hundred and fifty-four dollars and twenty-five cents;

Longevity.

In all, for extra pay of officers of Army on detached service at the Military Academy, twenty-five thousand one hundred and seventy-four dollars and twenty-five cents;

For pay of the Military Academy Band, field musicians, general army service, cavalry detachment, and enlisted men on detached service, and extra pay for enlisted men on special duty:

Pay of enlisted men.  
Band.

Composition, etc.  
R. S., sec. 1278, p. 221,  
repealed.  
Vol. 19, p. 380.

*Provided*, That section twelve hundred and seventy-eight of the Revised Statutes and sections two and three of the Act approved March third, eighteen hundred and seventy-seven (Nineteenth Statutes at Large, three hundred and eighty), are hereby repealed, and section eleven hundred and eleven of the Revised Statutes is hereby amended to read as follows:

Pay, etc.  
R. S., sec. 1111, p. 204,  
amended.

“SEC. 1111. The Military Academy Band shall hereafter consist of one teacher of music, who shall be the leader of the band, and of forty enlisted musicians. The teacher of music shall receive the pay, of a second lieutenant, not mounted; and of the enlisted musicians of the band, twelve shall each receive thirty-four dollars per month, twelve shall each receive twenty-five dollars per month, and the remaining sixteen shall each receive seventeen dollars per month, and each of the aforesaid enlisted men shall also be entitled to the clothing, fuel, rations, and other allowances of musicians of cavalry; and the said teacher of music and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are, or may hereafter become, applicable to other enlisted men of the Army.

Teacher of music:  
pay, etc.

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, one thousand three hundred and twenty dollars;

Clothing on discharge, one thousand two hundred dollars;

Field musicians.

For pay of field musicians, one sergeant, with pay of first-class musician, four hundred and eight dollars;

One corporal, one hundred and eighty dollars;

Thirteen privates, two thousand and twenty-eight dollars;

Additional pay for length of service, eighty-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, seventeen thousand and four dollars;

Additional pay for length of service, nine thousand four hundred and sixty-eight dollars;

Clothing on discharge, seven thousand dollars;

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 trumpeters, three hundred and twelve 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;

Fifty-eight privates (cavalry), nine thousand and forty-eight dollars;

Additional pay for length of service, one thousand three hundred and ninety-two dollars;

Clothing on discharge, two thousand three hundred dollars;

Artillery detachment.

For pay of artillery detachment: One first sergeant, three hundred dollars;

Three sergeants, six hundred and forty-eight dollars;

One cook, two hundred and sixteen dollars;

Three corporals, five hundred and forty dollars;  
 One farrier, one hundred and eighty dollars;  
 One saddler, one hundred and eighty dollars;  
 One wagoner, one hundred and eighty 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;  
 Travel allowances to enlisted men on discharge, six hundred dollars;  
 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;

Miscellaneous.  
 Interest on deposits,  
 enlisted men, extra  
 pay, etc.

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 ninety-one dollars and sixty-three 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 one enlisted man employed in the mathematical department, 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 two enlisted men as assistants and attendants at the library, at fifty cents each per day, three hundred and thirteen dollars;

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;

For extra pay of three enlisted men as clerks in the office of the quartermaster, United States Military Academy, at fifty cents each per day, four hundred and sixty-nine dollars and fifty cents;

*Proviso.*

No extra-duty pay.

*Provided*, That the extra pay provided by the nineteen preceding paragraphs shall not be paid to any enlisted man who receives extra-duty pay under existing laws or army regulations;

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, eighty-four thousand seven hundred and ninety dollars and eighty-eight cents.

Pay of civilians,  
clerks, etc.

PAY OF CIVILIANS.

Master of the sword.

For pay of the master of the sword, one thousand six hundred dollars;

*Proviso.*

R. S., sec. 1338, p. 228,  
amended.

*Provided*, That section thirteen hundred and thirty-eight of the Revised Statutes is hereby amended to read as follows:

To act as instructor  
of physical culture,  
etc.

“SEC. 1338. The master of the sword shall hereafter act as instructor of military gymnastics and physical culture at the Military Academy, and shall have the relative rank and shall be entitled to the pay, allowances, and emoluments of a first lieutenant, mounted: *Provided, however*, That whenever a vacancy shall occur in the office of master of the sword and instructor of military gymnastics and physical culture the said office shall cease and determine, and the duties thereunto pertaining shall thereafter be performed by an officer of the line of the Army to be selected for that purpose by the Secretary of War;”

—termination of of-  
fice.

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 eleven firemen, six thousand six 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 preparations 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;

For pay of one master mechanic, one thousand two hundred dollars;

In all, to civilians employed at Military Academy, thirty-four thousand eight hundred and forty dollars.

For current and ordinary expenses as follows:

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 architect overseer 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, typewriting supplies, penholders, tape, desk knives, blotting pads, and rubber bands, nine hundred dollars;

Stationery.

For transportation of materials, discharged cadets, and ferrriages, 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 two hundred 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 improvements of dressing rooms, platform, and swimming tank, two hundred and twenty dollars;

For stationery, typewriting supplies and repairs, for use of instructor and assistant instructors of tactics, two hundred 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, sabers, and repairs, four hundred dollars;

For soap, lye, sapolio, buckets, scrubbing brushes, mops, dust pans, brooms, feather dusters, and other similar articles and material, for policing cadet barracks, guardhouse, and sinks, three hundred and twenty-five dollars;

For door mats for cadet barracks, sinks, and guardhouse, fifty dollars;  
 For plumes for cadet officers and acting officers, seventy-five dollars;  
 For additional furniture for cadet barracks, to be immediately available, one thousand one hundred and sixty-eight dollars and seventy-five cents;

For repairs and furniture for offices, one hundred dollars;

For twelve topographical canvas wall maps, with features in oil colors, large scale, to be immediately available, one hundred and twenty dollars;

For eight canvas relief maps, in colors, large scale, to be immediately available, eighty dollars;

For three dozen pocket compasses for field reconnoissance, to be immediately available, ninety dollars;

Department of civil  
and military engi-  
neering.

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 nat-  
ural, 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  
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;

For cases for geometrical models, three hundred and 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 chemical cases in the laboratory for storing and preserving supplies used in practical work, six hundred dollars;

For benches and raised platform for chemical lecture room, two hundred and fifty 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 repairs and additions to electric, magnetic, pneumatic, thermic, and optical apparatus, one thousand 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, three hundred dollars;

For repairs to models, desks, stretchers, racks, stands, and materials, one hundred and twenty-five 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 and wall models, fifty dollars;

For binding periodicals, loose sheets of maps, books, and so forth, fifty dollars;

For forty-two new drawing desks for use of cadets, at ten dollars and fifteen cents each, four hundred and twenty-six dollars and thirty cents;

For fifty new stools for use of cadets, at seventy-five cents each, thirty-seven dollars and fifty cents;

For twenty-one new reconnoissance sketching boards, at five dollars each, one hundred and five dollars;

For forty new sketching rulers, celluloid and brass, with scale, forty dollars;

For twenty-five new stretcher boards, large size, at two dollars and fifty cents each, sixty-two dollars and fifty cents;

For one hundred and thirty new stretcher boards, small size, at one dollar and seventy-five cents each, two hundred and twenty-seven dollars and fifty cents;

For eighty-six new open stretcher frames, medium, at fifty cents each, forty-three dollars;

For twenty-four new open stretcher frames, large, at seventy-five cents each, sixteen dollars;

For twenty-four new open stretcher frames, medium, at seventy-five cents each, sixteen dollars;

For sixty-four steel triangles, at one dollar and twenty-five cents each, eighty dollars;

For thirty-six steel straightedges, at three dollars each, one hundred and eight 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, four hundred and fifteen dollars;

Department of modern languages.

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 cost of exchanging one Densmore typewriter, eighty dollars, to be immediately available;

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 reconnoissances; photographic apparatus and material for field photography; drawing instruments and material for platting reconnoissances; 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 pay of one engineer soldier as assistant in photographic laboratory, and in charge of pho-

Department of practical military engineering.

tographic laboratory, photographic apparatus, materials, and supplies, at fifty cents per day, one thousand five hundred dollars;

Department of ordnance and gunnery.

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;

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 two hundred dollars;

In all, for current and ordinary expenses, seventy-nine thousand seven hundred and eighty-five dollars and fifty-five cents.

#### 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, one hundred 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 wharfs, 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;

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 five hundred 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;

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.  
Contract purchases.

*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;

For repair of cooking utensils and the replacement of worn-out cooking utensils in the cadet subsistence department, to be expended without advertising, three hundred dollars; Subsistence department.

For repairs of chairs, tables, and other furniture in cadet subsistence department, to be expended without advertising, one hundred and twenty-five dollars;

For repairs, new machines, and fixtures for gymnasium, three hundred dollars; Gymnasium.

For one twenty-eight foot metal drying room of twelve eighteen-inch racks, complete and installed in the cadet laundry, to be immediately available, seven hundred and twenty-five dollars; Laundry.

For one three-roll number five collar and cuff ironer, to be immediately available, one thousand two hundred dollars;

For eighteen ironing tables, twenty-eight by fifty inches, to be immediately available and to be purchased without advertising, one hundred and fifty dollars;

One number two dampener for belts, to be immediately available and to be purchased without advertising, one hundred and fifty dollars;

For one collar and cuff starcher, to be immediately available and to be purchased without advertising, three hundred and fifty dollars;

For six rattan laundry baskets, to be immediately available and to be purchased without advertising, seventy-six dollars;

For one Carter's pressure water filter number three, to be immediately available and to be purchased without advertising, two hundred and twenty-five dollars;

For one Worthington pump and receiver, to be immediately available and to be purchased without advertising, four hundred dollars;

For one hydraulic dampener, twenty-four by thirty-two by thirty-six inches, to be immediately available and to be expended without advertising, one hundred dollars;

For purchase of two hundred and forty dictionaries for the use of the cadets, at fifteen dollars each, three thousand six hundred dollars; Dictionaries.

For partly meeting the expenses incident to the exercises in commemoration of the one hundredth anniversary of the opening of the United States Military Academy, to be expended under the direction of the Superintendent, ten thousand dollars; Commemoration exercises expenses.

In all, for miscellaneous items and incidental expenses, thirty-four thousand nine hundred and one dollars.

Buildings and grounds, Military Academy: For cases, materials, fittings, fixtures, and other appliances and repairs for ordnance museum in new academy building, three hundred dollars; Buildings and grounds.

For 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;

For filling in, raising, and otherwise improving engineer ponton ground, and constructing sea wall at same, three thousand dollars;

For painting walls throughout cavalry barracks, three hundred and seventy-five dollars;

For whitewashing interior and painting exterior of cavalry stables, four hundred and eighty dollars;

For lumber for general repairs of cavalry stables, one hundred and fifty dollars;

For benching cellar wall of quarters of the hospital steward at the soldiers' hospital, eighty dollars;

For materials and labor for repairs, alterations, and additions needed at the soldiers' hospital, as follows:

For screens to all transoms, forty dollars;

For storm windows and doors, three hundred and seventy-five dollars;

For porcelain sink, with hot and cold water combination spigots (two), one hundred and fifty dollars;

For Welsbach burners, mantles, and mica chimneys, twenty-five dollars;

For brushes, paints, glass, putty, wax, and turpentine, for general repairs and waxing floors, seventy-five dollars;

For materials for rebronzing radiators, thirty dollars;

For purchase of flowers and shrubs for hospital grounds, fifty dollars;

For metal ceiling for walls, three hundred dollars;

Waterworks.

For 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;

For necessary improvements to water-supply system: To grade and remove vegetable growth and properly drain the vicinity of Lusk reservoir and fence road around it, five thousand dollars;

— extra-duty pay to overseer.

*Provided*, That from the foregoing appropriations for waterworks, or from any appropriation that may hereafter be made 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.

Repairs.

For painting and for general incidental repairs and improvements to the cadet quartermaster's department building, including store-rooms, office, tailor shops, shoe-repairing shops, to be expended as required without advertising, three hundred dollars;

For electric motor to run elevator, fans, and sewing machines in cadet quartermaster's department building, to be immediately available, one hundred and fifty dollars;

For one furnace and connection, complete, for one set of quarters belonging to the cadet quartermaster's department and occupied by one of its employees, to be immediately available, two hundred and fifty dollars;

Repairs and additions to the cadet hospital, as follows:

For repainting walls and woodwork of halls, wards, lavatories, and so forth, three hundred dollars;

For repainting exterior of brick annex to wards, and painting exterior of new brick addition to same, one hundred and fifty dollars;

For new boiler for range in kitchen in hospital corps mess, ninety-five dollars;

For closets for storing dust pans, brooms, bedpans, etc., in each lavatory pertaining to wards, sixty dollars;

For material for rebronzing radiators and piping, thirty dollars;

For paraffin and turpentine for waxing and polishing floors, fifty dollars;

For metal ceiling for dormitories of the hospital corps, with cost of labor, one hundred dollars;

For constructing a south wing to the hospital, to correspond with the present north wing, for the accommodation of the sick, to be built of stone, with brick annex for lavatories, baths, and water-closets, including cost of labor, plumbing, gas fittings, radiators, and so forth, forty-six thousand dollars;

For purchase of flowers and shrubs for hospital grounds, seventy-five dollars;

For purchase of Welsbach burners, droplights, mantles, tubes, and so forth, forty dollars;

For painting walls, ceiling, and ironwork of main hall of gymnasium, bowling alleys, closets, vestibules, reception room, office, store-rooms, and halls, eight hundred dollars;

For steel ceiling for gymnasium, seven hundred dollars;

For furniture, curtains, and rugs, for cadet reception room, one hundred and fifty dollars;

For two-story brick addition (about twenty-eight by seventy-five feet) to north end of cadet laundry, finished to correspond to main building, to be immediately available, four thousand two hundred dollars;

For adding second story of brick to one-story addition, fifteen by twenty-eight feet (boiler room), on south end of main building, to be immediately available, one thousand dollars;

For one two-story brick addition, fifteen by thirty feet, to west side of cadet laundry, to be immediately available, one thousand six hundred dollars;

For enlarging cadet mess hall, kitchen, and servants' quarters, to be immediately available, sixty-nine thousand four hundred and fifty dollars;

For wiring for electric lights for mess hall, kitchens, pantries, bakery, cold-storage rooms, dormitories, and for chandeliers, brackets, switches, and machinery, to be immediately available, two thousand five hundred dollars;

For repairing and varnishing woodwork, repairing plastering, painting walls and ceilings in cadet guardhouse, one hundred and fifty dollars;

For granolithic pavement in rear of cadet barracks, and for laying a cement gutter along same, in all six thousand eight hundred square feet, two thousand dollars;

Repairs to cadet barracks:

For repairing and renewing plastering, painting and calcimining, repairs to woodwork, reflooring, rearranging rooms, increasing sinks, baths, and for other incidental repairs to the building, ten thousand dollars;

For water main and sewerage for quarters recently built and to be built during the coming year, five thousand dollars;

For maintaining and improving the grounds of the post cemetery, three thousand dollars;

For converting coal shed into storehouse for lime, cement, stoves, and so forth, one thousand and sixty dollars;

For removing and replacing the asphalt and galvanized-iron roofs and gutters of the Academy building by copper or other durable material, eleven thousand dollars;

For repairing and renewing damaged plastered walls, ceilings, and cornices of the Academy building, due to leaks in roof, one thousand dollars;

For rebuilding north dock, four thousand two hundred dollars;

For filling the ditches and leveling the parapets of the modern portion of Fort Clinton, to be immediately available, five thousand dollars;

For two double sets of officers' quarters, to be of brick, with plumbing and heat, complete, forty thousand dollars;

For continuing the construction and repair of the roads between the site of 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;

For repairing roads and paths, including roads and bridges on reservation, one thousand dollars;

To repair the sidewalks of the post, one thousand dollars;

For continuing the construction of breast-high wall in dangerous places, five hundred dollars;

For broken stone and gravel for roads, one thousand five hundred dollars;

For building for officers' quarters and mess, twenty-nine thousand nine hundred and sixty dollars;

Appropriations available until expended.

*Ante*, p. 654.

*Provided*, That the foregoing appropriation, and the appropriation contained in the Act approved June sixth, nineteen hundred, for building for officers' mess and quarters, seventy-eight thousand nine hundred and ninety dollars are hereby made available until expended;

Total buildings and grounds; two hundred and fifty-eight thousand one hundred and fifty dollars.

Approved, March 2, 1901.

March 2, 1901.

**CHAP. 805.**—An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and two.

Agricultural Department 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 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 two, for the purposes and objects hereinafter expressed, namely:

#### DEPARTMENT OF AGRICULTURE.

Pay of Secretary, Assistant, clerks, etc.

**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 of class one, eight thousand four hundred dollars; four clerks, at one thousand dollars each, four thousand dollars; one clerk, 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; one electrician, nine 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, 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-six thousand seven hundred and ten dollars.

Laborers, etc.

**OFFICE OF THE SECRETARY: LABORERS AND CHARWOMEN:** One laborer, seven hundred and twenty dollars; one laborer, 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.

WEATHER BUREAU.

Weather Bureau.

**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; four 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, ten thousand dollars; five forecast officials, at two thousand dollars each, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, ten 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-nine thousand eight hundred and twenty dollars.

Pay of chief, professors, clerks, etc.

**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.

—inspectors, observers, etc.

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, four hundred and eight thousand five hundred dollars.

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 experiments in wireless telegraphy, including all necessary expenses; 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 fifty-seven thousand 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 Bermuda, 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); rent 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.

Erection of buildings authorized.

For the purchase of a site and the erection of a small brick and wood building at each of the following-named places, for use of the Weather Bureau, and for all necessary labor, materials, and expenses, plans and specifications to be prepared and approved by the Secretary of Agriculture, and work done under the supervision of the Chief of Weather Bureau, namely: Atlantic City, New Jersey, six thousand dollars; Hatteras, North Carolina, five thousand dollars; Fort Canby, Washington, four thousand dollars; Port Crescent, Washington, three thousand dollars; and Tatoosh Island, Washington, five thousand dollars; Point Reyes, California, three thousand dollars, including the purchase of instruments, furniture, supplies, flagstaffs, and storm warning towers to properly equip these stations; for the purchase and laying of a cable between the mainland and Tatoosh Island, and for general repairs to telegraph line from Port Crescent to Tatoosh Island, Washington, including all necessary labor, materials, and other expenses, twenty thousand dollars; in all, forty-six thousand dollars:

Cable, Tatoosh Island.



*Provided*, That if any of the money for these several buildings and cable remains unexpended for the special purposes for which it is appropriated, so much of it as is necessary may be expended for the repair, improvement, and equipment of the buildings owned by the Government and occupied by the Weather Bureau at Cape Henry, Virginia; Bismarek, North Dakota; Kitty Hawk, North Carolina, and Jupiter, Florida: *And further provided*. That in lieu of the building of the cable to Tatoosh Island such of the money herein appropriated may, in the discretion of the Secretary of Agriculture, be used for the purchase of ground and the erection of a building on the mainland nearly opposite Tatoosh Island, and the installation and operation of a system of wireless communication between the said mainland and Tatoosh Island. Total for Weather Bureau, one million one hundred and forty-eight thousand three hundred and twenty dollars.

*Provisos.*  
Unexpended balances available for Cape Henry, Va., etc.

Wireless communication to Tatoosh Island authorized in lieu of cable.

### BUREAU OF ANIMAL INDUSTRY.

**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, two thousand 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 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-nine thousand and thirty dollars.

Bureau of Animal Industry.

Salaries of chief, clerks, etc.

**GENERAL 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

Expenses. Inspection of meat cattle, etc. Vol. 23, p. 31. Vol. 26, p. 414.

Vol. 26, p. 1089.

*Provisos.*  
—live horses.  
—waiver of certificate with beef.

Preventing diseases among animals.

Purchase, etc., of diseased animals.

Bethesda, Md., station.

Foreign markets for farm products, etc.

Laboratory.

Inspection of dairy products for exportation authorized.  
Vol. 23, p. 732.  
Vol. 25, p. 1090.

—label.

Animal quarantine stations.

Bureau of Plant Industry.

Salaries of chief, etc.

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 and fifty thousand 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: *Provided*, That the Secretary of Agriculture may construe the provisions of the Act of March third, eighteen hundred and ninety-one, as amended March second, eighteen hundred and ninety-five, for the inspection of live cattle and products thereof, to include dairy products intended for exportation to any foreign country, and may apply, under rules and regulations to be prescribed by him, the provisions of said Act for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said Act relating to live cattle and products thereof for export shall apply to dairy products so inspected and certified.

**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, twenty-five thousand dollars.

Total for Bureau of Animal Industry, one million one hundred and fifty-four thousand and thirty dollars.

**BUREAU OF PLANT INDUSTRY.**

**BUREAU OF PLANT INDUSTRY, SALARIES:** One plant physiologist and pathologist, who shall be Chief of Bureau, three thousand dollars; one plant pathologist, two thousand five hundred dollars; one botanist,

two thousand five hundred dollars; one pomologist, two thousand five hundred dollars; one agrostologist, two thousand five hundred dollars; one assistant pathologist, one thousand eight hundred dollars; one assistant botanist, one thousand eight hundred dollars; one assistant pomologist, one thousand eight hundred dollars; one assistant agrostologist, one thousand eight hundred dollars; two clerks class three, three thousand two hundred dollars; three clerks class one, three thousand six hundred dollars; five clerks, at one thousand dollars each, five thousand dollars; two clerks, at nine hundred dollars each, one thousand eight hundred dollars; two clerks, at eight hundred and forty dollars each, one thousand six hundred and eighty dollars; in all, thirty-nine thousand six hundred and eighty dollars.

GENERAL EXPENSES, BUREAU OF PLANT INDUSTRY; VEGETABLE PATHOLOGICAL AND PHYSIOLOGICAL 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 study of plant physiology in relation to crop production and the improvement of crops by breeding and selection; to investigate the diseases affecting citrus fruits, pineapples, and truck crops grown during the winter in the Southern States; to investigate and report upon the diseases affecting plants on the Pacific coast; to originate or introduce improved varieties of fruits and vegetables in cooperation with the Section of Seed and Plant Introduction; to study the relation of soil and climatic conditions to diseases of plants, particularly with reference to the California vine diseases and the diseases of the sugar beet, in cooperation with the Bureau of Soils, and for other purposes connected with the discovery and practical application of improved methods of crop production; to continue the work of originating, by breeding and selection, in cooperation with the other divisions of the Department and the experiment stations, new varieties of oranges, lemons, and other tropical and subtropical fruits more resistant to cold and disease, and of better quality; varieties of wheat and other cereals more resistant to rust and smut and better suited to the various sections of this country; varieties of cotton more resistant to disease and of longer and better staple, and varieties of pears and apples more resistant to blight and better adapted for export; the employment of investigators, local and special agents, clerks, assistants, and student scientific aids at an annual salary of four hundred and eighty dollars each, and other labor required in conducting experiments in the city of Washington and elsewhere, and 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 one thousand four hundred dollars per annum; and for other expenses connected with the practical work of the investigations, sixty thousand dollars.

Investigations and expenses. Vegetable pathological, etc.

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, and furnishing duplicate models to the experiment stations of the various States as far as found practicable; the employment of investigators, local and special agents, clerks, assistants, student scientific aids at an annual salary of four hundred and eighty dollars each, 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; to continue the investigations and experiments in the introduction of

Pomological investigations.

the culture of European table grapes and the study of the diseases that affect them, for the purpose of discovering remedies therefor, this work to be done in cooperation with the Section of Seed and Plant Introduction; to investigate in cooperation with the other divisions of the Department and experiment stations of the several States and market conditions affecting the fruit trade in the United States and foreign countries, and the methods of harvesting, packing, storing, and shipping fruit and vegetables, and for experimental shipments of fruits to foreign countries, for the purpose of increasing the exportation of American fruits, and for all necessary expenses connected with the practical work of the same; to investigate, map, and report upon the commercial fruit districts of the United States, for the purpose of determining the relative adaptability of the several important fruits thereto, by a study of the conditions of soil and climate, and of the prevalence of plant diseases existing therein as related to commercial fruit production, twenty thousand dollars.

Botanical investigations.

**BOTANICAL INVESTIGATIONS AND EXPERIMENTS:** Investigations relating to medicinal, poisonous, fiber, and other economic plants, seeds, and weeds; the collection of plants, traveling expenses, and express charges; the purchase of paper and all other necessary supplies, materials, and apparatus; for rent and ordinary repairs of a building for office and laboratory purposes not to exceed one thousand dollars; for gas and electric current; for the employment of investigators, local and special agents, clerks, assistants, and student scientific aids at an annual salary of four hundred and eighty dollars each, 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 such of these tests, together with the names of the seedsmen by whom the seeds were sold; to investigate and publish reports upon the useful plants and plant cultures of the tropical territory of the United States, and to investigate, report upon, and introduce other plants promising to be valuable for the tropical territory of the United States, such plants and botanical and agricultural information when secured to be made available for the work of agricultural experiment stations and schools; to investigate the varieties of wheat and other cereals grown in the United States or suitable for introduction, in order to standardize the naming of varieties as a basis for the experimental work of the State experiment stations, and as an assistance in commercial grading, and to investigate, in cooperation with the Bureau of Chemistry, the causes of deterioration of export grain, particularly in oceanic transit, and devise means of preventing losses from those causes, forty-five thousand dollars.

Grass and forage plant investigations.

**GRASS AND FORAGE PLANT INVESTIGATIONS:** To enable the Secretary of Agriculture to conduct investigations of grasses, forage plants, and animal foods in cooperation with other divisions of the Department; 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; for the employment of local and special agents, clerks, assistants, and scientific student aids at an annual salary of four hundred and eighty dollars each, and other labor required in conducting experiments in the city of Washington and elsewhere; 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, twenty thousand dollars: *Provided*, That five thousand dollars of this sum, or such part thereof as the Secretary of Agriculture may deem necessary, to be immediately available.

*Proviso.*  
Appropriation immediately available.

**EXPERIMENTAL GARDENS AND GROUNDS:** Cultivation and care of experimental gardens and grounds, including the keep of 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, horse-shoeing, 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, traveling and other necessary expenses, and for electric lighting, twenty thousand dollars.

Experimental gardens, etc.

Total for Bureau of Plant Industry, two hundred and four thousand six hundred and eighty dollars.

**BUREAU OF FORESTRY.**

Bureau of Forestry.

**BUREAU OF FORESTRY, SALARIES:** One forester, who shall be chief of bureau, three thousand dollars; one assistant forester, two thousand five hundred dollars; one assistant forester, one thousand eight hundred dollars; one assistant forester, two thousand dollars; one chief clerk, one thousand eight hundred dollars; one stenographer, one thousand two hundred dollars; one field assistant, one thousand five hundred dollars; one field assistant, one thousand four hundred dollars; one field assistant, one thousand two hundred dollars; one field assistant, one thousand dollars; one field assistant, seven hundred and twenty dollars; ten collaborators at three hundred dollars each, three thousand dollars; one clerk class three, one thousand six hundred dollars; one photographer, one thousand two hundred dollars; one computer, one thousand dollars; three clerks class one, three thousand six hundred dollars; two clerks at one thousand dollars each, two thousand dollars; four clerks at nine hundred dollars each, three thousand six hundred dollars; seven clerks at seven hundred and twenty dollars each, five thousand and forty dollars; in all, thirty-nine thousand one hundred and sixty dollars.

Salaries of chief clerks, etc.

**GENERAL EXPENSES, BUREAU OF FORESTRY:** To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, forest reserves, 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; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments and investigations in the

Investigations.

city of Washington and elsewhere, and for collating, digesting, reporting, illustrating, and printing the results of such experiments and investigations; for the purchase of all necessary supplies, apparatus, and office fixtures; for freight and express charges, and traveling expenses, one hundred and forty-six thousand two hundred and eighty dollars, of which sum not to exceed two thousand dollars may be used for the payment of rent. In all, for the Bureau of Forestry, one hundred and eighty-five thousand four hundred and forty dollars.

BUREAU OF CHEMISTRY.

Bureau of chemistry.

Salaries of chief, clerks, etc.

**BUREAU OF CHEMISTRY, SALARIES:** One chemist, who shall be chief of bureau, three thousand dollars; one assistant chemist, two thousand five hundred dollars; one assistant chemist, one thousand eight hundred dollars; one assistant chemist, one thousand six hundred dollars; two clerks, class one, two thousand four hundred dollars; in all, eleven thousand three hundred dollars.

Expenses.

**GENERAL EXPENSES, BUREAU OF CHEMISTRY:** 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; to continue the collaboration with other bureaus and divisions of the Department desiring chemical investigations and to collaborate with the other departments of the Government, whose heads request the Secretary of Agriculture for such assistance and for other miscellaneous work; for the employment of additional assistant chemists when necessary.

Food, 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 by reason of such adulteration 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 because of such adulteration.

Opening packages of suspected imports.

—notice to owner.

—delivery refused.

Investigation of 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; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products 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 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,

—of foreign tests of American food products, etc.

and in collating, digesting, reporting, and illustrating the results of such experiments; for freight and express charges, and for traveling and other necessary expenses, twenty-four thousand five hundred dollars, of which sum two thousand five hundred dollars may be used for the rent of a laboratory building.

Total for Bureau of Chemistry, thirty-five thousand eight hundred dollars, of which five thousand dollars shall be immediately available.

**BUREAU OF SOILS.**

Bureau of Soils.

**BUREAU OF SOILS, SALARIES:** One soil physicist who shall be Chief of Bureau, three thousand dollars; one scientist, two thousand five hundred dollars; one scientist, one thousand eight hundred dollars; one scientist, one thousand dollars; one chief clerk, two thousand dollars; one stenographer, one thousand two hundred dollars; three clerks of class one, three thousand six hundred dollars; one clerk, one thousand dollars; one clerk, eight hundred and forty dollars; one watchman, seven hundred and twenty dollars; one charwoman, four hundred and eighty dollars; in all, eighteen thousand one hundred and forty dollars.

Salaries of chief, clerks, etc.

**GENERAL EXPENSES, BUREAU OF SOILS:** 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; for investigations of soils in the United States and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations; to map the tobacco soils of the United States; to investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other tobacco competing countries; to investigate, in cooperation with the Bureau of Plant Industry, the methods of curing, with particular reference to fermentation; to originate, through selection and breeding, improved varieties for 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; rent of buildings, not to exceed one thousand four hundred dollars per annum, for office and 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; to enable the Secretary of Agriculture to continue and extend the survey and investigations of agricultural lands as hereinbefore provided, and for all necessary expenses connected with the survey; preparation and printing of reports and illustrations; employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, in collecting, collating, digesting, reporting, and illustrating the results of such surveys; freight and express charges, and for traveling and other necessary expenses, ninety-one thousand dollars, ten thousand dollars of which shall be immediately available.

Soil investigation.

Total for Bureau of Soils, one hundred and nine thousand one hundred and forty dollars.

**DIVISION OF ENTOMOLOGY, SALARIES:** 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

Division of Entomology. Salaries of chief, clerks, etc.

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.

## Investigations.

**GENERAL EXPENSES OF 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-five thousand five hundred dollars: *Provided*, That six thousand five hundred dollars of the amount hereby appropriated be used for the following purposes: Three thousand five hundred dollars for an investigation into the ravages of the cotton-boll weevil, with a view of ascertaining the best method of its extermination; two thousand dollars for investigations in apiculture; and one thousand dollars for an investigation into the ravages of the codling moth in the Northwest, with a view of ascertaining the best remedial measures to be adopted in that section of the country.

Total for Division of Entomology, thirty-six thousand two hundred dollars.

## Division of Biological Survey.

**DIVISION OF BIOLOGICAL SURVEY, SALARIES:** 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, at 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.

## Investigations.

**GENERAL EXPENSES OF 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, and to enable the Secretary of Agriculture to carry into effect the provisions of an Act approved May twenty-fifth, nineteen hundred, entitled "An Act to enlarge the powers of the Department of Agriculture, prohibiting the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," twenty thousand dollars, one thousand dollars of which shall be immediately available.

Total for Division of Biological Survey, thirty-two thousand eight hundred dollars.

Authority of Secretary to preserve, etc., game.  
*Pub.*, p. 187.

## Division of Accounts, 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.

**DIVISION OF PUBLICATIONS, SALARIES:** 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.  
Salaries.

**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.

Document section.

**GENERAL EXPENSES, DIVISION OF PUBLICATIONS:** For the preparation, printing, illustration, publication, indexing, and distribution of documents, bulletins, and reports, one hundred and seventy thousand five hundred dollars; of which sum one hundred and 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; and the remainder of said sum for the pay of artists, draftsmen, and engravers, and of proofreaders 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 paper, envelopes, gum, twine, and other necessary material; for the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, sixty-three thousand dollars, of which sum five thousand five hundred dollars shall be immediately available; for the rent of a building and for such alterations as may be needed, not to exceed two thousand five hundred dollars per annum, for the storage of publications, to be immediately available; in all, one hundred and seventy-three thousand dollars.

General expenses.

Farmers' bulletins.

*Provisos.*  
Notice to Senators,  
etc., of departmental  
publications.

Disposition of publi-  
cations uncalled for.

Total for Division of Publications, one hundred and ninety-eight thousand and twenty dollars.

Division of Statistics.

**DIVISION OF STATISTICS, SALARIES:** 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.

Collecting agricultural statistics.

**GENERAL EXPENSES, DIVISION OF 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 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 twenty thousand dollars, of which sum not more than sixty-three thousand dollars shall be expended for salaries in the city of Washington, District of Columbia, of which sum three thousand dollars shall be immediately available.

Provisos. Monthly crop reports.

Extending demands of foreign markets.

Total for Division of Statistics, one hundred and fifty-six thousand one hundred and sixty dollars.

Library. Salaries.

**LIBRARY, SALARIES:** 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.

Expenses.

**GENERAL EXPENSES FOR DEPARTMENT LIBRARY:** 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, seven thousand dollars.

Total for library, Department of Agriculture, sixteen thousand dollars.

Museum.

**MUSEUM:** One care taker, 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.

Contingent expenses.

**CONTINGENT EXPENSES, DEPARTMENT OF AGRICULTURE:** 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.

MISCELLANEOUS.

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-nine 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 three 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 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. 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. And the Secretary of Agriculture is hereby authorized to expend twelve 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. And the Secretary of Agriculture is hereby authorized to expend twelve thousand dollars of which sum to establish and maintain an agricultural experiment station in Porto Rico, including the erection of buildings, the printing (in

Agricultural experiment stations.

Vol. 24, p. 440.

Vol. 12, p. 508.

Forms.

Vol. 24, p. 441.

Alaska.

Annual statement.

Experiment Station Record, etc.

Index of agricultural literature.

Hawaiian Islands station.

Porto Rican station.

Porto Rico), illustration, and distribution of reports and bulletins, and all other expenses essential to the maintenance of said station; in all, seven hundred and eighty-nine thousand dollars.

Arlington experi-  
mental farm.  
Expenses.

**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.

*An/c.*, p. 134.

Nutrition investiga-  
tions.

**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; 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, twenty thousand dollars.

Irrigation investi-  
gations.

**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 suggestions 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.

Public road 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; to enable the Secretary of Agriculture to investigate the chemical and physical character of road materials, for the pay of experts, chemists, and laborers, for necessary apparatus and materials; 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, twenty thousand dollars.

Investigating pro-  
duction of domestic  
sugar.

**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, five thousand dollars.

**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, seven thousand dollars, two thousand dollars of which shall be immediately available.

Tea culture.

**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, two hundred and seventy thousand dollars, of which amount not more than forty-three thousand dollars shall be expended for labor in the city of Washington, District of Columbia, of which sum five thousand dollars shall be immediately available, and not less than one hundred and eighty thousand dollars shall be allotted for Congressional distribution.

Division of Seeds. Purchase, distribution, etc.

Seeds adapted to locality, etc.

And the Secretary of Agriculture is authorized to expend for labor in the city of Washington during the present fiscal year, out of the sum appropriated for seeds for nineteen hundred and one, a total amount not exceeding thirty-three thousand dollars.

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

Congressional allotment.

Provision. —uncalled for; disposition.

Report of purchases.

Indication of contents of wrappers.

Seeds adapted to locality.

Early delivery to southern section.

Purchase of foreign seeds, etc., for experimental tests.

Plans for administrative building authorized.

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-fourth parallels of latitude shall be ready for delivery not later than the tenth day of January: *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.

To enable the Secretary of Agriculture to have prepared, under his direction, plans for a fireproof administrative building, to be erected on the grounds of the Department of Agriculture, in the city of Washington, said plans, and such recommendations thereon as the Secretary of Agriculture may deem necessary, to be transmitted to Congress at its next regular session, five thousand dollars, to be immediately available.

Approved, March 2, 1901.

March 2, 1901.

**CHAP. 806.**—An Act To amend an Act entitled “An Act to provide ways and means to meet war expenditures, and for other purposes,” approved June thirteenth, eighteen hundred and ninety-eight, and to reduce taxation thereunder.

Reduction of taxes to meet expenditures war with Spain.  
Vol. 30, p. 448, amended.

Reduction on fermented liquors.

R. S., sec. 3339, p. 561, amended.

*Proviso.*  
Cancellation of existing stamps.

Special taxes.

On bankers.

—definition.

*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 to provide ways and means to meet war expenditures, and for other purposes,” approved June thirteenth, eighteen hundred and ninety-eight, is hereby amended so as to read as follows:

“That there shall be paid, in lieu of the tax of one dollar now imposed by law, a tax of one dollar and sixty cents on all beer, lager beer, ale, porter, and other similar fermented liquors, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, for every barrel containing not more than thirty-one gallons; and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. And section thirty-three hundred and thirty-nine of the Revised Statutes is hereby amended accordingly: *Provided*, That in lieu of or in addition to the present requirements of law in that respect, all stamps used for denoting the tax upon fermented liquors or other taxes may, in the discretion of the Commissioner of Internal Revenue, be canceled by perforations to be made in such manner and form as the Commissioner may by regulations prescribe.”

**SEC. 2.** That section two of said Act is hereby amended so as to read as follows:

“**SEC. 2.** That special taxes shall be, and hereby are, imposed annually as follows, that is to say:

“**One.** Bankers using or employing a capital not exceeding the sum of twenty-five thousand dollars shall pay fifty dollars; when using or employing a capital exceeding twenty-five thousand dollars, for every additional thousand dollars in excess of twenty-five thousand dollars, two dollars, and in estimating capital surplus shall be included. The amount of such annual tax shall in all cases be computed on the basis of the capital and surplus for the preceding fiscal year. In the case of bankers who were not in business in the preceding fiscal year the tax

shall be computed on the capital at the time of commencing business. Every person, firm, or company, and every incorporated or other bank, having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or sale shall be a banker under this Act: *Provided*, That any savings bank having no capital stock, and whose business is confined to receiving deposits and loaning or investing the same for the benefit of its depositors, and which does no other business of banking, shall not be subject to this tax.

*Proviso.*  
—exception.

“Two. Brokers shall pay fifty dollars. Every person, firm, or company, whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coined money, bank notes, promissory notes, or other securities for themselves or others, shall be regarded as a broker: *Provided*, That any person having paid the special tax as a banker shall not be required to pay the special tax as a broker.

On brokers.  
—definition.

*Proviso.*  
Bankers not taxable  
as brokers.  
On pawnbrokers.  
—definition.

“Three. Pawnbrokers shall pay twenty dollars. Every person, firm, or company whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money loaned thereon, shall be deemed a pawnbroker.

“Four. Custom-house brokers shall pay ten dollars. Every person, firm, or company whose occupation it is, as the agent of others, to arrange entries and other custom-house papers, or transact business at any port of entry relating to the importation or exportation of goods, wares, or merchandise, shall be regarded as a custom-house broker.

On custom-house  
brokers.  
—definition.

“Five. Proprietors of theaters, museums, and concert halls in cities having more than twenty-five thousand population as shown by the last preceding United States census, shall pay one hundred dollars. Every edifice used for the purpose of dramatic or operatic or other representations, plays, or performances, for admission to which entrance money is received, not including halls rented or used occasionally for concerts or theatrical representations, shall be regarded as a theater: *Provided*, That whenever any such edifice is under lease at the passage of this Act, the tax shall be paid by the lessee, unless otherwise stipulated between the parties to said lease.

On theaters, muse-  
ums, and concert  
halls.  
—definition.

*Proviso.*  
—payment by lessees.

“Six. The proprietor or proprietors of circuses shall pay one hundred dollars. Every building, space, tent, or area where feats of horsemanship or acrobatic sports or theatrical performances are exhibited shall be regarded as a circus: *Provided*, That no special tax paid in one State, Territory, or the District of Columbia shall exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be imposed for exhibitions within any one State, Territory, or District.

Circuses.  
—definition.

*Proviso.*  
Payment of tax in  
one State no exemp-  
tion in another State.

“Seven. Proprietors or agents of all other public exhibitions or shows for money not enumerated in this section shall pay ten dollars: *Provided*, That a special tax paid in one State, Territory, or the District of Columbia shall not exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be required for exhibitions within any one State, Territory, or the District of Columbia.

Public exhibitions  
unenumerated.

*Proviso.*  
Payment of tax in  
one State no exemp-  
tion in another State.

“Eight. Proprietors of bowling alleys and billiard rooms shall pay five dollars for each alley or table. Every building or place where bowls are thrown or where games of billiards or pool are played, and that are open to the public with or without price, shall be regarded as a bowling alley or a billiard room, respectively.”

Bowling alleys and  
billiard rooms.  
—definition.

SEC. 3. That the internal-revenue tax on cigars weighing more than three pounds per thousand shall be three dollars per thousand; and the

Cigars and ciga-  
rettes.

tax on cigars weighing not more than three pounds per thousand shall be eighteen cents per pound, and on cigarettes weighing not more than three pounds per thousand and of a wholesale value or price of not more than two dollars per thousand shall be eighteen cents per pound; and the tax on cigarettes weighing not more than three pounds per thousand and of a wholesale value or price of more than two dollars per thousand shall be thirty-six cents per pound; and all such cigars and cigarettes weighing not more than three pounds per thousand shall for purposes of taxation be held and considered as weighing three pounds.

Discount on sales by collectors to manufacturers of tobacco and snuff, etc.

Provisos. Packages of smoking tobacco.

Drawbacks.

SEC. 4. That there shall be allowed a discount of twenty per centum on all sales by collectors to manufacturers of tobacco and snuff upon the stamps provided for the payment of internal-revenue taxes upon manufactured tobacco and snuff: *Provided*, That in addition to the packages of smoking tobacco now authorized by law there shall be packages of two ounces, three ounces, and four ounces: *And provided further*, That on all original and unbroken factory packages of smoking and manufactured tobacco and snuff, and cigars, held by manufacturers or dealers at the time such discount or reduction of tax shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of such discount or reduction of tax, but the same shall not apply in any case where the claim has not been presented within sixty days following the date of the reduction; and no claim shall be allowed or drawback paid for a less amount than ten dollars. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

SEC. 5. That section six of said Act is hereby amended by striking out the words "medicines, preparations, matters, and things," in the last paragraph of said section, and inserting in lieu thereof the word "wines," so that the section as amended shall read as follows:

Adhesive stamps.

"ADHESIVE STAMPS.

Bonds, etc.

"SEC. 6. That on and after the first day of July, eighteen hundred and ninety-eight, there shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments, matters, and things mentioned and described in Schedule A of this Act, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, shall be written or printed by any person or persons, or party who shall make, sign, or issue the same, or for whose use or benefit the same shall be made, signed, or issued, the several taxes or sums of money set down in figures against the same, respectively, or otherwise specified or set forth in the said schedule.

Wines.

"And there shall also be levied, collected, and paid, for and in respect to the wines mentioned and described in Schedule B of this Act, manufactured, sold, or removed for sale, the several taxes or sums of money set down in words or figures against the same, respectively, or otherwise specified or set forth in Schedule B of this Act."

Cancellation.

SEC. 6. That section nine of said Act is hereby amended by striking out the proviso, so that the section as amended shall read as follows:

Vol. 30, p. 453.

"SEC. 9. That in any and all cases where an adhesive stamp shall be used for denoting any tax imposed by this Act, except as hereinafter provided, the person using or affixing the same shall write or stamp thereupon the initials of his name and the date upon which the same shall be attached or used, so that the same may not again be used. And if any person shall fraudulently make use of an adhesive stamp to denote any tax imposed by this Act without so effectually canceling

—penalty.



and obliterating such stamp, except as before mentioned, he, she, or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty nor more than five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court."

SEC. 7. That section thirteen of said Act is hereby amended by striking out the words "Schedule A of," and also by inserting in the first proviso, after the words "bonds, debentures, or certificates of stock or of indebtedness," the words "or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this Act;" so that said section as amended shall read as follows:

Issue, sale, etc., of unstamped bonds, etc., with intent to evade tax. Vol. 30, p. 454.

"SEC. 13. That any person or persons who shall register, issue, sell, or transfer, or who shall cause to be issued, registered, sold, or transferred, any instrument, document, or paper of any kind or description whatsoever mentioned in this Act, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding six months, or both, in the discretion of the court; and such instrument, document, or paper, not being stamped according to law, shall be deemed invalid and of no effect: *Provided*, That hereafter, in all cases where the party

*Provisos.*  
—subsequent validation of.

has not affixed to any instrument the stamp required by law thereon at the time of issuing, selling, or transferring the said bonds, debentures, or certificates of stock or of indebtedness, or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this Act, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or, if said instrument be lost, to a copy thereof, he or they shall appear before the collector of internal revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of ten dollars, and, where the whole amount of the tax denoted by the stamp required shall exceed the sum of fifty dollars, on payment also of interest, at the rate of six per centum, on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such bond, debenture, certificate of stock or of indebtedness or copy, or instrument, document or paper of any kind or description whatsoever mentioned in Schedule A of this Act, and note upon the margin thereof the date of his so doing and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid to all intents and purposes as if stamped when made or issued: *And provided further*, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped, at the time of making or issuing the same, by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamp, or to evade or delay the payment thereof, then and in such case, if such instrument, or, if the original be lost, a copy thereof, duly certified by the officer having charge of any records in which such original is required to be recorded, or otherwise duly proven to the satisfaction of the collector, shall, within twelve calendar months after the making or issuing thereof, be brought to the said collector of internal revenue to be stamped, and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid and to cause such instrument to be duly stamped. And when the original instrument, or a certified or duly proven copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon

—unstamped by reason of accident.

—record of correction.

Unstamped instrument issued where no collection district established.

the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument has been corrected pursuant to law; and the original instrument or such certified copy, or the record thereof, may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped: *And provided further*, That in all cases where the party has not affixed the stamp required by law upon any such instrument issued, registered, sold, or transferred at a time when and at a place where no collection district was established, it shall be lawful for him or them, or any party having an interest therein, to affix the proper stamp thereto, or, if the original be lost, to a copy thereof. But no right acquired in good faith before the stamping of such instrument, or copy thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid."

SEC. 8. That Schedule A of said Act is hereby amended so as to read as follows:

#### "SCHEDULE A.

##### "STAMP TAXES.

Bonds, debentures, or certificates of indebtedness, etc.  
Vol. 30, p. 458.

"One. Bonds, debentures, or certificates of indebtedness issued after the first day of July, anno Domini eighteen hundred and ninety-eight, by any association, company, or corporation, on each hundred dollars of face value or fraction thereof, five cents, and on each original issue, whether on organization or reorganization, of certificates of stock by any such association, company, or corporation, on each hundred dollars of face value or fraction thereof, five cents, and on all sales, or agreements to sell, or memoranda of sales or deliveries or transfers of shares or certificates of stock in any association, company, or corporation, whether made upon or shown by the books of the association, company, or corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale whether entitling the holder in any manner to the benefit of such stock, or to secure the future payment of money or for the future transfer of any stock, on each hundred dollars of face value or fraction thereof, two cents: *Provided*, That in case of sale where the evidence of transfer is shown only by the books of the company the stamp shall be placed upon such books; and where the change of ownership is by transfer certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. And any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale, or who shall in pursuance of any such sale deliver any such stock, or evidence of the sale of any such stock or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

*Proviso.*  
Books may be stamped where only evidence of ownership.

—penalty.

“Two. Upon each sale, agreement of sale, or agreement to sell any products or merchandise at any exchange, or board of trade, or other similar place, either for present or future delivery, for each one hundred dollars in value of said sale or agreement of sale or agreement to sell, one cent, and for each additional one hundred dollars or fractional part thereof in excess of one hundred dollars, one cent: *Provided*, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale. And every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers; and any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale or agreement of sale, or agreement to sell, or who shall, in pursuance of any such sale, agreement of sale, or agreement to sell, deliver any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who shall deliver such bill, memorandum, or other evidence of sale, or agreement to sell, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court: *Provided*, That no bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell, in case of products or merchandise actually delivered to, and while in vessel, boat, or car, and actually in course of transportation, shall be subject to this tax, provided such bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell shall be accompanied by bills of lading or vouchers showing that the said products are actually in course of transportation as aforesaid.

Sales or agreements to sell products at exchanges or boards of trade for future delivery, etc.

*Provisos.*

—memorandum of sale.

—form of.

—penalty, etc.

When bill, etc., exempted from tax.

“Three. From and after the first day of April, nineteen hundred and one, every person, association, copartnership, or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any grain, provisions, raw or unmanufactured cotton, stock, bonds, or other securities wherein both parties thereto, or such person, association, copartnership, or corporation above named, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according or with reference to the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in, and without a bona fide transaction on such board of trade or exchange, or wherein both parties, or such person, association, copartnership, or corporation above named, shall contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be deemed closed or terminated when the public market quotations of prices made on such board of trade or exchange for the articles or securities named in such contracts, agreements, trades, or transactions shall reach a certain figure, and every person, association, copartnership, and corporation who or which shall in his or its own behalf or as agent conduct what is commonly known as a “bucket shop” shall pay a stamp tax of two cents on each one hundred dollars in value or fraction

Sales without actual purchase, etc.

—bucket shops.

thereof, of the merchandise covered or pretended to be covered, and also a tax of two cents on each one hundred dollars on the face value or fraction thereof, of all stocks, bonds, or other securities covered or pretended to be covered by each and all of such contracts, agreements, trades, or transactions: *Provided however*, That the payment of any tax imposed by this paragraph shall not be held or construed to exempt any such person, association, copartnership, or corporation from any penalty or punishment provided by the laws of any State for carrying on such business, or the making of such contracts, agreements, trades, or transactions within such State, or in any manner to authorize the commencement or continuance of such business or the making of any such contracts, agreements, trades, or transactions contrary to the laws of such State, or in any place prohibited by municipal law; and on or before the first day of April, nineteen hundred and one, every such person, association, copartnership, or corporation, as aforesaid, shall, for each office or place of business and for each branch office or place of business, wherever established, pay a special tax of twelve dollars and fifty cents, and on or before the first day of July, nineteen hundred and one, and annually thereafter, for every such office or branch office, a special tax of fifty dollars, and such taxes shall be in addition to all other special taxes imposed by this Act. Every person, association, copartnership, or corporation proposing to engage in or continue the business aforesaid shall, before commencing such business, file with the collector or proper deputy collector of the district in which it is proposed to carry on such business a notice in writing under oath, and in such form as the Commissioner of Internal Revenue may prescribe, stating the name of the person, association, copartnership, or corporation intending to engage in such business, the names of the members of any such association or copartnership, and the names of the officers of any such corporation, together with the residences of all the individuals whose names are thus required, and the place (including street number) where such business is to be carried on, and it shall be the duty of the collector of internal revenue to keep in his office a book in which shall be recorded a complete copy of all such notices, and such book shall be open to public inspection. Every person, association, copartnership, or corporation conducting or transacting the business aforesaid shall keep or cause to be kept just and true books of account, wherein shall be plainly and legibly recorded on the day of the making of every such contract, agreement, trade, or transaction a complete and exact specification thereof, including the date thereof, the other party thereto, and the quantity, price, and the gross amount in value of each article or commodity covered or pretended to be covered by each such contract, agreement, trade, or transaction, and such books shall at all reasonable times and hours be subject to the inspection of the collector, deputy collector, and the inspector of internal revenue or any duly authorized agent of the Internal Revenue Department, and every such person, association, copartnership, or corporation shall deliver to the other party to each such contract, agreement, trade, or transaction, at the time of making the same, a written memorandum also containing the complete and exact specification thereof, above referred to, to which the proper stamp shall be, before delivery, affixed. Every person, association, copartnership, or corporation who shall, in his or their own behalf, or as agent, engage in or continue in the business hereinbefore defined without having filed the notice herein required, or who shall fail or refuse to keep any such book or make any return, report, or affidavit required as aforesaid, or shall make a false, fraudulent, or partial return, report, or affidavit, or shall fail or refuse to deliver a written memorandum, as hereinbefore required, or shall in any other respect violate any of the provisions of this para-

*Proviso.*  
Payment of tax not  
to exempt from State  
penalties.

Record of notice re-  
quired from such  
brokers.

—books of account.

—inspection of.

—penalty.

graph, shall, besides being liable for the amount of the tax or taxes herein prescribed, be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, pay a fine of not less than five hundred nor more than five thousand dollars, or be imprisoned not less than three months nor more than two years, or both, in the discretion of the court. All provisions of law now in force relating to the collection, recovery, and enforcement of taxes, fines, and penalties imposed under the law concerning internal revenue and not inconsistent with the provisions of this paragraph shall extend and apply to the recovery and enforcement of the taxes, fines, and penalties imposed by this paragraph.

“Four. Bill of exchange (inland), draft, or order for the payment of any sum of money, otherwise than at sight or on demand, and for each renewal of the same, for a sum not exceeding one hundred dollars, two cents; and for each additional one hundred dollars or fractional part thereof in excess of one hundred dollars, two cents. Bills of exchange (inland).

“Five. Bill of exchange (foreign) or letter of credit (including orders by telegraph or otherwise for the payment of money issued by express or other companies or any person or persons), drawn in but payable out of the United States, if drawn singly or otherwise than in a set of three or more, according to the custom of merchants and bankers, shall pay for a sum not exceeding one hundred dollars, two cents, and for each one hundred dollars or fractional part thereof in excess of one hundred dollars, two cents. If drawn in sets of two or more: For every bill of each set, where the sum made payable shall not exceed one hundred dollars, or the equivalent thereof, in any foreign currency in which such bill may be expressed, according to the standard of value fixed by the United States, one cent; and for each one hundred dollars or fractional part thereof in excess of one hundred dollars, one cent. Excepting that bills of exchange drawn against the value of products or merchandise actually exported to foreign countries shall not be subject to this tax, provided that such bills of exchange shall be accompanied by proper invoices, and receipts, bills of lading, or vouchers, showing that goods of a value at least equal to the amount for which said bill of exchange may be drawn shall have been exported. Bills of exchange (foreign).

“Six. FREIGHT: It shall be the duty of every railroad or steamboat company, carrier, or corporation, or person whose occupation is to act as such, except persons, companies, or corporations engaged in carrying on a local or other express business, to issue to the shipper or consignor, or his agent, or person from whom any goods are accepted for transportation, a bill of lading, manifest, or other evidence of receipt and forwarding for each shipment received for carriage and transportation, whether in bulk or in boxes, bales, packages, bundles, or not so inclosed or included; and there shall be duly attached and canceled, as is in this Act provided, to each of said bills of lading, manifests, or other memorandum, and to each duplicate thereof, a stamp of the value of one cent: *Provided*, That but one bill of lading shall be required on bundles or packages of newspapers when inclosed in one general bundle at the time of shipment. Any failure to issue such bill of lading, manifest, or other memorandum, as herein provided, shall subject such railroad or steamboat company, carrier, or corporation, or person to a penalty of fifty dollars for each offense, and no such bill of lading, manifest, or other memorandum shall be used in evidence unless it shall be duly stamped as aforesaid. Freight.

“Seven. Bond: For indemnifying any person or persons, firm, or corporation who shall have become bound or engaged as surety for the payment of any sum of money, or for the due execution or performance of the duties of any office or position, and to account for money received by virtue thereof, fifty cents. Stamp tax on bill of lading.

- Certificate of profits, etc. "Eight. Certificate of profits, or any certificate or memorandum showing an interest in the property or accumulations of any association, company, or corporation, and on all transfers thereof, on each one hundred dollars of face value or fraction thereof, two cents.
- Contract. "Nine. Contract: Broker's note, or memorandum of sale of any goods or merchandise, stocks, bonds, exchange, notes of hand, real estate, or property of any kind or description issued by brokers, or persons acting as such, for each note or memorandum of sale, not otherwise provided for in this Act, ten cents.
- Conveyance. "Ten. Conveyance: Deed, instrument, or writing, whereby any lands, tenements, or other realty shall be sold, granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value exceeds twenty-five hundred dollars and does not exceed three thousand dollars, twenty-five cents, and for each additional five hundred dollars or fractional part thereof in excess of three thousand dollars, twenty-five cents.
- Entry of goods at custom-house. "Eleven. Entry of any goods, wares, or merchandise at any custom-house, either for consumption or warehousing, not exceeding one hundred dollars in value, twenty-five cents. Exceeding one hundred dollars and not exceeding five hundred dollars in value, fifty cents. Exceeding five hundred dollars in value, one dollar.
- withdrawal "Twelve. Entry for the withdrawal of any goods or merchandise from customs bonded warehouse, fifty cents.
- Passage tickets. "Thirteen. Passage tickets: Ticket, order, contract, or certificate for passage by any vessel from any port in the United States to a foreign port, costing fifty dollars, fifty cents; and for each fifty dollars or any part thereof in addition thereto, fifty cents."
- Wines. Vol. 30, p. 462. SEC. 9. That Schedule B of said Act is hereby amended so as to read as follows:

#### "SCHEDULE B.

"Sparkling or other wines, when bottled for sale, upon each bottle containing one pint or less, one cent. Upon each bottle containing more than one pint, two cents."

Legacies and distributive shares of personal property. Vol. 30, p. 464.

SEC. 10. That section twenty-nine of said Act is hereby amended by adding at the end of said section the following: "*Provided*, That nothing in this section shall be construed to apply to bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or to legacies or bequests to societies for the prevention of cruelty to children, including all bequests or legacies of such character on which the tax imposed had not been paid or collected on the first day of March, nineteen hundred and one: *And provided further*, That the provisions of this Act and of the Act hereby amended shall not be held to apply to any estate where the testator or intestate died before June thirteenth, eighteen hundred and ninety-eight," so that said section as amended shall read as follows:

#### "LEGACIES AND DISTRIBUTIVE SHARES OF PERSONAL PROPERTY.

Personal estate not exceeding \$25,000.

"SEC. 29. That any person or persons having in charge or trust, as administrators, executors, or trustees, any legacies or distributive shares arising from personal property, where the whole amount of such personal property as aforesaid shall exceed the sum of ten thousand dollars in actual value, passing, after the passage of this Act, from any person possessed of such property, either by will or by the intestate laws of any State or Territory, or any personal property or interest therein, transferred by deed, grant, bargain, sale, or gift, made or intended to take effect in possession or enjoyment after the death of the

grantor or bargainer, to any person or persons, or to any body or bodies, politic or corporate, in trust or otherwise, shall be, and hereby are, made subject to a duty or tax, to be paid to the United States, as follows—that is to say: Where the whole amount of said personal property shall exceed in value ten thousand and shall not exceed in value the sum of twenty-five thousand dollars the tax shall be:

“First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother, or sister to the person who died possessed of such property, as aforesaid, at the rate of seventy-five cents for each and every hundred dollars of the clear value of such interest in such property. —Tax on lineal issue, brother, etc.

“Second. Where the person or persons entitled to any beneficial interest in such property shall be the descendant of a brother or sister of the person who died possessed, as aforesaid, at the rate of one dollar and fifty cents for each and every hundred dollars of the clear value of such interest. —descendant of brother, etc.

“Third. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother, of the person who died possessed, as aforesaid, at the rate of three dollars for each and every hundred dollars of the clear value of such interest. —uncle.

“Fourth. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother, of the person who died possessed, as aforesaid, at the rate of four dollars for each and every hundred dollars of the clear value of such interest. —brother or sister of grandfather.

“Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, at the rate of five dollars for each and every hundred dollars of the clear value of such interest: *Provided*, That all legacies or property passing by will, or by the laws of any State or Territory, to husband or wife of the person died possessed, as aforesaid, shall be exempt from tax or duty. —Other degrees of relationship.

“Where the amount or value of said property shall exceed the sum of twenty-five thousand dollars, but shall not exceed the sum or value of one hundred thousand dollars, the rates of duty or tax above set forth shall be multiplied by one and one-half; and where the amount or value of said property shall exceed the sum of one hundred thousand dollars, but shall not exceed the sum of five hundred thousand dollars, such rates of duty shall be multiplied by two; and where the amount or value of said property shall exceed the sum of five hundred thousand dollars, but shall not exceed the sum of one million dollars, such rates of duty shall be multiplied by two and one-half; and where the amount or value of said property shall exceed the sum of one million dollars, such rates of duty shall be multiplied by three: *Provided*, That nothing in this section shall be construed to apply to bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or to legacies or bequests to societies for the prevention of cruelty to children, including all bequests or legacies of such character on which the tax imposed had not been paid or collected on the first day of March, nineteen hundred and one. *And provided further*, That the provisions of this Act and of the Act hereby amended shall not be held to apply to any estate where the testator or intestate died before June thirteenth, eighteen hundred and ninety-eight.” —*Proviso*.—exemption.

“Where the amount or value of said property shall exceed the sum of twenty-five thousand dollars, but shall not exceed the sum or value of one hundred thousand dollars, the rates of duty or tax above set forth shall be multiplied by one and one-half; and where the amount or value of said property shall exceed the sum of one hundred thousand dollars, but shall not exceed the sum of five hundred thousand dollars, such rates of duty shall be multiplied by two; and where the amount or value of said property shall exceed the sum of five hundred thousand dollars, but shall not exceed the sum of one million dollars, such rates of duty shall be multiplied by two and one-half; and where the amount or value of said property shall exceed the sum of one million dollars, such rates of duty shall be multiplied by three: *Provided*, That nothing in this section shall be construed to apply to bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or to legacies or bequests to societies for the prevention of cruelty to children, including all bequests or legacies of such character on which the tax imposed had not been paid or collected on the first day of March, nineteen hundred and one. *And provided further*, That the provisions of this Act and of the Act hereby amended shall not be held to apply to any estate where the testator or intestate died before June thirteenth, eighteen hundred and ninety-eight.” —*Proviso*.—exemptions.

“Where the amount or value of said property shall exceed the sum of twenty-five thousand dollars, but shall not exceed the sum or value of one hundred thousand dollars, the rates of duty or tax above set forth shall be multiplied by one and one-half; and where the amount or value of said property shall exceed the sum of one hundred thousand dollars, but shall not exceed the sum of five hundred thousand dollars, such rates of duty shall be multiplied by two; and where the amount or value of said property shall exceed the sum of five hundred thousand dollars, but shall not exceed the sum of one million dollars, such rates of duty shall be multiplied by two and one-half; and where the amount or value of said property shall exceed the sum of one million dollars, such rates of duty shall be multiplied by three: *Provided*, That nothing in this section shall be construed to apply to bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or to legacies or bequests to societies for the prevention of cruelty to children, including all bequests or legacies of such character on which the tax imposed had not been paid or collected on the first day of March, nineteen hundred and one. *And provided further*, That the provisions of this Act and of the Act hereby amended shall not be held to apply to any estate where the testator or intestate died before June thirteenth, eighteen hundred and ninety-eight.” —Personal estate not exceeding \$100,000, etc.

Where testator died before June 13, 1898.

SEC. 11. That section thirty of said Act is hereby amended so as to read as follows:

“SEC. 30. That the tax or duty aforesaid shall be due and payable in one year after the death of the testator and shall be a lien and charge upon the property of every person who may die as aforesaid for twenty years, or until the same shall, within that period, be fully paid to and discharged by the United States; and every executor, administrator, or trustee having in charge or trust any legacy or distributive share, as aforesaid, shall give notice thereof, in writing, to the collector or deputy collector of the district where the deceased grantor or bargainer last resided within thirty days after he shall have taken charge of such trust, and every executor, administrator, or trustee, before payment and distribution to the legatees, or any parties entitled to beneficial interest therein, shall pay to the collector or deputy collector of the district of which the deceased person was a resident, or in which the property was located in case of nonresidents, the amount of the duty or tax assessed upon such legacy or distributive share, and shall also make and render to the said collector or deputy collector a schedule, list, or statement, in duplicate, of the amount of such legacy or distributive share, together with the amount of duty which has accrued, or shall accrue, thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to administer such oaths, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest, the duplicate of which schedule, list, or statement shall be by him immediately delivered, and the tax thereon paid to such collector; and upon such payment and delivery of such schedule, list, or statement said collector or deputy collector shall grant to such person paying such duty or tax a receipt or receipts for the same in duplicate, which shall be prepared as hereinafter provided. Such receipt or receipts, duly signed and delivered by such collector or deputy collector, shall be sufficient evidence to entitle such executor, administrator, or trustee to be credited and allowed such payment by every tribunal which, by the laws of any State or Territory, is, or may be, empowered to decide upon and settle the accounts of executors and administrators. And in case such executor, administrator, or trustee shall refuse or neglect to pay the aforesaid duty or tax to the collector or deputy collector, as aforesaid, within the time hereinbefore provided, or shall neglect or refuse to deliver to said collector or deputy collector the duplicate of the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall neglect or refuse to deliver the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said collector or deputy collector a false schedule or statement of such legacies, property, or personal estate, or give the names and relationship of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the collector or deputy collector shall make out such lists and valuation as in other cases of neglect or refusal, and shall assess the duty thereon; and the collector shall commence appropriate proceedings before any court of the United States, in the name of the United States, against such person or persons as may have the actual or constructive custody or possession of such property or personal estate, or any part thereof, and shall subject such property or personal estate,

Tax a lien: when payable.  
Vol. 30, p. 465.

Schedule, etc.

Receipt.

Nonpayment of tax.

—legal proceedings to recover.



or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and expenses of every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court, to be paid under its direction to such person or persons as shall establish title to the same. The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof, so sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the delinquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate from the lien or charge thereon created by this Act. And every person or persons who shall have in his possession, charge, or custody any record, file, or paper containing, or supposed to contain, any information concerning such property or personal estate, as aforesaid, passing from any person who may die, as aforesaid, shall exhibit the same at the request of the collector or deputy collector of the district, and to any law officer of the United States, in the performance of his duty under this Act, his deputy or agent, who may desire to examine the same. And if any such person, having in his possession, charge, or custody any such records, files, or papers, shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay the sum of five hundred dollars: *Provided*, That in all legal controversies where such deed or title shall be the subject of judicial investigation, the recital in said deed shall be prima facie evidence of its truth, and that the requirements of the law had been complied with by the officers of the Government: *And provided further*, That in case of willful neglect, refusal, or false statement by such executor, administrator, or trustee, as aforesaid, he shall be liable to a penalty of not exceeding one thousand dollars, to be recovered with costs of suit. Any tax paid under the provisions of sections twenty-nine and thirty shall be deducted from the particular legacy or distributive share on account of which the same is charged."

—force of judgment deeds.

Penalty for refusal to exhibit papers, etc.

*Provisos.* —recital in deed; force of.

—willful refusal; penalty.

—deduction.

SEC. 12. That from and after the passage of this Act the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue, is authorized to appoint a competent person, at an annual salary of three thousand dollars, whose special duty it shall be to conduct such investigations as may be necessary to secure the efficient enforcement of the tax imposed upon legacies and distributive shares of personal property by this Act, and the Commissioner of Internal Revenue may also from time to time assign one or more special agents to aid in such investigations.

Agent to enforce tax, etc., authorized.

Special agents.

SEC. 13. That section thirty-five of said Act is hereby amended so as to read as follows:

"SEC. 35. That for the purposes of this Act, the words 'mixed flour' shall be taken and construed to mean the food product resulting from the grinding or mixing together of wheat, or wheat flour, as the principal constituent in quantity, with any other grain, or the product of any other grain, or other material, except such material, not exceeding five per centum in quantity, and not the product of any grain, as is commonly used for baking purposes: *Provided*, That when the product resulting from the grinding or mixing together of wheat or wheat flour with any other grain, or the product of any other grain, of which wheat or wheat flour is not the principal constituent as specified in the foregoing definition, is intended for sale, or is sold, or offered for sale as wheat flour, such product shall be held to be mixed flour within the meaning of this Act."

Mixed flour. Vol. 30, p. 467. —definition.

*Proviso.* Mixed flour when wheat flour not the principal constituent.

Stamps on telegraph messages. Repeal.  
Vol. 30, p. 456.  
Effect.

SEC. 14. That section eighteen of said Act is hereby repealed.

SEC. 15. That the provisions of this Act shall take effect on and after the first day of July, nineteen hundred and one, except where otherwise expressly provided.

Approved, March 2, 1901.

March 2, 1901.

**CHAP. 807.**—An Act For the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company.

Northern Pacific land grant.

Plan for adjustment of claims within the indemnity limits of the grant extended.  
Vol. 30, p. 620, etc.

*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 July first, eighteen hundred and ninety-eight, appearing in thirtieth Statutes at Large, at pages six hundred and twenty, six hundred and twenty-one, and six hundred and twenty-two, providing a plan for the adjustment by the Land Department of conflicting claims to lands within the limits of the grant to the Northern Pacific Railroad Company, are hereby extended and made applicable to all instances where lands in odd-numbered sections within the indemnity limits of the grant to said company were patented to settlers under the public-land laws in pursuance of applications presented to or proceedings initiated in, the local land office at a time when the land was embraced in a pending indemnity selection made by said company in conformity with the regulations of the Land Department, which indemnity selection has not since been waived or abandoned.

Approved, March 2, 1901.

March 2, 1901.

**CHAP. 808.**—An Act Authorizing the Attorney-General, upon the request of the Secretary of the Interior, to appear in suits brought by States relative to school lands.

Public lands. Secretary of the Interior may be substituted as party for Indian tribes in suits brought by States in the Supreme Court for school lands on Indian reservations.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in any suit heretofore or hereafter instituted in the Supreme Court of the United States to determine the right of a State to what are commonly known as school lands within any Indian reservation or any Indian cession where an Indian tribe claims any right to or interest in the lands in controversy, or in the disposition thereof by the United States, the right of such State may be fully tested and determined without making the Indian tribe, or any portion thereof, a party to the suit if the Secretary of the Interior is made a party thereto; and the duty of representing and defending the right or interest of the Indian tribe, or any portion thereof, in the matter shall devolve upon the Attorney-General upon the request of such Secretary.

Approved, March 2, 1901.

March 2, 1901.

**CHAP. 809.**—An Act To prevent the failure of military justice, and for other purposes.

Army. Refusal to qualify as witness before courts-martial.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every person not belonging to the Army of the United States who, being duly subpoenaed to appear as a witness before a general court-martial of the Army, willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence which such person may have been legally subpoenaed to produce, shall be deemed guilty of a

—penalty.

misdemeanor, for which such person shall be punished on information in the district court of the United States; and it shall be the duty of the United States district attorney, on the certification of the facts to him by the general court-martial, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than five hundred dollars or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That this shall not apply to persons residing beyond the State, Territory, or District in which such general court-martial is held, and that the fees of such witness, and his mileage at the rates provided for witnesses in the United States district court for said State, Territory or District shall be duly paid or tendered said witness, such amounts to be paid by the Pay Department of the Army out of the appropriation for compensation of witnesses: *Provided*, That no witness shall be compelled to incriminate himself or to answer any questions which may tend to incriminate or degrade him.

—proceedings against.

*Proviso.*  
—exceptions.

—witness fees to be tendered.

*Proviso.*  
Self-incrimination not compelled.

Hours of sitting.  
R. S., sec. 1342, p. 239, repealed.

Army officers may administer oaths.  
R. S., sec. 183, p. 29, amended.

SEC. 2. That article ninety-four, section thirteen hundred and forty-two, of the Revised Statutes of the United States be, and the same is hereby, repealed.

SEC. 3. That section one hundred and eighty-three of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

“SEC. 183. Any officer or clerk of any of the departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, and any officer of the Army detailed to conduct an investigation, and the recorder, and, if there be none, the presiding officer of any military board appointed for such purpose, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.”

SEC. 4. That article eighty-three, section thirteen hundred and forty-two, of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

“ARTICLE 83. Regimental and garrison courts-martial and summary courts detailed under existing laws to try enlisted men shall not have power to try capital cases or commissioned officers, but shall have power to award punishment not to exceed confinement at hard labor for three months or forfeiture of three months' pay, or both, and in addition thereto, in the case of noncommissioned officers reduction to the ranks and in the case of first-class privates reduction to second-class privates: *Provided*, That a summary court shall not adjudge confinement and forfeiture in excess of a period of one month, unless the accused shall before trial consent in writing to trial by said court, but in any case of refusal to so consent, the trial may be had either by general, regimental, or garrison court-martial, or by said summary court, but in case of trial by said summary court without consent as aforesaid, the court shall not adjudge confinement or forfeiture of pay for more than one month.”

Jurisdiction of courts-martial.  
R. S., sec. 1342, p. 238, amended.

*Proviso.*  
Trial by summary court with consent, etc.

SEC. 5. That article sixty, section thirteen hundred and forty-two, of the Revised Statutes of the United States be, and the same is hereby, amended by inserting after the words “shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge,” the words “or by any or all of said penalties.”

Penalty for certain frauds against the United States.  
R. S., sec. 1342, p. 236.

Approved, March 2, 1901.

March 2, 1901.

**CHAP. 810.**—An Act To restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona.

White Mountain  
Apache Indian Reser-  
vation, Ariz.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona, established by Executive orders, dated November ninth, eighteen hundred and seventy-one; December fourteenth, eighteen hundred and seventy-two; August fifth, eighteen hundred and seventy-three; July twenty-first, eighteen hundred and seventy-four; April twenty-seventh, eighteen hundred and seventy-six; January twenty-sixth, eighteen hundred and seventy-seven; and March thirty-first, eighteen hundred and seventy-seven, as modified by an Act entitled "An Act to restore to the public domain a portion of the White Mountain Apache Indian Reservation, in the Territory of Arizona, and for other purposes," approved February twentieth, eighteen hundred and ninety-three; lying within the following boundary lines, namely: Beginning at station numbered "naught," which is a mound stone marked "Mo. No. 0" from which corner nineteenth milepost on the south boundary of the White Mountain Indian Reservation bears north seventy-seven degrees forty-eight minutes west five hundred and ninety feet; thence north forty-six degrees no minutes west one thousand five hundred and five feet to station numbered one, which is a mound of stone; thence north forty-four degrees no minutes east two thousand four hundred feet to station numbered two, which is a mound of stone; thence south forty-six degrees no minutes east five thousand four hundred feet to station numbered three, which is a mound of stone set on the reservation line; thence north seventy-seven degrees forty-eight minutes west along the reservation line two thousand five hundred and forty (more or less) feet to the one-half mile corner between the eighteenth and nineteenth mile on the reservation line; thence continuing two thousand and ninety (more or less) feet to the station numbered naught, the place of beginning; or, from station numbered three, four thousand six hundred and thirty (more or less) feet to station numbered naught, the place of beginning; containing about two hundred and thirty-one acres, be, and the same is hereby, restored to the public domain and declared to be open and subject to entry, location, and occupation under the mining laws of the United States: *Provided,* That said lands shall be sold under the provisions of the mining laws of the United States, and that all moneys accruing from the sale of the lands hereby restored, except the fees allowed by law to the register and receiver, shall be paid into the Treasury of the United States and applied solely as follows:

Boundaries of tract  
restored to the public  
domains.

*Proviso.*  
Lands to be sold  
under mining laws.

—disposition of pro-  
ceeds.

First. To reimburse the United States for all expenses actually and necessarily incurred in surveying said lands.

Second. The remainder to be held in trust for the sole use and benefit of the tribes of Indians now located upon said reservation and to be expended by the Commissioner of Indian Affairs, under the direction and control of the Secretary of the Interior, in such manner and for such purposes as may to him seem to be for the best interests of said Indian tribes.

Approved, March 2, 1901.

March 2, 1901.

**CHAP. 811.**—An Act To refund excessive postage paid on certain newspapers.

Refund of excessive  
postage authorized.

*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 pay, out of

any moneys in the Treasury not otherwise appropriated, to the following persons the following amounts, being the sums, respectively, found by the Court of Claims as the difference between the postage at third-class rates, which they were required to pay and did pay on newspapers published by them, respectively, during the years eighteen hundred and ninety-three and eighteen hundred and ninety-four, and the postage at second-class rates with which such papers were legally chargeable, as follows: To the Modern Woodmen of America, publisher of the Modern Woodman, of Springfield, Illinois, five thousand four hundred and twenty-three dollars and sixty-two cents; to David I. Lillard, publisher of The Anchor and Shield, of Paris, Illinois, one thousand nine hundred and eighty dollars and nine cents; to Frank G. Simmons, publisher of the Nebraska Workman, of Seward, Nebraska, one thousand and ninety dollars and ninety-one cents, all as found and set forth by the Court of Claims in its findings of fact in House Documents Numbered Five hundred and ninety, Two hundred and ninety-four, and Five hundred and ninety-two, Fifty-sixth Congress, first session.

—payees.

Approved, March 2, 1901.

**CHAP. 812.**—An Act To amend an Act entitled “An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes,” approved April twelfth, nineteen hundred, and to increase the salary of the commissioner of education provided for by said Act.

March 2, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the salary of the commissioner of education for Porto Rico shall, from and after the first day of April, nineteen hundred and one, be four thousand dollars per annum, and in addition to the duties provided by section thirty-six of the Act of April twelfth, nineteen hundred, the executive council shall, from time to time, determine the salaries of all officials and assistants, appointed by the United States district court, including the clerk and the interpreter, which shall be paid out of the revenues of Porto Rico as other salaries and expenses of like character are paid under the provisions of said Act.

Porto Rico.  
Salary of commissioner of education.

—employees district court.  
*Ante*, p. 85.

**SEC. 2.** That such fees and expenses as are payable by the United States, if earned or incurred in connection with a circuit or district court of the United States, shall be paid from the revenues of Porto Rico, if earned or incurred in connection with the district court of the United States for Porto Rico. That all such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States, if collected and paid into a circuit or district court of the United States, shall become revenues of Porto Rico, if collected and paid into the district court of the United States for Porto Rico. The commissioners appointed, as provided in section thirty-four of said Act approved April twelfth, nineteen hundred, shall be entitled to the fees provided for United States commissioners: *Provided*, That payments of fees and expenses, heretofore made in good faith by the United States district marshal, either from funds advanced to him by the United States or by Porto Rico, may be allowed by the accounting officers of the United States or the accounting officers of Porto Rico, as the case may be, in the settlement of his accounts.

District court expenses payable from Porto Rican revenues, etc.

—disposition of fees earned.

Fees United States commissioners.

*Proviso.*  
Payments of United States district marshal allowed.

**SEC. 3.** That the jurisdiction of the district court of the United States for Porto Rico in civil cases shall, in addition to that conferred by the Act of April twelfth, nineteen hundred, extend to and embrace controversies where the parties, or either of them, are citizens of the United States, or citizens or subjects of a foreign State or States, wherein the matter in dispute exceeds, exclusive of interest or costs, the sum or value of one thousand dollars.

Jurisdiction of district court extended.

Jurors' and witnesses' mileage.

SEC. 4. That jurors and witnesses in the United States district court of Porto Rico shall be entitled to and receive fifteen cents for each mile necessarily traveled over any stage line or by private conveyance and ten cents for each mile over any railway in going to and returning from said courts: *Provided*, That no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror, or as witness in two or more cases pending in the same court and triable at the same term thereof.

*Proviso.*  
No double mileage fees.

Approved, March 2, 1901.

March 2, 1901.

**CHAP. 813.**—An Act Authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River.

Citizens' Bridge Company may bridge Mississippi River at Burlington, Iowa.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Citizens' Bridge Company, a corporation of that name organized under the laws of the State of Iowa, and having its principal place of business at Burlington, Iowa, its successors and assigns be, and they are hereby, authorized to construct and maintain a railroad, wagon, and foot-passenger bridge across the Mississippi River at a place suitable to the interests of navigation at a point at or near the city of Burlington, Iowa, and to lay on or over said bridge a track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to the said river, on either or both sides thereof, at or opposite said point, under the limitations and conditions hereinafter provided. The said bridge shall not unreasonably interfere with the free navigation of said river and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the circuit court of the United States in and for any district in whose jurisdiction any portion of said bridge or obstruction may be. Said bridge shall be constructed to provide for the passage of railroad trains, and for the safe and convenient passage of wagons and vehicles of all kinds, animals, and foot passengers, for such reasonable rates of toll as may be fixed from time to time by the Secretary of War: *Provided*, That the proviso regarding wagons, animals, foot passengers, and so forth, shall not affect the location of said bridge in its relation to the interests of navigation.

Tracks.

Unobstructed navigation.

Transit of wagons, etc.

*Proviso.*  
—qualification.

Draw.

*Provisos.*  
Spans, etc.

SEC. 2. That any bridge built under the provisions of this Act may, at the option of the company building the same, be built as a drawbridge or with unbroken and continuous spans: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall have one or more channel spans, each having not less than three hundred and fifty feet clear channel way and not less than fifty-five feet clear headroom above high-water mark, and the clear head room under other than channel spans may be less than fifty-five feet: *Provided*, That no part of the superstructure of such spans shall give a less headroom than ten feet above high-water mark: *And provided further*, That the interests of navigation be not injured by such reduction in height: *And provided further*, That if any bridge built under the provisions of this Act shall be constructed as a drawbridge, the same shall be constructed as a pivot drawbridge, which shall have two or more draw openings, each having not less than two hundred feet clear channel way, and in addition to said draw openings shall have one or more fixed channel spans, each having not less than three hundred and fifty feet clear channel way; and every part of the superstructure of said low bridge shall give a clear headroom of not less than ten feet above high-water mark: *Provided*, That all spans of both high and low bridges shall be so located as to afford the greatest possible accommodations to

Pivot drawbridge.

Aids to navigation.

the river traffic, and a draw opening of the low bridge shall, if practicable, be located next or near the shore: *Provided, also,* That in case of a low bridge, if the physical characteristics of the locality so require and the interests of navigation be not injured thereby, the lengths of the fixed spans or the number of the draw openings may be reduced: *Provided, also,* That for any two adjacent draw openings of two hundred feet one draw opening of three hundred feet may be substituted, if the interests of navigation be not injured thereby; and the piers of said bridge shall be erected, and the bridge itself at right angles thereto: *Provided, also,* That said bridge shall be opened promptly, upon reasonable signal, for the passage of boats, except when trains are passing over the draw; but in no case shall unnecessary delay occur in opening the said draw during or after the passage of trains.

Reducing draw openings, etc.

Piers, etc.

Opening draw.

SEC. 3. That any bridge constructed under this Act and according to its limitations shall be a lawful structure and shall be known as a post route, and the same is hereby declared to be a post route, upon which also no higher charge shall be made for transmission over the same of the mails, the troops, and the munitions of war of the United States, and for passengers and freight passing over said bridge, than the rate per mile paid for their transportation over the railroads and public highways leading to the 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 for postal-telegraph purposes across said bridge.

Lawful structure and post route.

Telegraph, etc., companies.

SEC. 4. That all railroad 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.

Rights of railroads to use.

SEC. 5. That the structure herein authorized 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 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 line 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, the location of any other bridge or bridges, 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 decided by the Secretary of War to be such as will not materially affect the interest of navigation, the bridge shall not be commenced or built; and should any change be made in 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; and said bridge shall be constructed with such aids to the passage of said bridge, in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent and easily navigated channel, for a distance of not less than one mile above the bridge location, and for the guiding of rafts, steamboats, and other water craft safely through the draw and raft spans, as the Secretary of War shall prescribe and order to be constructed and maintained at the expense of the company owning said bridge; and the said bridge shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge, from the

Secretary of War to approve plans.

Lights.

- Alterations. 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, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation and modification when the public good, in the judgment of the Secretary of War, so requires, without any expense or charge to the United States.
- Commencement and completion. SEC. 6. That if actual construction of the bridge herein authorized shall not be commenced within one year from the passage of this Act and be completed in three years from the same date, the rights and privileges hereby granted shall cease and be determined.
- Amendment. SEC. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved.
- Approved, March 2, 1901.

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March 2, 1901.

**CHAP. 814.**—An Act To amend section nineteen of chapter two hundred and fifty-two, Twenty-ninth Statutes at Large, approved May twenty-eighth, eighteen hundred and ninety-six.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the proviso of section nineteen of chapter two hundred and fifty-two of the Act approved May twenty-eighth, eighteen hundred and ninety-six, entitled "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," is hereby amended so as to read as follows: "*Provided*, That all Acts and parts of Acts applicable to commissioners of the circuit courts, except as to appointment and fees, shall be applicable to United States commissioners appointed under this Act. Warrants of arrest for violations of internal-revenue laws may be issued by United States commissioners upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector or deputy collector of internal revenue, or revenue agent, or private citizen; but no such warrant of arrest shall be issued upon the sworn complaint of a private citizen unless first approved in writing by a United States district attorney. That United States commissioners and all clerks and all deputy clerks of United States courts are hereby authorized to administer oaths."

Approved, March 2, 1901.

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March 2, 1901.

**CHAP. 815.**—An Act Relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the case of the United States against M. F. Morris and others, instituted under the Act of Congress entitled "An Act to provide for protecting the interests of the United States in the Potomac River Flats," approved August fifth, eighteen hundred and eighty-six, Twenty-fourth Statutes, three hundred and thirty-five, and recently remanded by the Supreme Court of the United States to the supreme court of the District of Columbia, the latter court, in order to carry out the mandate of the Supreme Court and also to carry into full effect the provisions of an Act of Congress approved March third, eighteen hundred and ninety-nine, Thirtieth Statutes, thirteen hundred and seventy-seven, entitled "An



Act relative to wharf property and certain public spaces in the District of Columbia," is hereby authorized and directed, in ascertaining the values of the wharf structures and other improvements made by or belonging to the defendants in the above cause, or to others, which are in or over waters of the Potomac River south of Water street, in the city of Washington, in which the said defendants claim riparian rights, to also, in like manner, ascertain and determine the values of the portions of such wharf structures and other improvements which are upon the adjoining land of the United States, but not in or over the said waters of the Potomac River, and shall also ascertain, declare, adjudge, and award to whom the values so determined are justly payable. The said supreme court of the District of Columbia is hereby invested with all needful power, authority, and jurisdiction to carry into effect in all respects the said mandate of the Supreme Court of the United States according to its true intent and meaning, and to determine every question of right, title, interest, and claim arising in the premises; and such court may exercise such power, authority, and jurisdiction as fully and completely, for all purposes, as if the same had been conferred upon it by the said Act approved August fifth, eighteen hundred and eighty-six; and its findings shall be reported to Congress agreeably to the fourth section of said Act.

—to determine values of wharf structures upon adjoining land of the United States, but not over the Potomac, etc.

Approved, March 2, 1901.

**CHAP. 816.**—An Act To revive and amend an Act entitled "An Act to authorize the Georgia Pine Railway of Georgia to construct a bridge across the Flint River, a navigable stream, in Decatur County, Georgia."

March 2, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act to authorize the Georgia Pine Railway of Georgia to construct a bridge across the Flint River, a navigable stream, in Decatur County, Georgia, approved March first, eighteen hundred and ninety-nine, be, and the same is hereby, revived, reenacted, and declared to be in full force and effect.*

Time extended to Georgia Pine Railway to bridge Flint River, Georgia. Vol. 30, p. 966.

SEC. 2. That section six of said Act is hereby amended to read as follows:

"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 March first, nineteen hundred and one."

Approved, March 2, 1901.

**CHAP. 817.**—An Act Authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tennessee.

March 2, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the town of Carthage, a municipal corporation in the State of Tennessee, organized under the laws of said State, either singly or in conjunction with the county of Smith, in the said State, upon such terms as may be agreed upon, be, and is hereby, authorized and empowered to construct, maintain, and operate a bridge across the Cumberland River at or near the town of Carthage at such point as, in the judgment of the Secretary of War, may be suitable to the interests of navigation.*

Carthage, Tenn., may bridge Cumberland River at Carthage.

SEC. 2. That the bridge built under this Act and subject to its limitations may be a drawbridge or of fixed span or spans, but in any event shall be a lawful structure, and shall be known and recognized

Lawful structure and post route.

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 transportation of said mails, troops, and munitions over the railroads and 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 over said bridge and its approaches for postal telegraph and telephone purposes. That the bridge authorized to be constructed under this Act shall be built and located subject to such regulations for the security of navigation of said river and the passage of vessels and other floating craft under said bridge as the Secretary of War shall prescribe; and to secure that object the said town of Carthage shall submit to the Secretary of War, for his examination and approval, a design and drawing of said bridge, with a map of the location thereof, and shall furnish such other information as may be required for the full and satisfactory understanding of the subject, and said bridge shall not be built until the plans and location thereof shall be approved by the Secretary of War; and should any change be made in the plans of said bridge during the progress of its construction, or after its completion, such change shall be subject to the approval of the Secretary of War: *Provided*, That if said bridge is constructed as a drawbridge the draw thereof shall be opened promptly upon reasonable signal for the passage of boats, and the said municipality shall maintain thereon, at its own expense, between sunset and sunrise, such lights and other signals as the Light-House Board may prescribe.

Telegraph, etc., companies.

Secretary of War to approve plans.

*Proviso*. Draw.

Lights.

Transit. Tolls.

*Proviso*. Railroad rights to use.

Amendment.

Commencement and completion.

SEC. 3. That said bridge shall be constructed to provide for the passage of wagons, horsemen, and vehicles, for the transit of animals, and for foot passengers for such reasonable tolls as may be approved from time to time by the Secretary of War: *Provided also*, That at the option of said town of Carthage said bridge may be so constructed as to permit railroad, street car, or dummy lines to pass over said bridge upon such terms as may be or might be agreed upon between the said town of Carthage and any company or corporation operating any such line or lines, all such companies or corporations desiring to use said bridge to have equal rights and privileges relative thereto.

SEC. 4. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

SEC. 5. That this Act shall be null and void if said bridge is not commenced within one year and completed within three years from the date of approval of this Act.

Approved, March 2, 1901.

March 2, 1901.

**CHAP. 818.**—An Act To authorize the construction of a bridge across Pearl River at Monticello, Mississippi.

Lawrence County, Miss., may bridge Pearl River at Monticello.

Toll, etc.

Lawful structure and post route.

*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 Lawrence County, in the State of Mississippi, be, and is hereby, authorized to construct and maintain a bridge, and approaches thereto, across the Pearl River at or near the town of Monticello, in said county and State. 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, charging and receiving therefor, at the option of said board of supervisors, such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by said board of supervisors and approved from time to time by the Secretary of War.

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. Said bridge shall contain a draw span giving a clear opening of a width to be determined by the Secretary of War, which draw span shall be maintained over the main channel of the river at an accessible and navigable point, and that 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.

Telegraph, etc., companies.

Draw.

Lights.

SEC. 3. That 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 obstructions or alleged obstructions 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 jurisdiction any portion of said obstruction or bridge may be located: *Provided*, 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.

Unobstructed navigation.

litigation.

*Proviso.*  
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 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 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 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.

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.

Commencement and completion.

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

Amendment.

Approved, March 2, 1901.

March 2, 1901.

**CHAP. 819.**—An Act For the relief of Nathan S. Jarvis.

Nathan S. Jarvis.  
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 of the United States be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Nathan S. Jarvis, late captain and assistant surgeon, United States Army, a captain and assistant surgeon, and to place him on the retired list of the Army with that rank and pay, the retired list being thereby increased in number to that extent: *Provided,* That before his appointment he be examined by a Board of officers appointed by the Secretary of War, before whom he shall appear for examination, the result of which shall show that he would be eligible to retirement were he in active service as Assistant Surgeon; and all laws and parts of laws in conflict herewith are suspended for this purpose only.

—examination, etc.

Approved, March 2, 1901.

March 3, 1901.

**CHAP. 830.**—An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes.

Legislative, execu-  
tive, and judicial ex-  
penses, 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 two, for the objects hereinafter expressed, namely:

Legislative.

LEGISLATIVE.

Senate.

SENATE.

Pay of Senators.

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

Mileage.

For mileage of Senators, forty-five thousand dollars.

Compensation of  
officers, clerks, etc.

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

Vice-President's of-  
fice.

**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 four hundred dollars; telegraph page, six hundred dollars; in all, five thousand six hundred and sixty dollars.

Chaplain.

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

Secretary of the  
Senate.

**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 dol-

Clerks, etc.

lars 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 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 and twenty dollars.

Clerks and messengers to committees.

For additional amount for the clerk to the Committee on Rules for revising and preparing for publication biennially, under the direction of the committee, the Senate Manual, one thousand dollars.

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-seven 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, to be selected by the Official Reporters, in lieu of the messenger provided for by Senate resolution of December seventh, nineteen hundred, one thousand four hundred and forty dollars; messenger in charge of storeroom, one thousand four hundred and forty 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; four laborers, at eight hundred and forty dollars each; fifty-three laborers, at seven hundred and twenty dollars each; sixteen pages for the Senate Chamber, at the rate of two dollars and fifty cents per day each during the session, eight thousand four hundred and forty dollars; in all, one hundred and fifty-one 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,  
superintendent, etc.

**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; and the said document room is hereby transferred to and placed under the jurisdiction of the Secretary of the Senate.

Folding room, su-  
perintendent, 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.

Chief engineer, 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; seven conductors of elevators, at one thousand two hundred dollars each; machinist and assistant conductor of elevators, one thousand dollars; machinist and electrician, 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-five thousand nine hundred and twenty-five dollars.

Clerks to Senators.

For thirty annual clerks to Senators who are not chairmen of com-

mittees, at one thousand five hundred dollars each, forty-five thousand dollars.

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

Contingent expenses.

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.

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.

For materials for folding, two thousand dollars.

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

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

For purchase of furniture, six thousand dollars.

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.

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

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

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.

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

For repairs of Maltby Building, two thousand dollars.

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

## CAPITOL POLICE.

Capitol police.

For captain, one thousand six hundred dollars, and three lieutenants, at one thousand two hundred dollars each, hereafter 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; thirty 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, seventy-four thousand two 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 hereafter the officers, privates, and watchmen of the Capitol police shall, when on duty, wear the regulation uniform.

Pay.

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.

Contingent expenses.

## CONGRESSIONAL DIRECTORY.

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

Congressional directory.

House of Representatives.

HOUSE OF REPRESENTATIVES.

Pay of members, etc.

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.

Officers and clerks.

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, seven hundred and eighty 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; 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, and assistant to chief clerk, at two thousand dollars each; librarian, distributing clerk, and stationery clerk, at one thousand eight hundred dollars each; one bookkeeper, two assistant librarians, and seven clerks, at one thousand six hundred dollars each; document and bill clerk, one thousand six hundred dollars; document clerk, one thousand four hundred and forty dollars; locksmith, who shall be skilled in his trade, one thousand two hundred dollars; cabinetmaker, who shall be skilled in his trade, one thousand two hundred dollars; two assistant cabinetmakers, who shall be skilled in their trade, at nine hundred dollars each; one assistant in Clerk's office, and one assistant in disbursing office, at one thousand four hundred dollars each; telegraph operator, assistant file clerk, and stenographer to the Clerk, at one thousand two hundred dollars each; one assistant in library, one assistant in document room, and one assistant in stationery room, at nine hundred dollars each; one page, seven hundred and twenty dollars; two laborers in the bathroom (Robert Richardson and William Richardson), at seven hundred and twenty dollars each; two laborers, at seven hundred and twenty dollars each; assistant index clerk, one thousand five hundred dollars; page in enrolling room, and messenger in chief clerk's office, at seven hundred and twenty dollars each; in all, ninety-one thousand four hundred and sixty dollars.

Library placed under Librarian of Congress.

Appointments and removals.

The library of the House of Representatives shall hereafter be under the control and direction of the Librarian of Congress, who shall provide all needful books of reference therefor. The librarian, two assistant librarians, and assistant in the library, above provided for, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives of the Fifty-sixth Congress, and thereafter no removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules.

Chief engineer, etc.

**UNDER ARCHITECT OF THE CAPITOL:** For chief engineer, one thousand seven hundred dollars; three assistant engineers, at one thousand two hundred dollars each; four conductors of elevators, at one thou-



sand one hundred dollars each, who shall be under the supervision and direction of the Architect of the Capitol; laborer, eight hundred and twenty dollars; six firemen, at nine hundred dollars each; electrician, one thousand two hundred dollars; laborer, one thousand dollars; two laborers, at seven hundred and twenty dollars each; laborer to clean Statuary Hall and watch statuary therein, six hundred and sixty dollars; in all, twenty thousand two hundred and twenty dollars.

**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, Insular Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Pensions, Post-Office and Post-Roads, Public Buildings and Grounds, Public Lands, Rivers and Harbors, War Claims, and clerk to continue Digest of Claims under resolution of March seventh, eighteen hundred and eighty-eight, at two thousand dollars each; janitor for Committee on Post-Office and Post-Roads, seven hundred and twenty dollars; and for assistant clerk to the Committee on War Claims, one thousand two hundred dollars; in all, fifty-eight thousand six hundred and forty dollars.

Clerks and messengers to committees.

For janitors for rooms of the Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Insular Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Pensions, Public Buildings and Grounds, Public Lands, Rivers and Harbors, and War Claims, at the rate of seven hundred and twenty dollars per annum each, from December first, nineteen hundred and one, to June thirtieth, nineteen hundred and two, inclusive, and said janitors shall be appointed by the chairmen respectively of said committees and shall perform all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper; in all, eight thousand four hundred and twelve dollars.

Janitors.—appointments, etc.

For seventeen clerks to committees, at six dollars each per day during the session, twenty-one thousand five hundred and twenty-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 one hundred and fifty dollars; bookkeeper, one thousand eight hundred dollars; assistant bookkeeper, nine hundred dollars; messenger, one thousand two hundred dollars; clerk in charge of pairs, one thousand four hundred dollars; page, seven hundred and twenty dollars; and skilled laborer, eight hundred and forty dollars; in all, eighteen thousand five hundred and ten dollars.

Sergeant-at-Arms, 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, and Department messenger, at two thousand dollars each; one special employe (John T. Chancey), one thousand five hundred dollars; one special employe, one thousand five hundred dollars; clerk to Doorkeeper, and janitor, at one thousand two hundred dollars each; ten messengers, including the messenger to the reporters' gallery, at one thousand two hundred dollars each; thirteen messengers, at one thousand dollars each; messenger to the Speaker's

Doorkeeper, assistant, etc.

table, one thousand dollars; fourteen messengers on the soldiers' roll, at one thousand two hundred dollars each; twelve 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; eight laborers, known as cloakroom men, at fifty dollars per month each; ten laborers, during the session, at sixty dollars per month each, four thousand one hundred and eighty dollars and sixty cents; female attendant in ladies' retiring room, seven hundred and twenty dollars; superintendent of folding room, two thousand dollars; four clerks in folding room, one at one thousand eight hundred dollars, and three at one thousand two hundred dollars each; foreman, one thousand five hundred dollars; messenger, one thousand two hundred dollars; page, five hundred dollars; laborer, seven hundred and twenty dollars; nine folders, at nine hundred dollars each; five folders, at eight hundred and forty dollars each; eighteen folders, at seven hundred and twenty dollars each; night watchman, nine hundred dollars; driver, six hundred dollars; two chief pages, at nine hundred dollars each; thirty-three pages, during the session, including two riding pages and two telephone pages, at two dollars and fifty cents per day each, seventeen thousand four hundred and seven dollars and fifty cents; ten pages for duty at the entrances to the Hall of the House, during the session, at two dollars and fifty cents per day each, five thousand two hundred and seventy-five dollars; horse and buggy for Department messenger, two hundred and fifty dollars; superintendent of document room, two thousand dollars; assistant superintendent of document room, one thousand eight hundred dollars; six assistants in document room, one at one thousand six hundred dollars, two at one thousand four hundred dollars each, one at one thousand two hundred dollars, and two at one thousand dollars each; in all, one hundred and fifty thousand eight hundred and ninety-three dollars and ten cents.

Superintendent of folding room, etc.

Superintendent of document room, etc.

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, and five hundred dollars additional for services as pair clerk; in all, five thousand three 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.

To continue the employment of the special messenger, authorized in the resolution adopted by the House of Representatives December eighteenth, nineteen hundred, to serve in the room assigned the minority side of the House, at the rate of twelve hundred dollars per annum, from March fourth, nineteen hundred and one, to June thirtieth, nineteen hundred and two, inclusive, one thousand five hundred and ninety-three dollars and thirty-three cents.

Assistant foreman of folding room.

To continue employment and for compensation of the assistant foreman of the folding room, authorized and named in the resolution adopted by the House of Representatives February sixth, nineteen hundred, from March fourth, nineteen hundred and one, to June thirtieth, nineteen hundred and two, inclusive, at three dollars and eighty-five cents per day, one thousand eight hundred and sixty-three dollars and forty cents.

To continue the employment of the person named in the resolution of the House adopted June fifth, nineteen hundred, as a laborer, at fifty dollars per month, from March fourth, nineteen hundred and one, until June thirtieth, nineteen hundred and two, inclusive, seven hundred and ninety-six dollars and sixty-seven cents.

Laborer.

Successors to any of the employees provided for in the six preceding paragraphs may be named by the House of Representatives at any time prior to July first, nineteen hundred and two.

—naming of successors.

OFFICE OF POSTMASTER: For Postmaster, two thousand five hundred dollars; assistant postmaster, two thousand dollars; twelve messengers, including messenger to superintend transportation of mails, at one thousand two hundred dollars each; eight messengers, at one hundred dollars per month each, during the session, five thousand five hundred and seventy-four dollars and sixteen cents; and one laborer, seven hundred and twenty dollars; in all, twenty-five thousand one hundred and ninety-four dollars and sixteen cents.

Postmaster, etc.

For hire of horses and mail wagons for carrying the mails, two thousand five hundred dollars, or so much thereof as may be necessary.

Horses and wagons.

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.

Reporting debates.

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.

Stenographers to committees.

That wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the two hundred and eleven days from December second, nineteen hundred and one, to June thirtieth, nineteen hundred and two, inclusive.

"During the session" defined.

FOR CLERK HIRE, MEMBERS AND DELEGATES: To pay Members and Delegates the amounts 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, etc.

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.

Vol. 28, p. 624.

For fuel and oil for the heating apparatus, thirteen thousand dollars.

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

For packing boxes, three thousand two hundred and eighteen dollars and forty cents. And hereafter packing boxes for the use of the House of Representatives shall be procured after advertisement for proposals therefor, under specifications to be prepared by the Clerk of the House, and from the lowest and best bidder to furnish the same.

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

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.

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.

Employees to perform only duties of the position to which appointed.

— exception.

Limit, folders assigned to clerical work.

— condition.

Division of salary, etc., forbidden.

Subletting duties forbidden.

Age limit, pages.

Officers' certificate to pay rolls.

Penalties.

Inquiry, etc., by Committee on Accounts authorized.

Hereafter employees of the House of Representatives under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall only be assigned to and engaged upon the duties of the positions to which they are appointed and for which compensation is provided, except that in cases of emergency or congestion of public business incident to the close of a session of Congress or other like cause an employee or employees may be assigned or required to aid in the discharge of the duties of any other employee or employees, and in the discretion of the Doorkeeper not more than one folder may, if necessary, be assigned to do clerical work under the direction of the foreman of the folding room, but all assignments made hereunder shall be without additional compensation and shall not constitute the basis of a claim therefor.

It shall not be lawful to appoint or employ in any position under the House of Representatives more than one person at any one time, or to require or permit any such person to divide with another any portion of his salary or compensation while so employed.

It shall not be lawful to require or permit any person in the employ of the House of Representatives to sublet to another the discharge of any portion of the duties of the position to which he is appointed.

No person shall be appointed or employed as a page in the service of the House of Representatives who is under twelve years or more than eighteen years of age; but this provision shall not apply to chief pages, riding pages, and telephone pages.

The Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated.

The violation of any of the foregoing provisions of law shall, upon ascertainment thereof, be deemed to be cause for removal from office.

It shall be the duty of the Committee on Accounts of the House of Representatives from time to time to inquire into the enforcement or violation of any of the foregoing provisions of law; and for this purpose they are hereby authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed.

Public Printer.

OFFICE OF THE PUBLIC PRINTER.

Salaries.

For Public Printer, four thousand five hundred dollars; chief clerk, two thousand seven hundred and fifty dollars; two clerks of class four; two clerks of class three; one clerk of class two; in all, fifteen thousand four hundred and fifty dollars.

Contingent expenses.

For contingent expenses, namely: For stationery, postage, advertising, traveling expenses, horses and wagons, and miscellaneous items, three thousand dollars.

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 eight hundred dollars; one clerk, nine hundred dollars; one assistant messenger, seven hundred and twenty dollars; in all, fifteen thousand nine hundred and twenty dollars.

Salaries, librarian, 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 (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.

Order.

Catalogue and shelf: For chief of division, three thousand dollars; three assistants, at one thousand eight hundred dollars each; six assistants, at one thousand five hundred dollars each; one assistant, one thousand four hundred dollars; seven assistants, at one thousand two hundred dollars each; three assistants, at one thousand dollars each; eleven assistants, at nine hundred dollars each; two assistants, at eight hundred dollars each; ten assistants, at seven hundred and twenty dollars each; three assistants, at six hundred dollars each; ten assistants, at five hundred and forty dollars each; four assistants, at four hundred and eighty dollars each; six messengers, at three hundred and sixty dollars each; in all, sixty thousand one hundred and eighty dollars.

Catalogue and shelf.

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.

Binding.

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.

Bibliography.

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), one thousand 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 four hundred and forty dollars.

Reading rooms.

Periodical (including evening service): For chief of division, two

Periodical.

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 sorting and collating and to enable periodical reading room to be open 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.**

**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.

**Prints.**

**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.

**Smithsonian deposit.**

**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.

**Congressional reference library.**

**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.

**Law library.**

**Law library:** For custodian, two thousand five hundred dollars; two assistants, at one thousand four hundred dollars each; one messenger, nine hundred dollars; one assistant for evening service, one thousand two hundred dollars; in all, seven thousand four hundred dollars.

**Copyright office.**

**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; four 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; two clerks, at eight 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-five thousand four hundred and eighty dollars.

**Special service.**

For special, temporary, and miscellaneous service, at the discretion of the Librarian, to continue available until expended, two thousand dollars.

**Purchase, etc., of books.**

**INCREASE OF LIBRARY OF CONGRESS:** For purchase of books for the Library, and for freight, commissions, and traveling expenses inci-

dental to the acquisition of books by purchase, gift, or exchange, sixty thousand dollars;

For purchase of books and subscription to periodicals for the law 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 eight hundred dollars;

For subscription to miscellaneous current periodicals and newspapers, five thousand dollars;

In all, seventy-one thousand three hundred dollars.

For miscellaneous and contingent expenses of the Library, stationery, 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, seven thousand three hundred dollars.

Contingent expenses.

**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; foremen of laborers, nine hundred dollars; thirteen laborers, at four hundred and eighty dollars each; two attendants in ladies' room, at four hundred and eighty dollars each; two check boys, at three hundred and sixty dollars each; mistress of charwomen, four hundred and twenty-five dollars; charwoman, two hundred and forty dollars; forty charwomen, at two hundred and forty dollars each; chief engineer, one thousand five hundred dollars; one assistant engineer, one thousand two hundred dollars; three 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, seventy thousand nine hundred and forty-five dollars.

Custody of building and grounds. Superintendent, clerks, 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.

Fuel, lights, etc

For furniture, including partitions, screens, shelving, and two covered ways across courts, sixty thousand dollars.

Furniture.

### BOTANIC GARDEN.

Botanic garden.

For superintendent, one thousand eight hundred dollars.

Superintendent, etc.

For assistants and laborers, under the direction of the Joint Library Committee of Congress, twelve thousand and ninety-three dollars and seventy-five cents.

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.

Repairs, etc.

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, eight thousand dollars.

Executive office.

Secretary, assistants, etc.

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; four clerks of class four; one clerk of class four, who shall be a telegrapher; one clerk of class three, who shall be a telegrapher; 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.

Contingent expenses.

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.

Civil Service Commission.

## CIVIL SERVICE COMMISSION.

Commissioners, examiner, etc.

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; two firemen, at seven hundred and twenty dollars each; one elevator conductor, seven hundred and twenty dollars; two messenger boys, at three hundred and sixty dollars each; in all, ninety-four thousand two hundred and twenty dollars.

Expenses.

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.

Department of State.

## DEPARTMENT OF STATE.

Pay of Secretary, Assistants, clerks, etc.

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, three thousand dollars; assistant solicitor of the Department of State, to be appointed by the Secretary of State, two thousand five hundred dollars; for a law clerk, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as he may require of him, at two thousand five hundred dollars per annum, to be available from March fourth, nineteen hundred and one, three thousand three hundred and nineteen dollars and forty-four cents; seven chiefs of bureaus and two translators, at two thousand one hundred dollars each; additional to chief of Bureau of Accounts as disbursing clerk, two hundred dollars; private secretary to the Secretary, two thousand two hundred and fifty dollars; ten



clerks of class four; four clerks of class three; ten clerks of class two; twenty-five 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; chief messenger, one thousand dollars; one messenger; 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 forty-eight thousand three hundred and twenty-nine dollars and forty-four cents.

For stationery, furniture, fixtures, and repairs, and for the purchase of passport paper, six thousand dollars.

For books and maps, and books for the library, two thousand dollars.

For services of lithographer and necessary materials for the lithographic press, one thousand two hundred dollars.

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.

To pay the expenses of printing, in compliance with the requirements of the Act of February third, eighteen hundred and eighty-seven, the certified copies of the final ascertainment of the electors for President and Vice-President of the United States, as transmitted by the executive of each State to the Secretary of State, one thousand five hundred dollars, or so much thereof as may be necessary, to be immediately available.

Stationery.

Library books.

Lithographer, etc.

Contingent expenses.

Printing ascertainment of electors for President, etc., Vol. 24, p. 373.

TREASURY DEPARTMENT.

Treasury Department.

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.

Secretary, Assistants, clerks, etc.

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, two thousand dollars; one assistant inspector of electric-light plants and draftsman, one thousand six hundred dollars; four clerks of class four; additional to one clerk of class four, as book-keeper, 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; store-keeper, one thousand two hundred dollars; telegraph operator, one thousand two hundred dollars; chief engineer, one thousand four hundred dollars; three assistant engineers, at one thousand 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 and electrician, one thousand two hundred dollars; captain of the watch, one thousand four hundred dollars; two lieutenants of the watch, at nine hundred dollars

Chief clerk, clerks, etc.

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 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-seven thousand nine hundred and sixty dollars.

**Engineer, etc.**

**Watchmen, etc.**

**Bookkeeping and warrants division.** 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 five hundred 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 seven hundred and twenty dollars.

**Customs division.** Division of customs: For chief of division, two thousand seven hundred and fifty dollars; assistant chief of division, two thousand dollars; two law clerks, at two thousand dollars each; three clerks of class four; additional to one clerk of class four acting as drawback clerk, two hundred dollars; two 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 eight hundred and ninety dollars.

**Appointments 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.

**Public moneys 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.

**Loans and currency 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; one messenger; two assistant messengers; superintendent of paper room, one thousand two hundred dollars; paper cutter, at three dollars per day; paper counter, seven hundred and

twenty dollars; six laborers; 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 eight hundred and sixty-nine dollars.

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.

Revenue-Cutter Service 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; two clerks of class one; clerk, one thousand dollars; clerk, nine hundred dollars; and one assistant messenger; in all, twelve thousand nine hundred and twenty dollars.

Miscellaneous 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.

Stationery 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.

Mail and files 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.

Special agents division.

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.

Disbursing clerks.

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.

Supervising Architect's office.

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 two, shall not exceed two hundred and fifty thousand dollars; and that the

Draftsmen, etc.

*Proviso.*  
—limit, etc.

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.

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; five law clerks revising accounts and briefing opinions, one at two thousand one hundred dollars and four at two thousand dollars each; private secretary, one thousand eight hundred dollars; four expert accountants, at two thousand dollars each; seven clerks of class four; one clerk of class three; two clerks of class two; typewriter-copyist, one thousand dollars; two messengers; one assistant messenger; and one laborer; in all, fifty-five thousand nine hundred and sixty dollars.

For five temporary clerks, at the rate of one thousand six hundred dollars per annum each, during the remainder of the fiscal year nineteen hundred and one, to dispose of accumulated appeals from the Auditor for the War Department, two thousand six hundred and twenty-two dollars and twenty cents, or so much thereof as may be necessary.

Auditor for Treasury Department.

**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-four thousand eight hundred dollars.

Clerks on manifests.

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.

Auditor for War Department.

**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.

Additional force.

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.

Restoring rolls.

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.

Auditor for Navy Department.

**OFFICE OF AUDITOR FOR NAVY 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; two clerks 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; four clerks, at nine hundred dollars each; one clerk, eight hundred dollars; one messenger; one assistant messenger; and two laborers; in all, seventy thousand three hundred and eighty dollars.

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 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.

Auditor for Interior Department.

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.

Auditor for State etc., Departments.

OFFICE OF AUDITOR FOR POST-OFFICE DEPARTMENT: For Auditor, four thousand dollars; two Deputy Auditors, at two thousand five hundred dollars each; chief clerk, two thousand dollars; law clerk, two thousand dollars; seven chiefs of division, at two thousand dollars each; eighteen 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-five clerks of class one; seventy-five clerks, at one thousand dollars each; twenty-six 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; six messengers; twelve assistant messengers; twenty-five 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 seventy-seven thousand eight hundred and sixty dollars.

Auditor for Post-Office Department.

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.

Additional force.

OFFICE OF THE TREASURER: For Treasurer of the United States, six thousand dollars; Assistant Treasurer, three thousand six hundred dollars; Deputy Assistant Treasurer, three thousand two hundred dollars; cashier, three thousand six hundred dollars; assistant cashier, three thousand dollars; chief clerk, two thousand five hundred dollars; six 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

Treasurer's office.

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; thirty 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; six pressmen, at one thousand four hundred dollars each; fourteen separators, at six hundred and sixty dollars each; seven feeders, at six hundred and sixty dollars each; one compositor and pressman, at one thousand four hundred dollars; in all, three hundred and twelve thousand five hundred and twenty 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.

Register's Office.

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.

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.

Comptroller of the Currency.

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; twelve clerks of class three; thirteen clerks of class two; nine clerks of class one; twelve 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 twelve thousand four hundred and twenty dollars.

Special examinations, etc.

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.

National-currency expenses.

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.

Commissioner of Internal Revenue.

OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE: For Commissioner of Internal Revenue, six thousand dollars; deputy commis-

sioner, four thousand dollars; additional deputy commissioner during the fiscal year nineteen hundred and two, 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 two, 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.

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:** 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; one clerk, seven hundred and twenty 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 eight hundred dollars.

Light-House Board.

**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.

Life-Saving Service.

**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 Navigation.

**BUREAU OF ENGRAVING AND PRINTING:** For Director of Bureau, four thousand five hundred dollars; assistant director, two thousand seven 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 nine hundred and fifty dollars.

Bureau of Engraving and Printing.

**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; seven clerks of class two; ten clerks of class one; translator, one thousand two hundred dollars; eight clerks, at one thousand dollars each; two copyists; one messenger; one assistant messenger; one laborer; and one female

Bureau of Statistics.

laborer, four hundred and eighty dollars; in all, fifty-six thousand seven hundred and fifty dollars.

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, four thousand dollars.

Secret Service division.

**SECRET SERVICE DIVISION:** For one chief, four thousand dollars; chief clerk, two thousand five hundred 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, fourteen 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 for countries under the jurisdiction of the United States, and for mural standards of length in Washington, District of Columbia: For inspector of standards, three thousand dollars; adjuster, one thousand eight hundred dollars; one verifier, one thousand eight 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, ten thousand and ten dollars.

Expenses.

For purchase of materials and apparatus, and incidental expenses, one thousand dollars.

American delegate to International Bureau of Weights and Measures.

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.

Office Director of the Mint.

**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; two clerks of class two; three 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 seven hundred and sixty dollars.

Freight.

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

Contingent expenses.

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.

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.

Statistics.

For the collection of statistics relative to the annual production and consumption of the precious metals in the United States, three thousand five hundred dollars.

Marine-Hospital Service.

**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.



**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; one clerk of class two, to be available from March fourth, nineteen hundred and one, one thousand eight hundred and fifty-eight dollars and eighty-nine cents; in all, fourteen thousand two hundred and sixty-eight dollars and eighty-nine cents, which, together with other expenses of regulating immigration, shall be paid from the permanent appropriation for expenses regulating immigration. Immigration Bureau.

**FOR CONTINGENT EXPENSES OF THE TREASURY DEPARTMENT, INCLUDING ALL BUILDINGS UNDER CONTROL OF THE TREASURY IN WASHINGTON, DISTRICT OF COLUMBIA, namely:** Contingent expenses.

For stationery for the Treasury Department and its several bureaus, thirty thousand dollars. Stationery.

For postage required to prepay matter addressed to Postal Union countries, and for postage for the Treasury Department, one thousand five hundred dollars. Postage.

For purchasing material for binding important records, four hundred dollars. Binding materials.

For newspapers, law books, city directories, and other books of reference relating to the business of the Department, one thousand two hundred dollars. Newspapers, etc.

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. Investigating accounts, etc.

For freight, expressage, telegraph and telephone service, six thousand dollars. Freight, etc.

For rent of buildings, nine thousand three hundred and ninety-four dollars. Rent.

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 five hundred dollars. Horses and wagons.

For purchase of ice, including ice for the office of the Auditor for the Post-Office Department, two thousand five hundred dollars.

For purchase of file holders and file cases, three thousand dollars. File holders and cases.

For purchase of coal, wood, engine oils and grease, grates, grate baskets and fixtures, blowers, coal hods, coal shovels, poker, and tongs, nine thousand five hundred dollars. Fuel.

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. Light.

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, Miscellaneous.

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.

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, four 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, typewriters, ventilators, wardrobe cabinets, washstands, water coolers and stands, eight thousand five hundred dollars.

Collecting internal revenue.

#### COLLECTING INTERNAL REVENUE.

Collectors, etc.

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.

Vol. 24, p. 209.

Vol. 24, p. 218.

Vol. 29, p. 253.

Additional clerks, etc.

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 twenty-one additional agents, to be appointed under the provisions of section three of said Act, in lieu of the 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, five hundred and fifty thousand dollars.

Vol. 30, pp. 450, 469.

For compensation of the official authorized in section twelve of the Act entitled "An Act to amend an Act entitled 'An Act to provide ways and means to meet war expenditures, and for other purposes,' approved June thirtieth, eighteen hundred and ninety-eight, and to reduce taxation thereunder" at the rate of three thousand dollars per annum, until the close of the fiscal year one thousand nine hundred and two, four thousand dollars, or so much thereof as may be necessary.

Agents, gaugers, etc.

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.

Independent Treasury.

#### INDEPENDENT TREASURY.

Office of assistant treasurers, Baltimore.

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 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.

**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.

Boston.

**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; assistant paying teller, one thousand five hundred dollars; assorting teller, one thousand five hundred dollars; receiving teller, one thousand five hundred dollars; 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-five thousand five hundred and twenty dollars.

Chicago.

**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; two clerks, at one thousand two hundred dollars each; interest clerk, one thousand two hundred dollars; check clerk, one thousand two hundred dollars; two clerks, at one thousand dollars each; one clerk and stenographer, seven hundred and twenty dollars; clerk and watchman, eight hundred and forty dollars; night watchman, six hundred dollars; messenger, six hundred dollars; in all, nineteen thousand three hundred and sixty dollars.

Cincinnati.

**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 Orleans.

**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

New York.

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; nine assistant tellers and three clerks, at one thousand two hundred dollars each; six assistant tellers, at one thousand dollars each; six 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 six thousand eight hundred and eighty dollars.

## Philadelphia.

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.

## St. Louis.

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; coin teller, one thousand two hundred dollars; bookkeeper, one thousand five hundred dollars; three assistant bookkeepers, and 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.

## San Francisco.

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 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.

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.

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, ten thousand dollars.

Special agents.

R. S., sec. 3649, p. 718.

Paper for checks.

MINTS AND ASSAY OFFICES.

Mints and assay offices.

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.

Carson, Nev.

For wages of workmen and watchmen, five thousand six hundred dollars.

For incidental and contingent expenses, two thousand five hundred dollars.

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.

Denver, Colo.

For wages of workmen, twenty-two thousand dollars.

For incidental and contingent expenses, seven thousand dollars.

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.

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.

New Orleans, La.

For wages of workmen and adjusters, thirty thousand dollars.

For incidental and contingent expenses, including wastage of operative officers and loss of gold contained in sweeps sold, and for machinery and repairs, fifteen thousand dollars.

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

Philadelphia, Pa.

thousand five hundred dollars; chief clerk, two thousand two hundred and fifty dollars; bookkeeper, two thousand five hundred dollars; abstract clerk, and weigh clerk, at two thousand dollars each; cashier's clerk, warrant clerk, and register of deposits, 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-two thousand and fifty dollars.

For wages of workmen and adjusters, four 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, one hundred thousand dollars.

San Francisco, Cal.

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.

For wages of workmen and adjusters, one hundred and seventy-five thousand dollars.

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, sixty thousand dollars.

Boise, Idaho.

ASSAY OFFICE AT BOISE, IDAHO: For assayer, who shall also perform the duties of melter, two thousand dollars; one chief clerk, one thousand four hundred dollars; in all, three thousand four hundred dollars.

For wages of workmen, eight thousand three hundred dollars.

For incidental and contingent expenses, three thousand seven hundred and fifty dollars.

Charlotte, N. C.

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.

For wages of workmen, one thousand and eighty dollars.

For incidental and contingent expenses, nine hundred and twenty dollars.

Deadwood, S. Dak.

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.

For wages of workmen, four thousand six hundred dollars.

For incidental and contingent expenses, including rent of building, two thousand two hundred and fifty dollars.

Helena, Mont.

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.

For wages of workmen, fourteen thousand dollars.

For incidental and contingent expenses, four thousand dollars.

New York, N. Y.

ASSAY OFFICE AT NEW YORK: For superintendent, four thousand five hundred dollars; assayer, and melter and refiner, at three thou-

sand 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; cashier, two thousand two hundred and fifty dollars; warrant clerk, two thousand dollars; bar clerk, abstract clerk, and assayer's computing clerk, at one thousand eight 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.

For wages of workmen and messengers, twenty-seven thousand five hundred dollars.

For incidental and contingent expenses, ten thousand dollars.

ASSAY OFFICE AT SAINT LOUIS, MISSOURI: For assayer in charge, two thousand dollars; clerk, one thousand dollars; in all, three thousand dollars.

St. Louis, Mo.

For wages of workmen (including janitor), one thousand dollars.

For incidental and contingent expenses, seven hundred and fifty dollars.

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.

Seattle, Wash.

For wages of workmen and assistants, twenty-seven thousand dollars.

For incidental and contingent expenses, seven thousand dollars.

GOVERNMENT IN THE TERRITORIES.

Territories.

TERRITORY OF ALASKA: For governor, five thousand dollars; three judges, at five thousand dollars each; three attorneys, at three thousand dollars each; three marshals, at four thousand dollars each; three clerks, at three thousand five hundred dollars each; salaries of commissioners, at the rate of one thousand dollars per annum, whose terms of office may extend into the fiscal year nineteen hundred and two, one hundred and twenty-five dollars; in all, fifty-one thousand six hundred and twenty-five dollars.

Alaska.

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.

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.

Arizona.

For contingent expenses of the Territory, to be expended by the governor, five hundred dollars.

For legislative expenses, namely: For rent, messenger, postage, stationery, fuel, lights, printing, and incidental expenses for secretary's office, two thousand dollars.

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.

New Mexico.

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, two thousand dollars.

Oklahoma.

**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.

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.

For legislative expenses, namely: For rent of office, furniture, fuel, lights, stationery, clerk hire, printing, postage, ice, record files, record casings, messenger, porter, and other incidental expenses of the secretary's office, two thousand dollars.

Hawaii.

**TERRITORY OF HAWAII:** For 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 for the fiscal year ending June thirtieth, nineteen hundred and two.

For contingent expenses of the Territory of Hawaii, 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; in all, three thousand dollars.

Porto Rico.

**TERRITORY OF PORTO RICO:** 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.

War Department.

## WAR DEPARTMENT.

Secretary, Assistant, clerks, etc.

**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 Secretary, two thousand two hundred and fifty dollars; clerk to the chief clerk, two thousand one hundred dollars; clerk to the Assistant Secretary, two thousand one hundred dollars; stenographer, one thousand eight hundred dollars; disbursing clerk, two thousand dollars; appointment 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; 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.

Additional temporary force.

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, or to be transferred from any position in the classified service to positions paid under this or said other appropriations.

Persons in classified service not eligible, etc.

**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 two.

Record and Pension 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.

Adjutant-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.

Inspector-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.

Judge-Advocate-General's Office.

**SIGNAL OFFICE:** For chief clerk, two thousand dollars; one clerk of class four; one clerk of class one; one messenger, and one laborer; in all, six thousand five hundred dollars.

Signal 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; two assistant draftsmen, at one thousand four hundred dollars each; experienced builder and mechanic, two thousand five hundred dollars; in all, one hundred and fifty-two thousand five hundred and forty dollars.

Quartermaster-General's Office.

**OFFICE OF THE COMMISSARY-GENERAL:** For chief clerk, two thousand dollars; two clerks of class four; four clerks of class three; five clerks of class two; eleven clerks of class one; nine clerks, at one

Commissary-General's Office.

thousand dollars each; two assistant messengers; two laborers; in all, forty-three thousand nine 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.

Paymaster - Gen-  
eral's Office.

**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.

Office Chief of Ord-  
nance.

**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 En-  
gineers.

**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.

skilled draftsmen.

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 two, 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.

*Proviso.*  
—limit expenditures.

Contingent expenses.

**FOR CONTINGENT EXPENSES OF THE WAR DEPARTMENT AND ITS BUREAUS AND OFFICES, NAMELY:** For 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.

For additional amount for the foregoing objects, twenty thousand dollars.

Stationery.

For stationery for the War Department and its bureaus and offices, twenty-two thousand five hundred dollars.

For additional amount for the foregoing object, ten thousand dollars.

Rent.

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, three thousand dollars; for War Department (Lemon Building), six thousand dollars; for Record and Pension Office, three thousand two hundred dollars; in all, fifteen thousand dollars.

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.

Postage.

PUBLIC BUILDINGS AND GROUNDS.

Public buildings and grounds.

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.

Clerks, etc.

For overseers, draftsmen, foremen, gardeners, mechanics, and laborers employed in the public grounds, thirty-five thousand dollars.

Overseers and watchmen.

For one sergeant of park watchmen, nine hundred dollars.

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; two at grounds south of Executive Mansion; one at Garfield Park; one at Monument Park; twenty in all, at seven hundred and twenty dollars each, fourteen thousand four hundred 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.

For watchman for the care of the monument and dock at Wakefield, Virginia, the birthplace of Washington, three hundred dollars.

Wakefield, Va.

For contingent and incidental expenses, including purchase of professional and scientific books and periodicals, books of reference, blank books, photographs, and maps, six hundred dollars.

Contingent expenses.

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

State, War, and Navy Department building.

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-nine firemen; ten conductors of elevators, at seven hundred and twenty dollars each; eighteen laborers; and eighty-one charwomen; one gardener, seven hundred and twenty dollars; in all, one hundred and twenty-two thousand six hundred and forty dollars.

Clerk, engineers, etc.

Fuel, etc.

For fuel, lights, repairs, and miscellaneous items and city directories, forty-two thousand three hundred and fifty 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, three thousand dollars; clerk to 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 nine hundred dollars.

Library.

**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.

Office of Naval Records of the Rebellion.

**OFFICE OF NAVAL RECORDS OF THE REBELLION:** For two clerks of class four; one agent, to be selected by the Secretary of the Navy from the officers of the late Confederate Navy, one thousand eight hundred dollars; 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, sixteen thousand and ninety dollars.

Continuing publication.

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.

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Judge-Advocate-General's Office, Navy.

**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.

Bureau of Navigation.

**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; and three laborers; in all, forty-nine thousand nine hundred dollars.

Office Naval Intelligence.

**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.

Bureau of Equipment.

**BUREAU OF EQUIPMENT:** For chief clerk, two thousand dollars; one draftsman who shall be an expert in marine construction, 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, twelve thousand six hundred and forty dollars.

**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.

For hydrographic engineer, draftsmen, engravers, assistants, nautical experts, computers, lithographers, custodian of archives, compiler, copyists, copperplate printers, apprentices, helpers, chart moulder, feed pressman, 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. Services.

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. Materials.

For rent of building and rooms, repairs and heating of the same, and for gas, water, and telephone rates, two thousand one hundred dollars. Rent.

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, Sault Sainte Marie, and Galveston, 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, thirty thousand dollars. Contingent expenses.

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. Monthly Pilot Chart, Pacific Ocean.

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 two except as herein authorized by appropriations under the Navy Department or under appropriations that may be made for printing and binding. Limit on expenditures.

**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; librarian, one thousand two hundred dollars; foreman and captain of the watch, one thousand dollars; carpenter, and engineer, at one thousand dollars each; assistant on equatorial, one thousand dollars; assistant in spec- Naval Observatory.

troscopic work, one thousand dollars; three firemen; six watchmen; elevator conductor, seven hundred and twenty dollars; and nine laborers; in all, thirty-eight thousand one hundred and forty dollars.

For miscellaneous computations, four thousand dollars.

For professional and scientific books, periodicals, engravings, photographs, and fixtures for the library, seven hundred and fifty dollars.

For apparatus and instruments, and for repairs of the same, two thousand dollars.

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.

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.

Nautical Almanac Office.

**NAUTICAL ALMANAC OFFICE:** For the following assistants, in preparing for publication the American Ephemeris and Nautical Almanac, namely: 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.

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.

**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 Construction and Repair.

**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 Ordnance.

**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 Supplies and Accounts.

**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 Medicine and Surgery.

**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 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.

Bureau of Yards and Docks.

**FOR CONTINGENT EXPENSES OF THE NAVY DEPARTMENT, NAMELY:** 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.

**DEPARTMENT OF THE INTERIOR.**

Interior Department.

**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 five hundred dollars additional as superintendent of the Patent Office building and other buildings of the Department of the Interior; 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; four special inspectors, Department of the Interior, to be appointed by the Secretary of the Interior, and to be subject to his direction, at two thousand five hundred dollars each; 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; fourteen clerks of class four; fourteen clerks of class three; eighteen clerks of class two; twenty-eight 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; five clerks, at one thousand dollars each; one clerk, nine hundred dollars; eight copyists; two copyists or typewriters, at nine hundred dollars each; telephone operator, nine hundred dollars; three messengers; six assistant messengers; fifteen laborers; two skilled mechanics, one at nine hundred dollars and one at seven hundred and twenty dollars; two carpenters, at nine hundred dollars each; two skilled mechanics, plumber and electrician, at nine hundred dollars each; one laborer, six hundred dollars; six laborers, at four hundred and eighty dollars each; 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 seventy-three thousand nine hundred and ten dollars.

Pay of Secretary, Assistants, clerks, etc.

Board of Pension Appeals.

Land inspector.

Messengers.

Watchmen.

For additional employees, for the proper protection, heating, care, and preservation of the General Post-Office building, occupied by the

Additional employees, General Post-Office building.

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; conductor of elevator, seven hundred and twenty dollars; fourteen laborers; ten laborers, at four hundred and eighty dollars each; three skilled mechanics, painter, carpenter, and plumber, at nine hundred dollars each; in all, thirty-nine thousand six hundred and sixty dollars.

Eleventh Census.  
Clerk.

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.

Assistant Attorney-  
General's Office.

OFFICE OF ASSISTANT ATTORNEY-GENERAL: For assistant attorney, three thousand dollars; assistant attorney, two thousand seven hundred and fifty dollars; three assistant attorneys, at two thousand five hundred dollars each; four assistant attorneys, at two thousand two hundred and fifty dollars each; ten 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; in all, forty-nine thousand eight hundred and fifty dollars.

Per diem inspectors.

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.

For per diem, in lieu of subsistence, of two special inspectors, Department of the Interior, 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, to be expended under the direction of the Secretary of the Interior, four thousand dollars.

General Land Office.

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; ten assistant messengers; twenty-three laborers; 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, five hundred and two thousand four hundred and thirty dollars.

Per diem, etc., in-  
vestigations.

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.

For law books for the law library of the General Land Office, two hundred 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 to the House of Representatives, and the residue shall be delivered to the Secretary of the Interior for distribution. Maps.  
—*Proviso*.  
—distribution.

**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. Mine inspectors.  
Vol. 26, p. 1104.

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:** 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; fifteen clerks of class three; draftsman, one thousand six hundred dollars; draftsman, one thousand five hundred dollars; architect, one thousand five hundred dollars; stenographer, one thousand six hundred dollars; stenographer, one thousand four hundred dollars; eleven clerks of class two; twenty-six 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; one messenger; four assistant messengers; three laborers; messenger boy, three hundred and sixty dollars; four charwomen; in all, one hundred and thirty-eight thousand three hundred and twenty dollars. Indian 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; Pension Office.

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.

Additional 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.

Patent Office.

**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; one hundred and six copyists, seven of whom may be copyists of drawings; thirty-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-nine messenger boys, at three hundred and sixty dollars each; in all, seven hundred and seventy-seven thousand dollars.

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.

Books.

For equipment of new scientific library rooms with steel stacks and other fireproof and labor-saving furniture and apparatus, five 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.

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:"

Copies of drawings.

*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.

Vol. 28, p. 620.

*Proviso.*  
Work at Government Printing Office.

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.

Investigating use of inventions.

For the share of the United States in the expense of conducting the International Bureau at Berne, Switzerland, seven hundred and fifty dollars.

International Bureau, Berne.

**BUREAU OF EDUCATION:** For Commissioner of Education, three thousand five hundred 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-two thousand three hundred and twenty dollars.

Bureau of Education.

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

Agricultural college statistics.

Vol. 12, p. 47.

Vol. 12, p. 503. 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.

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, one thousand six hundred dollars; one clerk of class two; one clerk, one thousand dollars; and one assistant messenger; in all, nine thousand two hundred and twenty dollars: *Provided*, That the office of Commissioner of Railroads is hereby continued until the thirtieth day of June, nineteen hundred and two, when the same shall terminate, and the duties of the Commissioner shall be transferred to the Secretary of the Interior, together with the records and files of the office.

Architect's Office, Capitol. 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.

Contingent expenses. FOR CONTINGENT EXPENSES OF THE DEPARTMENT OF THE INTERIOR, NAMELY: 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, carpets, 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.

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

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.

Rent. 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.

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.

**SURVEYORS-GENERAL AND THEIR CLERKS.**

Surveyors-general and their clerks.

For surveyor-general and ex officio secretary of the district of Alaska, four thousand dollars; clerks in his office, four thousand dollars; in all, eight thousand dollars.

Alaska.

For rent of office for surveyor-general, pay of messenger, stationery, binding of records, furniture, drafting instruments, books of reference for office use, fuel, lights, and other incidental expenses, one thousand five hundred dollars.

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.

Arizona.

For rent of office for the surveyor-general, pay of messenger, fuel, light, stationery, printing, binding of records, drafting supplies, record cases, furniture, books of reference for office use, water, typewriter, and repairs of same, and other incidental expenses, one thousand dollars.

For surveyor-general of California, two thousand dollars; and for the clerks in his office, twelve thousand dollars; in all, fourteen thousand dollars.

California.

For pay of messenger, stationery, binding records, washing, telephone, repairing maps, repairs to locks, clocks, and typewriter, books of reference for office use, and other incidental expenses, one thousand five hundred dollars.

For surveyor-general of the State of Colorado, two thousand dollars; and for the clerks of his office, eleven thousand five hundred dollars; in all, thirteen thousand five hundred dollars.

Colorado.

For rent of office for the surveyor-general, pay of messenger, stationery, binding and repairing records, furniture and repairs, muslin for mounting plats, drafting instruments, record books, ice, typewriters, books of reference for office use, and other incidental expenses, three thousand six hundred dollars.

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.

Florida.

For pay of messenger, stationery supplies, post-office box rent, books of reference for office use, and other incidental expenses, five hundred dollars.

For surveyor-general of Idaho, two thousand dollars; and for the clerks in his office, eight thousand five hundred dollars; in all, ten thousand five hundred dollars.

Idaho.

For rent of office for the surveyor-general, pay of messenger, stationery, binding, printing, fuel, light, drafting instruments, post-office box rent, new furniture, typewriters, books of reference for office use, and other incidental expenses, one thousand five hundred dollars.

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.

Louisiana.

For messenger, stationery, binding records, books of reference for office use, and other incidental expenses, one thousand dollars.

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.

Minnesota.

For pay of messenger, stationery, printing, binding, books of reference for office use, 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, books of reference for office use, 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, two thousand dollars; in all, three thousand eight hundred dollars.

For rent of office for the surveyor-general, pay of messenger, fuel, lights, stationery, post-office box rent, draftsmen's requisites, binding records, books of reference for office use, 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 pay of messenger, printing, stationery, drafting instruments, drawing paper, binding records, telephone, registration of letters, post-office box rent, towels, books of reference for office use, and other incidental expenses, one thousand dollars.

North Dakota.

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.

For rent of office for the surveyor-general, pay of messenger, stationery, printing, binding, lights, ice, post-office box rent, repairs, books of reference for office use, and other incidental expenses, one thousand five hundred dollars.

Oregon.

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.

For pay of messenger, stationery, furniture, record books, towels, binding, post-office box rent, books of reference for office use, and other incidental expenses, one thousand dollars.

South Dakota.

For surveyor-general of South Dakota, two thousand dollars; and for clerks in his office, five thousand dollars; in all, seven thousand dollars.

For rent of office for the surveyor-general, pay of messenger, stationery, typewriters, drafting instruments, fuel, binding records, furniture, post-office box rent, books of reference for office use, and other incidental expenses, one thousand five hundred dollars.

Utah.

For surveyor-general of Utah, two thousand dollars; and for the clerks in his office, nine thousand dollars; in all, eleven thousand dollars.

For rent of office for the surveyor-general, pay of messenger, stationery supply, binding records, drawing paper, books of reference for office use, and other incidental expenses, one thousand two hundred dollars.

Washington.

For surveyor-general of Washington, two thousand dollars; and for the clerks in his office, nine thousand dollars; in all, eleven thousand dollars.

For rent of office for the surveyor-general, pay of messenger, furniture, stationery, binding records, record books, blanks, books of reference for office use, and other incidental expenses, two thousand dollars.

Wyoming.

For surveyor-general of Wyoming, two thousand dollars; and for the clerks in his office, seven thousand dollars; in all, nine thousand dollars.

For rent of office for the surveyor-general, pay of messenger, stationery, and supplies, lights, ice, post-office box rent, drafting instru-

ments, mounting maps, towels, books of reference for office use, and other incidental expenses, one thousand three hundred and fifteen dollars.

*Provided*, That the stationery and drafting instruments hereafter purchased for exclusive use in the offices of the surveyors-general in the preparation of plats and field notes of mineral surveys, as also the rent of additional quarters that may be necessary for the execution of such work, shall be paid for out of the fund created by deposits made by individuals to the credit of the United States to cover the cost of office work on such mineral surveys.

*Proviso.*  
Fund available to pay for office stationery, etc.

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 telephone operator, nine hundred dollars; one messenger; one assistant messenger; page, three hundred and sixty dollars; in all, thirty-three thousand six hundred and seventy dollars.

Post-Office Department.

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 two; two clerks of class one; one clerk, one thousand dollars; assistant messenger; in all, eleven thousand six hundred and seventy dollars.

Assistant Attorney-General's 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; general superintendent free-delivery system, three thousand five hundred dollars; superintendent city delivery service, three thousand dollars; three assistant superintendents city delivery service, 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; general superintendent of salaries and allowances, three thousand five hundred 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 post-office supplies, one thousand eight hundred dollars; chief of the correspondence division, two thousand dollars; ten clerks of class four; twenty-one clerks of class three; twenty-two clerks of class two; forty-three clerks of class one; forty-five clerks, at one thousand dollars each; forty clerks, at nine hundred dollars each; eight assistant messengers; twenty-seven 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 eighty-one thousand five hundred and fifty dollars.

First Assistant Postmaster-General, clerks, etc.

Money-Order System.

Free delivery

Dead-Letter Office.

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, twenty thousand dollars.

Temporary force.

**OFFICE SECOND ASSISTANT POSTMASTER-GENERAL:** For Second Assistant Postmaster-General, four thousand dollars; chief clerk, two thousand one hundred dollars; superintendent of railway adjustments, two

Second Assistant Postmaster-General, clerks, etc.

thousand five hundred dollars; Superintendent of Foreign Mails, three thousand dollars; chief clerk, two thousand dollars; chief of division of inspection, two thousand dollars; chief of contract division, two thousand dollars; chief of mail equipment division, two thousand dollars; nine clerks of class four; thirty-six clerks of class three; twenty-one clerks of class two; stenographer, one thousand six hundred dollars; twenty-one clerks of class one; seventeen 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-seven thousand one 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; superintendent postage-stamp supplies and postmasters' accounts, two thousand five hundred dollars; superintendent of system of postal finance, 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; chief of files and records division, two thousand dollars; chief of redemption division, two thousand dollars; superintendent of registry system, two thousand five hundred dollars; six assistant superintendents of registry system, at two thousand dollars each; six clerks of class four; eighteen clerks of class three; twenty-two clerks of class two; twenty-seven clerks of class one; thirteen clerks, at one thousand dollars each; six clerks, at nine hundred dollars each; three assistant messengers; nine laborers; in all, one hundred and sixty-one thousand and fifty dollars.

Per diem, 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 four dollars per day, and for other actual and necessary traveling expenses arising in connection with business of the registry system, ten thousand dollars.

Fourth Assistant Postmaster-General, clerks, etc.

Chief inspector.

**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; two clerks of class four; eighteen 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; twelve clerks, at one thousand dollars each; seven clerks, at nine hundred dollars each; page, three hundred and sixty dollars; three assistant messengers, and four laborers; in all, one hundred and fourteen thousand five hundred and sixty dollars.

† Topographer, etc.

**OFFICE OF TOPOGRAPHER:** For topographer, two thousand five hundred dollars; three skilled draftsmen, at one thousand eight hundred dollars each; four 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 moulder, one thousand two hundred dollars; assistant map moulder, seven hundred and twenty dollars; one assistant map moulder, who shall be a mechanic, one thousand dollars; four copyists of maps, at nine hundred dollars each; and one assistant messenger; in all, thirty-one thousand nine hundred and forty dollars.

Disbursing clerk, etc.

**OFFICE OF DISBURSING CLERK:** Disbursing clerk and superintendent of buildings, two thousand one hundred dollars; bookkeeper and accountant, one thousand eight 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 four 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-three thousand four hundred and eighty dollars.

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, including repairs to elevators, eighteen 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 two thousand dollars for the office of the Auditor of the Post-Office Department, fifteen thousand five hundred dollars, of which sum not exceeding three thousand nine hundred and eighty-five dollars may be expended for telephone service, and not exceeding nine hundred dollars, including one hundred dollars for the office of the Auditor for the Post-Office Department, may be expended for law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the Department.

For rent of a suitable building for the storage of post-office supplies, four thousand dollars.

Rent.

For rent of stable, three hundred dollars.

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.

Official Postal Guide.

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 the 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, and of this amount one hundred dollars may be expended for the purchases of atlases, geographical and technical works, needed in the topographer's office.

Post-route maps.

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.

Postage.

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; one law clerk, two thousand five hundred dollars; 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-eight thousand and twenty dollars.

Contingent expenses.

**FOR CONTINGENT EXPENSES OF THE DEPARTMENT OF JUSTICE, 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, books of reference, periodicals, 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, three thousand dollars.

Solicitor of the Treasury.

**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; law clerk, two thousand dollars; four clerks of class four; three clerks of class three; three clerks of class two; one assistant messenger; and one laborer; in all, twenty-nine thousand and eighty dollars.

Law books.

For law books for office of the Solicitor of the Treasury, three hundred dollars.

Stationery.

For stationery for office of Solicitor of the Treasury, one hundred and fifty dollars.

Department of Labor.

DEPARTMENT OF LABOR.

Commissioner, clerks, etc.

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.

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-two thousand five hundred dollars.

Per diem, etc., special agents.

Vol. 28, p. 805.

For stationery, one thousand dollars.

Stationery.

For books, periodicals, and newspapers for the library, in addition to the amount authorized by section one hundred and ninety-two, Revised Statutes, the sum of one hundred dollars may be expended for newspapers for the purpose of procuring strike data, 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 five hundred dollars.

Contingent expenses.

Charles E. Morse, disbursing clerk of the Department of Labor, is hereby authorized and directed to pay to Mrs. Emma M. Benerman, widow of Spencer N. Benerman, the sum of one hundred and six dollars and fifty cents, salary due said Spencer N. Benerman as special agent of the Department of Labor at the time of his death, September twenty-eighth, nineteen hundred.

Payment to Mrs. Emma M. Benerman.

### 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.

For marshal of the Supreme Court of the United States, three thousand dollars;

Marshal.

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.

Clerks to justices.

**CIRCUIT COURTS:** For twenty-five circuit judges, at six thousand dollars each, one hundred and fifty thousand dollars;

Circuit court judges.

For nine clerks of circuit courts of appeals, at three thousand dollars each, twenty-seven thousand dollars;

Circuit courts of appeals.

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.

Crier, etc., eighth circuit.

**DISTRICT COURTS:** For salaries of the sixty-seven district judges of the United States, at five thousand dollars each, three hundred and thirty-five thousand dollars.

District court judges.

- 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.
- Hawaiian Territory court.** **DISTRICT COURT, TERRITORY OF 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.
- 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 two, 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.
- 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 two, five 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;  
For reporter, one thousand two hundred dollars: *Provided*, 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 nine hundred and twenty dollars, one-half of which shall be paid from the revenues of the District of Columbia.
- Proviso.**  
**Reports.** For reporter, one thousand two hundred dollars: *Provided*, 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 nine hundred and twenty dollars, one-half of which shall be paid from the revenues of the District of Columbia.
- Supreme court, 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.
- Clerk, northern district of Illinois.** **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.
- Commissioner Yellowstone Park.**  
Vol. 29, p. 184.  
Provision as to commissioner's fees not to impair salary. **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.  
For contingent fund for commissioner's office, including fuel, furniture, and necessary miscellaneous expenses, two hundred and fifty dollars.

**COURT OF CLAIMS:** For salaries of five judges of the Court of Claims, at four thousand five hundred dollars each; chief clerk, three thousand five hundred dollars; assistant clerk, two thousand dollars; bailiff, one thousand five hundred dollars; one clerk, one thousand six hundred dollars; one clerk, 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-five thousand 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, fuel, electric light, electric elevator, and other miscellaneous expenses, three thousand four hundred dollars.

Contingent expenses.

For reporting the decisions of the court and superintending the printing of the thirty-sixth 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 and one, 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, provided they are otherwise competent.

Terms of service, temporary employees.

Vol. 30, pp. 696, 890, etc.

**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.

Appropriations not available for incapacitated employees.

**SEC. 5.** That hereafter it shall be the duty of the heads of the several Executive Departments, and of other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the fifteenth day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction, and in case of failure to furnish estimates as herein required it shall be the duty of the Secretary of the Treasury to cause to be prepared in the Treasury Department, on or before the first day of November of each year, estimates for such appropriations as in his judgment shall be requisite in every such case, which estimates shall be included in the Book of Estimates prepared by law under his direction for the consideration of Congress.

Departmental estimates to be furnished for Book of Estimates before October 15 annually, etc.

**SEC. 6.** That all laws or parts of laws inconsistent with this Act are repealed.

Repeal.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 831.**—An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and one, and for prior years, 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 one, and for prior years, and for other objects hereinafter stated, namely:

## 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, two thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Executive Office," for the fiscal year nineteen hundred, one thousand seven hundred and fifteen dollars and eighty-two cents.

Department of State.

## DEPARTMENT OF STATE.

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, for the fiscal years as follows:

For the fiscal year nineteen hundred and one, five hundred dollars.

For the fiscal year nineteen hundred, twenty-one dollars and twenty-one cents.

For stationery, furniture, fixtures, and repairs, and for the purchase of passport paper, for the fiscal years as follows:

For the fiscal year nineteen hundred and one, one thousand dollars.

For the fiscal year nineteen hundred, forty-three dollars and sixty-eight cents.

Payments to owners  
of Russian bark Hans.

To reimburse the master and owners of the Russian bark Hans for all losses and damages incurred by reason of the wrongful and illegal arrest and detention of Gustav Isak Dahlberg, the master and principal owner of said bark, by officers of the United States district court for the southern district of Mississippi in eighteen hundred and ninety-six, five thousand dollars.

—to heirs of Floren-  
tino Suaste.

To pay, out of humane consideration, without reference to the question of liability therefor, to the Mexican Government, as full indemnity to the heirs of Florentino Suaste, a Mexican citizen who was lynched in Lasalle County, Texas, in eighteen hundred and ninety-five, two thousand dollars.

—Tallulah lynching.

To pay, out of humane consideration, without reference to the question of liability therefor, to the Italian Government as full indemnity to the heirs of Joseph Defatta and John Cyrano, Italian citizens who were lynched at Tallulah, Louisiana, on July twentieth, eighteen hundred and ninety-nine, four thousand dollars.

Treaty with Spain  
of November 7, 1900.  
Appropriation.

For the purpose of carrying out the obligation of the treaty between the United States and Spain concluded at Washington on the seventh day of November, anno Domini nineteen hundred, to become immediately available upon the exchange of the ratifications of the said treaty, one hundred thousand dollars.

Spanish-American  
Claims Commission.

To enable the Secretary of State to pay and distribute all increment and accretions upon the sums reserved by the Department of State from the fund received by the Government of the United States upon

the account of the payment of the awards of the late Spanish and American Claims Commission, and to pay and distribute the same pro rata to the claimants, their heirs or assigns, to whom said awards were made as shown by the report of the Secretary of State, transmitted to the President in his message dated February twenty-seventh, eighteen hundred and eighty-eight, and printed as Senate Executive Document Numbered Ninety-three, first session Fiftieth Congress, fourteen thousand four hundred and thirty-five dollars and fifty cents.

Pro rata distribution to claimants of accretions upon fund, etc., authorized.

For payment to Ella Lowery Moseley, widow of Robert E. Moseley, who died while consul-general at Singapore, a sum equal to three months' salary as such consul-general, seven hundred and fifty dollars.

Ella Lowery Moseley. Payment to.

ISTHMIAN CANAL COMMISSION: To defray the expenses necessarily incurred in making the investigation authorized by sections three and four of the river and harbor appropriation Act approved March third, eighteen hundred and ninety-nine, seventy-five thousand dollars.

Isthmian Canal Commission. Appropriation for expenses. Vol. 30, p. 1150.

FOREIGN INTERCOURSE.

Foreign Intercourse.

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, seventy-five thousand dollars.

Contingent expenses, embassies.

For expense 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, thirty thousand dollars.

Contingent expenses, consulates.

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 nineteen hundred, eighteen thousand four hundred dollars and eighty-seven 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, four thousand one hundred and sixty-eight dollars and seventy cents.

Emergencies, etc.

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

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, fifty thousand dollars, or so much thereof as may be necessary.

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, one hundred and sixty-eight dollars and seventy-eight cents.

Loss by exchange, 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 nineteen hundred, eight thousand dollars.

Reports, publication.

## TREASURY DEPARTMENT.

Treasury Department.

Repairs, Treasury building.

For special repairs to the Treasury building, namely: For new plumbing, toilet rooms, and expenses incident thereto, five thousand dollars.

Auditor for Post-office Department.

OFFICE OF THE AUDITOR FOR THE POST-OFFICE DEPARTMENT: For fifteen temporary clerks during the remainder of the fiscal year nineteen hundred and one, at the rate of seven hundred and twenty dollars per annum each, three thousand six hundred dollars, or so much thereof as may be necessary.

Contingent expenses.

CONTINGENT EXPENSES: For stationery for the Treasury Department and its several bureaus, five thousand dollars.

For postage required to prepay matter addressed to Postal Union countries, and for postage for the Treasury Department, five hundred dollars.

To pay the account of the Smithsonian Institution for the transmission of mail matter for the Treasury Department for the fiscal years as follows:

For the fiscal year nineteen hundred and one, two hundred and forty-four dollars and five cents.

For the fiscal year nineteen hundred, four hundred and fifty-three dollars and fifty cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Freight, telegrams, etc.," for the fiscal year nineteen hundred and one, one thousand three hundred and thirty-eight dollars and thirty-four cents.

For freight, expressage, telegraph and telephone service, for the fiscal year nineteen hundred, one thousand four hundred and twenty-eight dollars and ninety cents.

For newspapers, law books, city directories, and other books of reference relating to the business of the Department, three hundred dollars.

Rent.

For rent of building near corner of Fourteenth and B streets northwest, Washington, District of Columbia, for files, for the four months ending June thirtieth, nineteen hundred and one, six hundred dollars.

For rent of number thirteen hundred and twenty-three G street northwest, Washington, District of Columbia, for Light-House Board, for the four months ending June thirtieth, nineteen hundred and one, one hundred and sixty-eight dollars.

File holders, shelving, etc.

For purchase of file holders and file cases, two thousand five hundred dollars.

For shelving for rented building near corner of Fourteenth and B streets northwest, Washington, District of Columbia, three thousand dollars.

For transferring files and records to rented building near corner of Fourteenth and B streets northwest, Washington, District of Columbia, one thousand dollars.

Boxes, etc.

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, typewriters, ventilators, wardrobe cabinets, washstands, water coolers and stands, two 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, two thousand dollars.

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 and one, one thousand and fifty dollars.

Numbering machines. ma-

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 disbursements of the public money, and for transportation of notes, bonds, and other securities of the United States, sixty thousand dollars.

Contingent expenses, Independent Treasury.

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 nineteen hundred, sixteen thousand five hundred and thirty-two dollars and ninety-three cents.

TRANSPORTATION OF SILVER COIN: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, twenty-five 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.

Transporting silver coin.

*Provido.*—condition.

To pay amounts found due by the accounting officers of the Treasury Department on account of the appropriation "Transportation of silver coin," for the fiscal year nineteen hundred, six thousand seven hundred and twenty-one dollars and fifty-nine cents.

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 and one, one million five hundred thousand dollars.

Collecting customs revenue.

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," fifty thousand dollars.

Chinese exclusion.

Vol. 27, p. 25.

INSPECTORS OF PELAGIC SEAL SKINS: To pay L. J. Hansen, pelagic seal-skin inspector, for two days' services, September ninth and eleventh, eighteen hundred and ninety-nine, in examining seal skins captured by the schooner Julia E. Whalen, being a deficiency for the fiscal year nineteen hundred, ten dollars.

Inspectors, pelagic seal skins. Payment to.

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-five thousand dollars; and the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

Public buildings. Assistant custodians and janitors.

Fuel, lights, etc.

**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 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 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 public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices under the control of the Treasury Department, inclusive of new buildings, sixty-four 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 governors.

*Proviso.*  
—limit payments.

Pneumatic tubes.

For supplying necessary power and repairs to power plants, for operating pneumatic tubes for the transmission of mail matter, court-house and post-office buildings, Philadelphia, Pennsylvania, New York City, and Brooklyn, New York, and the post-office and subtreasury building, Boston, Massachusetts, twenty-one thousand seven hundred dollars.

E. R. Stackable.  
Payment to.

**PAYMENT TO E. R. STACKABLE:** That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to E. R. Stackable, collector of customs, Honolulu, Hawaiian Islands, out of any money in the Treasury not otherwise appropriated, the amount of loss sustained by him in accepting certain light-weight United States gold coins in payment of duties on imports before he was furnished with the necessary facilities for testing the weight of such coins, fifty-six dollars and thirty-six cents.

Refunds.  
Schooner Esther  
Buhne.

**REFUND OF FINE, SCHOONER ESTHER BUHNE:** To refund to R. Salveson, master of the schooner Esther Buhne, the amount of a fine imposed by the collector of customs at Honolulu, Hawaii, for violation of section forty-three hundred and fifty, Revised Statutes, and section ninety-eight, Act of April thirty, nineteen hundred, since remitted by the Secretary of the Treasury, the original sum having been covered into the Treasury prior to the said remission, one hundred dollars.

Schooner J. M.  
Weatherwax.

**REFUND OF FINE, SCHOONER J. M. WEATHERWAX:** To refund to L. Sorenson, master of the American schooner J. M. Weatherwax, the amount of a fine imposed by the collector of customs at Honolulu, Hawaii, for violation of section forty-three hundred and fifty, Revised Statutes, and section ninety-eight, Act of April thirtieth, nineteen hundred, since remitted by the Secretary of the Treasury, the original sum having been covered into the Treasury prior to the said remission, one hundred dollars.

Major T. E. True.  
Credit in accounts  
of.

**CREDIT IN ACCOUNT OF MAJOR T. E. TRUE:** That the proper accounting officers of the Treasury are hereby authorized and directed to credit and allow to Major T. E. True, quartermaster, United States Army, depot quartermaster, Washington, District of Columbia, the voucher for one thousand three hundred dollars, for payment made by him to Sheldon Jackson, under the approval of the War Department of March eighteenth, eighteen hundred and ninety-nine, said payment being in the nature of extra compensation to Sheldon Jackson for services rendered by him in connection with the relief of people in the mining regions of Alaska, and to charge the same to the credit of the appropriation made for that purpose by the Act approved December eighteenth, eighteen hundred and ninety-seven.

J. Wilburn Swink.  
Payment to.

**PAYMENT TO J. WILBURN SWINK:** That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. Wilburn

Swink four hundred and forty dollars and eighty cents, appropriated in Act of April eighteenth, nineteen hundred, entitled "An Act for the relief of Hiram Johnson and others," instead of to William Swink, as therein provided.

**TRANSPORTATION OF DESTITUTE MINERS:** To pay the account of the Pacific Steamship Company, of San Francisco, California, certified in House Document Numbered Two hundred and fifty-eight, of this session, for transportation of certain destitute miners from Wrangel, Alaska, to Seattle, Washington, in eighteen hundred and ninety-nine, nine hundred and twenty dollars. Transporting destitute miners.

**CREDIT IN ACCOUNTS OF CERTAIN OFFICERS CORPS OF ENGINEERS:** Authority is hereby granted to the accounting officers of the Treasury to allow and credit in the accounts of certain officers of the Corps of Engineers, United States Army, amounts standing against them on the books of the Treasury as follows: Captain W. E. Craighill, twenty-seven dollars and twenty-three cents; Major E. H. Ruffner, eighty-three dollars; Major W. L. Fisk, one hundred and sixteen dollars and fifteen cents; in all, two hundred and twenty-six dollars and thirty-eight cents. Credit in accounts of certain engineer officers.

**PAYMENT TO WILLIAM COLE:** To enable the Secretary of the Treasury to pay the claim of William Cole, private, Company K, Fifteenth United States Colored Troops, certified to be due under the appropriation "Bounty to volunteers, their widows, and legal heirs," by settlement numbered forty-six thousand four hundred and ninety-nine of eighteen hundred and eighty-five, but erroneously paid to another person, three hundred dollars. William Cole. Payment to.

**REIMBURSEMENT OF CUBAN REVENUES:** To enable the Secretary of the Treasury to reimburse the revenues of the island of Cuba for the amount expended in said island in furnishing information to the Secretary of War, as directed by him, relating to receipts and expenditures in said island, heretofore paid from said revenues, the sum of fifteen thousand seven hundred and eighty-six dollars and ninety-one cents. Reimbursement of Cuban revenues.

**QUARANTINE SERVICE.**

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 Porto Rico, eighteen thousand dollars. Maintenance.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Quarantine Service," for the fiscal year nineteen hundred, two thousand six hundred and sixty-six dollars and eighty cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Quarantine Service," for the fiscal year eighteen hundred and ninety-nine, one hundred and fifty-nine dollars and twenty-three cents.

Repairs to vessels in use in the Quarantine Service, twenty-two thousand dollars. Repairs to vessels.

**PUBLIC BUILDINGS.**

Public buildings.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Custom-house and post-office, Saint Albans, Vermont," one hundred and ninety-four dollars and ten cents. St. Albans, Vt.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Post-office and court-house, Philadelphia, Pennsylvania," fifteen dollars and fifty-three cents. Philadelphia, Pa.

Indianapolis, Ind.

For the rental of additional temporary quarters at Indianapolis, Indiana, for the accommodation of certain Government officials, one thousand dollars.

Repairs.

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, and post-offices, and quarantine stations, and other public buildings and the grounds thereof under the control of the Treasury Department, exclusive of marine hospitals, thirty-five thousand dollars.

Heating apparatus.

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 sanitarium, Fort Stanton, New Mexico, under control of the Treasury Department, exclusive of personal services, except for work done by contract, sixteen thousand five hundred dollars.

Fort Stanton, N. Mex.

Revenue-Cutter Service.

## REVENUE-CUTTER SERVICE.

Expenses.

For the following sums required to meet increased expenses on account of Revenue-Cutter Service, as follows: For fuel, thirty-two thousand five hundred dollars; for repairs, five thousand dollars; for pay of crews, two thousand five hundred dollars; in all, forty thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Expenses of Revenue-Cutter Service," for the fiscal year nineteen hundred, three thousand four hundred and fifty-two dollars and fifty-eight cents.

Light-House Establishment.

## LIGHT-HOUSE ESTABLISHMENT.

Credit in accounts of Commander Thomas Nelson, U. S. N.

The accounting officers of the Treasury are authorized and directed to allow and credit in the account of Commander Thomas Nelson, United States Navy, late inspector of the Second light-house district, for the quarter ended December thirty-first, eighteen hundred and ninety-eight, the amount of eighteen dollars and thirty cents paid by him from the appropriation "Expenses of light-vessels, eighteen hundred and ninety-nine," for the transportation of a recovered body of a drowned seaman of the Hen and Chickens light-vessel, which payment was specifically authorized by the Light-House Board, the same not to involve the further payment of money from the Treasury.

Expenses, light-vessels.

That the unexpended balance of the appropriation "Expenses of light-vessels" for the fiscal year nineteen hundred, or so much thereof as may be necessary, is hereby reappropriated and made available for the payment for the relief and repairs to Columbia River light-vessel numbered fifty.

Mahon River, Del., station.

For completion of the establishment of the Mahon River, Delaware, light station on a new site, four thousand dollars.

Sturgeon Bay Canal station, Wis.

For balance due the contractors for the construction of a keeper's dwelling at Sturgeon Bay Canal, Wisconsin, light station, six hundred and twenty dollars and seventy-two cents.

Internal revenue.

## COLLECTING INTERNAL REVENUE.

Salaries, collectors, deputies, etc.

Vol. 24, pp. 209, 218.

Vol. 29, p. 258.

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, 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 on account of the fiscal years as follows:

Agents, gaugers, etc.

For the fiscal year nineteen hundred and one, fifty thousand dollars.  
 For the fiscal year nineteen hundred, twenty-five thousand dollars.

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, fifty-one thousand five hundred and sixty-five dollars and seventy-four 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, when employed, forty-four thousand nine hundred and fourteen dollars and nine 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.

For engravers' and printers' materials and other materials, except distinctive paper, and for miscellaneous expenses, one hundred and thirty-eight thousand five hundred and sixty-nine dollars and ninety-eight cents.

Materials.

LIFE-SAVING SERVICE.

Life-Saving Service.

Authority is hereby granted the Secretary of the Treasury to pay, from the regular annual appropriation for the Life-Saving Service for the fiscal year nineteen hundred and one, the services of a keeper and surfmen detailed for duty at the Pan-American Exposition at Buffalo, New York, during the months of May and June, nineteen hundred and one, the sum of one thousand five hundred dollars, or so much thereof as may be required.

Keeper, etc., Buffalo Exposition.

MINTS AND ASSAY OFFICES.

Mints and assay office.

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

MINT AT SAN FRANCISCO, CALIFORNIA: 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, ten thousand dollars.

San Francisco, Cal.

To procure new boilers and pumps and to make other necessary repairs to the machinery and appliances at the United States mint at San Francisco, California, twelve thousand dollars.

ASSAY OFFICE AT SEATTLE, WASHINGTON: For wages, rent, and contingent expenses, five thousand five hundred dollars.

Seattle, Wash.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, assay office at Boise," for the fiscal year eighteen hundred and ninety-nine, five dollars and twenty-one cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, assay office at Charlotte," for the fiscal year nineteen hundred, fifty-nine cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, assay office at New York," for the fiscal year nineteen hundred, three hundred and thirty-four dollars and eighty-four cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Salaries and expenses, assay office at Seattle," for the fiscal year eighteen hundred and ninety-nine, forty dollars and nine cents.

Coast and Geodetic Survey.

#### COAST AND GEODETIC SURVEY.

For unusual and unexpected repairs to steamer Gedney, including a new boiler, twenty-five thousand dollars.

Government in Territories.

#### GOVERNMENT IN THE TERRITORIES.

Hawaii.

For the payment of the salaries of the chief justice and two associate justices of the supreme court of the Territory of Hawaii, from June fifteen to June thirtieth, nineteen hundred, inclusive, six hundred and eighty-one dollars and thirty-two cents.

Alaska.

For the payment of the salaries of the judges and clerks in the district of Alaska, fiscal year nineteen hundred, eight hundred and ninety-eight dollars and thirty-five cents.

For payment of the salary of the Governor of Alaska for the fiscal year nineteen hundred, being the difference in salary under the act of June sixth, nineteen hundred, from date of reappointment, to June thirtieth, nineteen hundred, inclusive, ninety-two dollars and forty-two cents.

For legislative expenses, Territory of Oklahoma: To pay the accounts set forth on page four, House Document Numbered Two hundred and fifty-six, of this session, for the service of the fiscal year nineteen hundred, four hundred and thirty dollars and seventy cents.

Oklahoma.

To pay actual and necessary traveling expenses of C. M. Barnes, governor of Oklahoma Territory, in coming to Washington, District of Columbia, from Guthrie, Oklahoma, and return, in January, nineteen hundred, under telegraphic instructions from the Secretary of the Interior of January fourth, nineteen hundred, one hundred and thirty-seven dollars.

Fish Commission.

#### FISH COMMISSION.

Neosho station.

Neosho (Missouri) station: For the purchase of additional land and water rights and construction of additional ponds, and for rebuilding of hatchery, and other improvements, seven thousand five hundred dollars.

Woods Hole.

Woods Hole (Massachusetts) station: For the completion of improvements, two thousand dollars.

Smithsonian Institution.

#### UNDER SMITHSONIAN INSTITUTION.

North American Ethnology.

For payment of outstanding accounts for transportation incurred during the fiscal year eighteen hundred and ninety-seven under the appropriation "North American Ethnology, Smithsonian Institution," forty-seven dollars and sixty-one cents.

DISTRICT OF COLUMBIA.

District of Columbia.

**CORONER'S OFFICE:** To pay the deputy coroner for services during the absence of the coroner, on account of the fiscal years as follows:

Coroner's office.

For the fiscal year nineteen hundred and one, two hundred and fifteen dollars.

For the fiscal year nineteen hundred, twenty dollars.

**BOARD OF CHARITIES:** For salaries, two hundred and forty dollars.

Board of charities.

**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, three thousand dollars.

Surveyor's office.

For amount required to reimburse the surveyor, District of Columbia, for damages incurred by incorrect survey made in fiscal year nineteen hundred, based on defective record, two hundred and five dollars.

**CONTINGENT AND MISCELLANEOUS EXPENSES:** For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, on account of fiscal years as follows:

Contingent expenses

For the fiscal year nineteen hundred, one thousand three hundred and sixty-six dollars and seventeen cents.

For the fiscal year eighteen hundred and ninety-nine, four dollars and eighty-three cents.

For the fiscal year eighteen hundred and ninety-eight, five dollars and twenty-five cents.

For the fiscal year eighteen hundred and ninety-seven, four dollars and seventy-three cents.

To enable the Commissioners of the District of Columbia to purchase the entire collection of maps, field notes, records, and other surveying data, of the late H. W. Brewer, formerly surveyor of Georgetown, fifteen thousand dollars.

That the sum of one hundred and fifty-four dollars, paid Kennedy and Shaefer for plumbing, from the appropriation "Special repairs to market houses," fiscal year nineteen hundred and one, 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 C. C. Rogers, disbursing officer, District of Columbia.

For amount required to pay in full the claim for damages of Edward Lander, four hundred and sixty-seven dollars.

**STREETS:** For amount required for disposal of city refuse, nine thousand dollars.

Streets.

For sprinkling, sweeping, and cleaning the streets, avenues, and alleys, and suburban streets, six thousand two hundred and forty dollars.

**SEWERS:** For amount required to pay in full the award of damages for right of way for Rock Creek and B street intercepting sewer for fiscal year eighteen hundred and ninety-six, three hundred and forty-five dollars.

Sewers.

**PUBLIC SCHOOLS:** For fuel, seven thousand dollars.

Public schools.

For repairing, renewing, and replacing the heating apparatus in school buildings, thirty thousand dollars, to continue available during the fiscal year nineteen hundred and two.

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, one thousand eight hundred dollars.

Authority is granted to pay T. J. Outen ninety-nine dollars and seventy cents for material furnished for rebinding schoolbooks, fiscal year nineteen hundred and one.

The accounting officers of the Treasury are authorized and directed to allow one hundred and ninety-six dollars and sixty-one cents in the accounts of the disbursing officers, District of Columbia, for the purchase of bayonets, swords, and other military equipments from the appropriation, "Contingent expenses, public schools," fiscal year nineteen hundred and one.

Police

**METROPOLITAN POLICE:** For miscellaneous and contingent expenses, including modern revolvers, and installation of card system in the police department, stationery, books of reference, and periodicals, telegraphing, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bed clothing, insignia of office, purchase and care of horses, police equipments and repairs of same, harness, forage, repairs to vehicles, van, ambulance, and patrol wagons, and expenses incurred in the prevention and detection of crime, and other necessary items, on account of the fiscal years as follows:

For the fiscal year nineteen hundred and one, two thousand five hundred dollars.

For the fiscal year nineteen hundred, one thousand six hundred and fifty-five dollars and twenty-eight cents.

For the fiscal year eighteen hundred and ninety-nine, twenty dollars and seventy-six cents.

For fuel, five hundred dollars.

Fire department.

**FIRE DEPARTMENT:** For contingent expenses, horseshoeing, furniture, fixtures, washing, oil, medical and stable supplies, harness, blacksmithing, labor, gas, and other necessary items, on account of the fiscal years as follows:

For the fiscal year nineteen hundred and one, two thousand dollars.

For the fiscal year nineteen hundred, eight hundred and sixty-four dollars and twelve cents.

For forage, two thousand five hundred dollars.

The provisions contained in the Act of Congress approved June eleventh, eighteen hundred and ninety-six, relating to the firemen's relief fund, may, within the discretion of the Commissioners of the District of Columbia, be extended to and used for the relief of any fireman, or his family, although he may not heretofore, or hereafter, have served twelve months.

That the amounts paid by the disbursing officers of the District of Columbia for bicycles, from the appropriations for "Repairs to apparatus and new appliances, fire department," are hereby allowed, and the accounting officers of the United States Treasury are authorized and directed to credit the same in the settlement of their accounts, as follows: H. H. Darneille, late disbursing officer, one hundred and seventy dollars, fiscal year nineteen hundred; C. C. Rogers, disbursing officer, thirty-five dollars and twenty-five cents, fiscal year nineteen hundred and one.

Telegraph, etc.  
service.

**TELEGRAPH AND TELEPHONE SERVICE:** 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 storeroom, and other necessary items, one thousand four hundred and seventy-eight dollars and thirteen cents.

Health department.

**HEALTH DEPARTMENT:** For maintaining the disinfecting service, one thousand dollars.

For amount required for preventing the spread of contagious diseases, to be available until expended, fifteen thousand dollars.



**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, two thousand dollars.

Support of prisoners

**COURTS:** For witness fees, fiscal year eighteen hundred and ninety-eight, three dollars and seventy-five cents.

Courts.

**JUDGMENTS:** For payment of the judgments, including costs, against the District of Columbia, set forth in House Documents Numbered Three hundred and fifty-two, Four hundred and twenty, and Four hundred and thirty-five, of this session, twenty-one thousand five hundred and three dollars and eighty 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

**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.

Lunacy writs.

For witness fees for the fiscal years as follows:

For fiscal year nineteen hundred and one, five thousand dollars.

For fiscal year nineteen hundred, one thousand three hundred and sixty dollars.

For fiscal year eighteen hundred and ninety-nine, one hundred and forty dollars.

**WASHINGTON ASYLUM:** For contingent expenses for fiscal year nineteen hundred, forty-one dollars and eighty-six cents.

Washington Asylum.

**FREEDMEN'S HOSPITAL AND ASYLUM:** For contingent expenses for fiscal year nineteen hundred, seven hundred and fifty-four dollars and five cents.

Freedmen's Hospital, etc.

**GARFIELD MEMORIAL HOSPITAL:** For isolating wards for minor contagious diseases, maintenance, two thousand dollars.

Garfield Hospital.

**RELIEF OF THE POOR:** For municipal lodging house, fiscal year nineteen hundred, forty dollars and seventy-six cents.

Relief of poor.

**BOARD OF CHILDREN'S GUARDIANS:** For Board of Children's Guardians for the fiscal year nineteen hundred and one, 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 one hundred and fifty 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 four thousand nine hundred and fifty dollars;

Board of Children's Guardians.

For amount required for the fiscal year nineteen hundred, thirty-five dollars and seventy-six cents.

**EXTENSION OF STREETS AND AVENUES:** For amount required to pay the jury, in condemnation proceedings, for the widening of Columbia road and Sixteenth street, to be paid wholly out of the revenues of the District of Columbia, seven hundred and twenty-five dollars.

Highway extension

**MILITIA, DISTRICT OF COLUMBIA:** For printing and stationery, one hundred and fifty dollars; for expenses of drills and parades, two hundred and fifty dollars; in all, four hundred dollars.

Militia.

Except as otherwise 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.

That of the unexpended balance of the appropriation for repairs to the Aqueduct Bridge, District of Columbia, the sum of one thousand four hundred and sixty-five dollars may be used under the direction of the Secretary of War for the temporary protection of said bridge.

Aqueduct Bridge. Temporary protection authorized.

War Department.

## WAR DEPARTMENT.

Secretary's Office.

## OFFICE OF THE SECRETARY.

To pay accounts set forth on page two of House Document Numbered One hundred and eighty-eight of this session for contingent expenses of the War Department, being for the service of the fiscal year nineteen hundred, three hundred and forty dollars and seventy-three cents.

Military establishment.

## MILITARY ESTABLISHMENT.

## MISCELLANEOUS.

For subsistence of two prisoners on United States transport George W. Elder from Nagasaki, Japan, to San Francisco, California, sixty-six dollars.

For payment of the account of the Chicago, Rock Island and Pacific Railway Company, for transportation from Chicago, Illinois, to Rush Springs, Indian Territory, of one Deering corn binder for use of the Apache prisoners of war at Fort Sill, Indian Territory, sixteen dollars and sixty-three cents.

Adjutant-General's Department.

## ADJUTANT-GENERAL'S DEPARTMENT.

Reimbursements.

To reimburse amount due Major George P. Scriven, Signal Corps, for expenses incurred by him while serving as military attaché at Rome, Italy, fiscal year eighteen hundred and ninety-eight, fifty dollars and one cent.

To reimburse amount due Captain Henry T. Allen, Sixth Cavalry, for expenses incurred by him while serving as military attaché at Berlin, Germany, fiscal year eighteen hundred and ninety-eight, one hundred and thirty-six dollars and sixty-three cents.

To reimburse amount due First Lieutenant Charles G. Dwyer, Third Infantry, for expenses incurred by him while serving as military attaché at Mexico, fiscal year eighteen hundred and ninety-eight, fifty-two dollars and eighty-six cents.

Signal Service.

## UNDER THE CHIEF SIGNAL OFFICER.

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, four hundred and twenty-five thousand dollars.

Military posts.

## MILITARY POSTS.

Des Moines, Iowa.

For the construction of buildings at the military post at Des Moines, Iowa, and for grading, for water system, roads, walks, gutters, and reservation fence, two hundred thousand dollars, to be available until expended.

Out of the aggregate balances remaining unexpended July first,

nineteen hundred, of the appropriations made by the deficiency appropriation Acts approved May fourth and June eighth, 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," reappropriated by the Acts approved January fifth, eighteen hundred and ninety-nine, for the last six months of the fiscal year eighteen hundred and ninety-nine, and February ninth, nineteen hundred, for the fiscal year nineteen hundred, there is hereby reappropriated and made available for expenditure during the fiscal year nineteen hundred and one, for objects hereinafter specified under the title "Military establishment," the following sums, namely:

PAY DEPARTMENT.

For pay of officers and enlisted men, three million dollars.

For mileage to officers and to contract surgeons, when authorized by law, two hundred thousand dollars.

For the reimbursement of traveling expenses on account of travel from their homes or the places of original acceptance of offer of employment, and for salary, when on leaves of absence, of contract or acting assistant surgeons employed by the Medical Department of the Army since April twenty-first, eighteen hundred and ninety-eight, where such traveling expenses or salary may have heretofore been disallowed or deducted on the ground that the terms of the written contracts made with the contract surgeons did not entitle them to the allowances in question, ten thousand dollars, or so much thereof as may be necessary therefor: *Provided*, That all such claims now pending or that may hereafter be presented for payment shall be settled and allowed, where such claims relate to salary, in accordance with the leave privileges governing in the case of commissioned officers of the Army, and where such claims relate to traveling allowances, as in the case of assistant surgeons of the Army on their first appointment, but the amounts so allowed shall in no case exceed the amounts authorized by the War Department in regulations governing the matter: *And provided further*, That disbursing officers of the Paymaster's Department of the Army who have already paid or shall hereafter pay accounts for such traveling expenses or for salary during leaves of absence, as above provided, shall be given credit in the settlement of their accounts at the Treasury for all such payments upon the presentation of proper vouchers: *And provided further*, That the Secretary of the Treasury is hereby authorized and directed to make settlement of the claims growing out of Government transportation over non-bond-aided lines of the Southern Pacific Company and Central Pacific Railroad Company by crediting against the notes of the Central Pacific Railroad Company held in the Treasury of the United States interest on all of said judgment and allowed claims at four per centum per annum, as set forth in his letter to the chairman of the Committee on Appropriations of the Senate, dated May twelfth, nineteen hundred.

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 with-

Pay Department.

Pay of officers.

Mileage.

Reimbursement for travel expenses disallowed contract surgeons, etc.

*Proviso.*  
—pending claims, basis of settlement.

—credit to disbursing officers who have paid above accounts.

Southern Pacific Company and Central Pacific Railroad Company.

Basis of settlement with, authorized for Government transportation.

Subsistence Department.

Supplies.

out 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, 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 meats, 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 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 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; subsistence of the masters, officers, crews, and employees of the vessels of the army transport service; 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; 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; five million three hundred thousand dollars.

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; 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, one million five hundred thousand dollars.

**INCIDENTAL EXPENSES:** For 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 noncommissioned 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 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 operation of the Army and at military posts, and not expressly assigned to any other department, seven hundred and fifty thousand dollars.

Incidental expenses.

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 in Alaska and at places outside of the limits of the United States, or who die while on voyage at sea, one hundred thousand dollars.

Transporting soldiers' remains, foreign service.

**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

Transportation.

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 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, eight million three hundred and fifty thousand dollars.

Payment to land-grant railroads.

*Proviso.*  
—compensation; how computed.

Fifty per cent to railroads not bond aided.

Amount.

Horses.

**HORSES FOR CAVALRY AND ARTILLERY:** For the purchases 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, five hundred thousand dollars.

Clothing, camp and garrison equipage.

**CLOTHING, AND CAMP AND GARRISON EQUIPAGE, NAMELY:** 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 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; 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, one million five hundred thousand dollars.

Amount.

MEDICAL DEPARTMENT.

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

Medical Department.  
Supplies, etc.

MILITARY ACADEMY.

For pay of cadets at the rate of five hundred and forty dollars per annum each, twenty thousand four hundred and forty-one dollars and twenty-six cents.

Pay.

For pay of one instructor of practical military engineering in addition to pay of first lieutenant, four hundred dollars.

Current expenses.

CURRENT AND ORDINARY EXPENSES: For repairs and improvements, namely: Timber, plank, boards, joists, wall strips, lath, 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, ten thousand dollars.

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, five thousand dollars.

Fuel.

For gas pipes, gas and electric fixtures, electric lamps and lighting supplies, lamp-posts, gasometers and retorts, and annual repairs of the same, eight hundred dollars.

Lights, etc.

For department of cavalry, artillery, and infantry tactics: For repairs and changes in cadet barracks and to supply extra clothes-presses, tables, and so forth, for cadet rooms, five thousand dollars.

Miscellaneous items and incidental expenses: For water pipe, plumbing, and repairs, two thousand dollars.

Buildings and grounds: For repairing, rearranging, and slightly enlarging the cadet administration building, three thousand five hundred dollars.

For doors, floors, and interior wood finish of library building, five thousand dollars.

For metallic book stacks, chairs, tables, and other necessary library furniture, ten thousand dollars.

For stables for the artillery detachment, five thousand dollars.

For repairing and relaying the line of sewer from the engineer barracks, artillery, and band barracks, two thousand five hundred dollars.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Volunteer Soldiers Home.

At the Central Branch, at Dayton, Ohio: For hospital expenses, namely: For blankets, forty dollars and sixty-three cents.

At the Northwestern Branch, at Milwaukee, Wisconsin: For household expenses, namely: For coal, four hundred and forty-one dollars and sixty-six cents.

For hospital expenses, namely: For blankets, twenty-seven dollars and eighty-three cents.

At the Eastern Branch, at Togus, Maine: For hospital expenses, namely: For blankets, sixteen dollars and ninety cents.

At the Southern Branch at Hampton, Virginia: For current expenses, namely: For services, two hundred and fifty-seven dollars and fifty-two cents.

For hospital expenses, namely: For blankets and supplies, six hundred and eight dollars and forty-seven cents.

For transportation, namely: For services, five hundred and sixty-four dollars and five cents.

For Western Branch at Leavenworth, Kansas: For household expenses, namely: For coal, three thousand five hundred and ten dollars.

All of the foregoing items under National Home for Disabled Volunteer Soldiers being for the service of the fiscal year nineteen hundred.

At the Danville Branch, at Danville, Illinois: For household expenses for the service of the fiscal year nineteen hundred and one, seven thousand three hundred dollars.

For repairs, for the service of the fiscal year nineteen hundred and one, two thousand five hundred dollars.

At the Marion Branch, at Marion, Indiana: For current expenses for the service of the fiscal year nineteen hundred and one, three hundred dollars.

State or Territorial Homes.

Vol. 25, p. 450.

*Proviso.*

Deductions.

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, for the service of the fiscal year nineteen hundred, thirty-three thousand three hundred and eighty dollars and fifty-nine 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.

Navy.

## NAVAL ESTABLISHMENT.

### GENERAL ACCOUNT OF ADVANCES.

General account of advances.

To reimburse "General account of advances," created by the Act of June nineteenth, eighteen hundred and seventy-eight, 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:

Pay. For pay, miscellaneous, nineteen hundred, ninety-two thousand eight hundred and forty-three dollars and fifty-three cents;

For pay, Marine Corps, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, forty-five thousand nine hundred and three dollars and forty cents;

Marine Corps. For pay, Marine Corps, eighteen hundred and ninety-eight, fifty-six dollars and sixty-one cents;

For pay, Marine Corps, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, six thousand five hundred and sixty-one dollars and fifty-seven cents;

For transportation and recruiting, Marine Corps, nineteen hundred, four hundred and fifty-four dollars and forty-nine cents;

Bureau of Navigation.

For transportation, recruiting, and contingent, Bureau of Navigation, nineteen hundred, two thousand one hundred and forty-two dollars and eighty cents;

Bureau of Equipment.

For equipment of vessels, Bureau of Equipment, nineteen hundred, sixty-one thousand one hundred and three dollars and eighty-nine cents;

Bureau of Medicine and Surgery.

For Medical Department, Bureau of Medicine and Surgery, nineteen hundred, three thousand nine hundred and forty-five dollars and forty-two cents;



For contingent, Bureau of Medicine and Surgery, one hundred and thirty-three dollars and seventy cents;

For contingent, Bureau of Medicine and Surgery, nineteen hundred, five hundred and fifty-five dollars and seventy-two cents;

For contingent, Bureau of Medicine and Surgery, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, sixty-one dollars and ninety-two cents;

For provisions, Navy, Bureau of Supplies and Accounts, eighteen hundred and ninety-eight, twenty dollars and seventy-five cents;

Bureau of Supplies and Accounts.

For contingent, Bureau of Supplies and Accounts, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, eight dollars and seventy cents;

For steam machinery, Bureau of Steam Engineering, eighteen hundred and ninety-eight and prior years, ten dollars and thirteen cents; in all, two hundred and thirteen thousand eight hundred and two dollars and sixty-three cents.

Bureau of Steam Engineering.

EMERGENCY FUND, NAVY DEPARTMENT.

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, one hundred and forty-four thousand three hundred and fifty-six dollars.

PAY, MISCELLANEOUS.

Pay.

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; ferriage, 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: *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, one hundred and twenty-five thousand dollars.

*Proviso.*  
Mileage in lieu of travel expenses, etc.

—when actual expenses to be paid.

## NAVAL ACADEMY.

Naval Academy.

To reimburse the appropriation "Repairs, Naval Academy," fiscal year nineteen hundred and one, for expenses incurred in fitting up and furnishing two buildings as additional quarters for cadets, five thousand dollars.

Bureau of Navigation.

## BUREAU OF NAVIGATION.

Naval station, Cal.

NAVAL TRAINING STATION, CALIFORNIA: For cost of fresh water during the remainder of the present fiscal year, one thousand and thirty-five dollars.

To pay accounts set forth in House Documents Numbered One hundred and eighty-five and Three hundred and fifty-two of this session, on account of naval training station, California, on file in the Bureau of Supplies and Accounts, being for the service of the fiscal year nineteen hundred, four hundred and twelve dollars and thirty-two cents.

Transportation, recruiting, and contingent.

TRANSPORTATION, RECRUITING, AND CONTINGENT: To provide for the transportation of so many of the five thousand additional enlisted men as may enlist prior to June thirtieth, nineteen hundred and one; for the transportation to their homes, if residents of the United States, of enlisted men and apprentices discharged on medical survey; for transportation to the place of enlistment, if residents of the United States, of enlisted men and apprentices discharged on account of expiration of enlistment, sixty thousand dollars.

To pay bill of Pennsylvania Railroad Company for transportation of enlisted men of the Navy, dated August first, nineteen hundred, for the service of the fiscal year nineteen hundred, one thousand four hundred and five dollars and eighteen cents.

To pay bill of Wabash Railroad Company for transportation of fifty recruits from Saint Louis, Missouri, to San Francisco and Mare Island, California, in March, nineteen hundred, the transportation request having been lost by that company, one thousand two hundred and twenty-two 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," for the fiscal year nineteen hundred, nine hundred and thirty-nine dollars and sixty-six cents: *Provided*, That the transportation to their homes, if residents of the United States, of enlisted men and apprentices discharged on medical survey; and the transportation to the place of enlistment, if residents of the United States, of enlisted men and apprentices discharged on account of expiration of enlistment, shall hereafter be chargeable to the appropriation "Transportation, recruiting, and contingent."

*Proriso.*  
—certain transportation charged to appropriation for.

## 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, forty 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, ham-

mocks, 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, one million three hundred and fifty thousand dollars.

To meet outstanding obligations incurred during the fiscal year ending June thirtieth, nineteen hundred, bills for which have not yet been rendered, fifteen thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Equipment of vessels, Bureau of Equipment," for the fiscal year nineteen hundred, fifteen thousand two hundred and seventy dollars and twenty-two cents.

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, two thousand five hundred dollars.

#### BUREAU OF MEDICINE AND SURGERY.

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, twenty thousand dollars.

To pay accounts on file for fiscal year nineteen hundred, as set forth in House Document Numbered Three hundred and fifty-two, of this session, seventy-two dollars and twenty-two cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Medical department, Bureau of Medicine and Surgery," fiscal year nineteen hundred, sixty-two dollars and ten cents.

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 nineteen hundred, two hundred and twenty-eight dollars and fifty-five cents.

Bureau of Medicine  
and Surgery.

## BUREAU OF SUPPLIES AND ACCOUNTS.

Bureau of Supplies  
and Accounts.

To pay the firm of Gibson Brothers, Washington, District of Columbia, one thousand and fifty-seven dollars and sixty-four cents for furnishing blank proposals for supplies for the Navy, which service was duly authorized and rendered prior to the decision of the Comptroller of the Treasury dated July thirty-first, nineteen hundred, that such printing should be done by the Public Printer only; payment to be made from the unexpended balances under the appropriation "Contingent, Bureau of Supplies and Accounts," for the fiscal year in which the services were rendered. And the accounting officers of the Treasury are also authorized and directed to allow vouchers for similar services previously paid in the settlement of the accounts of the disbursing officer by whom they were paid.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent, Bureau of Supplies and Accounts," for the fiscal years eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, one thousand two hundred and ninety-three dollars and thirty-six cents.

## BUREAU OF CONSTRUCTION AND REPAIR.

Bureau of Construction  
and Repair.

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, on account of the fiscal years as follows:

For the fiscal year nineteen hundred and one, one million five hundred thousand dollars.

For the fiscal year nineteen hundred, eighty thousand dollars.

*Proviso.*  
Limit repairs to  
wooden ships.

*Provided,* That no part of said sums 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.

## BUREAU OF STEAM ENGINEERING.

Bureau of Steam  
Engineering.

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; 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; incidental expenses for naval vessels, yards, and the Bureau, such as foreign postage, telegrams, advertising, freight, photographing, books, stationery, office furnishings and instruments for the fiscal years as follows:

For the fiscal year nineteen hundred and one, six hundred thousand dollars.

For the fiscal year nineteen hundred, eighty thousand dollars.

*Proviso.*  
Limit repairs to  
wooden ships.

*Provided,* That no part of said sums 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.

#### MARINE CORPS.

That the Auditor for the Navy Department be, and is hereby, authorized and directed to credit voucher numbered three hundred and seventy-eight, third quarter eighteen hundred and ninety-nine, in favor of Pacific Coast Steamship Company, amounting to six dollars and fifty cents, for transportation of one man from Bremerton, Washington, to Mare Island, California.

Marine Corps.

To reimburse Ordnance Department, United States Army, for one hundred thousand rifle ball cartridges, caliber thirty one-hundredths, delivered to quartermaster First Regiment United States Marines at Tientsin, China, August thirteenth, nineteen hundred, two thousand five hundred and fifty-six dollars.

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, twenty thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Military stores, Marine Corps," fiscal year nineteen hundred, one thousand two hundred and eighteen dollars and twenty-one cents.

For transportation of troops, including ferriage, and the expense of the recruiting service, twenty thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation and recruiting, Marine Corps," for the fiscal year nineteen hundred, two thousand six hundred and thirteen dollars and forty-four cents.

For freight, tolls, cartage, advertising; washing of bedsacks, mattress covers, pillowcases, towels, and sheets; for 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 equipage 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, twenty-eight thousand seven hundred and fifty dollars.

For improvements and repairs to buildings, sewerage, plumbing, prison cells, lights, and other necessary expenses, marine barracks, navy-yard, New York, seventeen thousand five hundred dollars.

## Miscellaneous.

## MISCELLANEOUS.

## Reimbursements.

To reimburse Paymaster Henry E. E. Jewett, United States Navy, the amount paid by him, on order of Captain C. M. Chester, senior officer in Guantanamo Bay, Cuba, to the master of the schooner Talofa, in settlement of claim for damages done to his vessel by the United States steamship Newark, and checked against Paymaster Jewett's account by the accounting officers of the Treasury, thirty-five dollars.

To reimburse Commander John C. Wilson, United States Navy, the amount paid for repairs to a private launch damaged by the steam launch of the United States steamship Indiana, and checked against his accounts by the accounting officers of the Treasury, twenty-five dollars.

To reimburse the George B. Douglass Trading Company, New York, the amount of overpayment to the Government by said company for scrap iron and steel plate purchased at a sale of condemned material at the navy-yard, New York, in May, nineteen hundred, one hundred and twenty-four dollars and sixty-three cents.

To reimburse the New York, New Haven and Hartford Railroad Company the amount of damage done to its wharf at New London, Connecticut, by the United States tug Osceola, fifteen dollars.

The accounting officers of the Treasury are hereby authorized and directed to allow in the settlement of the accounts of Pay Director H. T. Wright, United States Navy, payments to per diem civil establishment employees at the navy-yard, Brooklyn, New York, during the war with Spain, in the fiscal years eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, made by direction of the commandant's order of March twenty-sixth, eighteen hundred and ninety-eight, under telegraphic instructions of the same date from the Navy Department, and amounting to two thousand two hundred and fifteen dollars and sixty-two cents.

## DEPARTMENT OF THE INTERIOR.

## Department of the Interior.

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, five hundred dollars.

General Land Office.  
Distribution of maps.

Of the whole number of United States maps procured under the appropriation made for the fiscal year eighteen hundred and ninety-nine, for connected and separate United States and other maps prepared in the General Land Office, there shall be delivered, in addition to the number now required by law, five thousand four hundred copies to the Senate and ten thousand eight hundred and thirty copies to the House of Representatives for distribution; and the appropriation of fourteen thousand eight hundred and forty dollars for connected and separate United States and other maps made for the fiscal year nineteen hundred and one is hereby made available for expenditure during the fiscal year nineteen hundred and two. The Public Printer is hereby authorized to print, on the requisition of the Secretary of the Interior, five thousand copies of the connected and separate United States and other maps prepared in the General Land Office, for sale by the Interior Department under the laws and regulations now in force.

## Connected and separate maps, printing authorized.

For the removal of offices of the Interior Department to the old Post-Office Department building, namely: The accounting officers of the Treasury are hereby authorized and directed to allow and credit in the accounts of George W. Evans, disbursing clerk, Department of the Interior, the sum of six hundred and fifty-nine dollars and twenty-five cents, being the amount disbursed by him by authority and direction of the Secretary of the Interior from the above-mentioned appropriation, on account of payments made by him to certain temporary laborers employed in the months of July, August, and September, nineteen hundred, in the removal of the records, files, and other official effects of the General Land Office from the Interior Department building to the old Post-Office Department building.

Allowance in accounts of George W. Evans, disbursing officer.

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

Stationery.

To print the report of the Committee on the Centennial Celebration of the Establishment of the Seat of Government in the District of Columbia, held in the city of Washington, December twelfth, nineteen hundred, together with the proceedings and public addresses on the commemoration of that event, in a memorial volume, with suitable illustrations as selected by the committee, one thousand five hundred copies for the use of the Senate, three thousand copies for the use of the House of Representatives, and two thousand five hundred copies for distribution by the citizens' committee on the celebration, five thousand five hundred dollars, or so much thereof as may be necessary; of which amount the sum of five hundred dollars shall be available for the preparation of the report and for obtaining the necessary material for illustrating the same. That the work shall be done under the direction of the Joint Committee on Printing.

Printing authorized of memorial volume centennial celebration establishment of the seat of government in the District of Columbia.

REINDEER FOR ALASKA: To pay the account of Hobbs, Wall and Company, of San Francisco, California, for transportation of herders and supplies from Seattle, Washington, to reindeer stations in Alaska, being for the service of the fiscal year eighteen hundred and ninety-eight, one thousand one hundred and thirty-three dollars and fifty-three cents.

Reindeer for Alaska.

FOR THE CAPITOL: For work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, and for repairs to elevators in the House wing, fifteen thousand one hundred and ninety-six dollars and thirty-six cents.

Capitol

For repairs in Senate restaurant, regilding frames of Moran paintings, and for fire extinguishers for the Senate folding rooms and Maltby Building, one thousand three hundred and ninety-four dollars and fifty cents.

Capitol 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, seven hundred and eighty-two dollars and fifteen cents.

LIGHTING THE CAPITOL AND GROUNDS: To pay the Washington Gaslight Company for gas service during the months of December, eighteen hundred and ninety-nine, and January, February, March, April, May, and June, nineteen hundred, one thousand one hundred and twenty-two dollars and seventy cents.

Patent Office.

PATENT OFFICE.

For producing the Official Gazette, including weekly, monthly, quarterly, and annual indexes therefor, exclusive of expired patents, on account of the fiscal years, as follows:

Official Gazette.

For the fiscal year nineteen hundred and one, thirty-five thousand six hundred and twenty-three dollars and twelve cents.

For the fiscal year nineteen hundred, five thousand two hundred and fifty-eight dollars and fifty-six cents.

Drawings, etc.

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:"

Vol. 28, p. 620.

*Provido.*  
Work at Govern-  
ment Printing Office.

*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, forty-five thousand dollars.

International Bu-  
reau, Berne.

For the share of the United States in the expense of conducting the International Bureau at Berne, Switzerland, one hundred dollars.

#### GOVERNMENT HOSPITAL FOR THE INSANE.

Government Hospi-  
tal for 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, thirty thousand dollars.

For repairs and improvements, to meet unexpected and extraordinary repairs, thirteen thousand five hundred dollars.

The accounting officers of the Treasury are hereby directed to credit and allow in the settlement of the accounts of Doctor A. B. Richardson, superintendent and disbursing agent of the Government Hospital for the Insane, the sum of one thousand and fifty dollars, being the amount paid by him for the rent of the premises and machinery known as the Swiss Laundry, in the District of Columbia, for three months, beginning September nineteenth, nineteen hundred.

And such accounting officers are also directed to credit and allow in the settlement of the accounts of said superintendent and disbursing agent such sums as may have been necessarily expended by him, or may during the current fiscal year be required for the apprehension and return to the hospital of escaped insane patients.

To complete the construction of a railroad switch to the boiler house of the hospital, including a siding five hundred feet long and grading and foundation for a coal shed, three thousand dollars.

Public Land Service.

#### PUBLIC LAND SERVICE.

Registers and re-  
ceivers.

**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:

For the fiscal year nineteen hundred and one, one hundred thousand dollars.

For the fiscal year nineteen hundred, thirty thousand dollars.

Contingent expenses.

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

Expenses local land  
offices specifically au-  
thorized.



To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses of land offices," for the fiscal year nineteen hundred, five hundred and thirty-five dollars and fifty-five cents.

**EXPENSES OF DEPOSITING PUBLIC MONEYS:** For expenses of depositing money received from the disposal of public lands, five hundred dollars.

Depositing public moneys.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Expenses of depositing public moneys," for the fiscal year nineteen hundred, three hundred and seventy-seven dollars and twenty-four cents.

**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, one thousand five hundred dollars.

Hearings in land entries.

**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 entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, sixty 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.

Timber depredations, protecting public lands, and swamp land claims.

*Proviso.*  
Agents per diem.

**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: *Provided*, 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 land 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, twenty-five 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

Forest reserves. Protection and administration of. Vol. 30, p. 34.

*Proviso.*  
Selections of land in lieu of tract covered by unperfected bona fide claim, etc.

—limit of time to make selection.

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

Protection of fish and game.

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.

Mineral lands, Montana and Idaho.

**CLASSIFICATION OF CERTAIN MINERAL LANDS IN MONTANA AND IDAHO:** To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Classification of certain mineral lands in Montana and Idaho," for the fiscal year nineteen hundred, seventy-four dollars and seventeen cents.

Payments of certain accounts.

**PAYMENTS TO WILLARD W. AULT AND OTHERS:** To pay the accounts of Willard W. Ault, Charles E. Branson, the Spokane Chronicle Publishing Company, G. C. Corbaley, the Statesman Printing Company, the publisher of the Silver Blade, the publisher of the Kootenai Herald, the Citizens Printing and Publishing Company, N. S. Gordon, and C. M. Funston for services as fully set forth in House Documents Numbered One hundred and ninety-six and Four hundred and sixty-three of this session, one thousand one hundred and ninety-five dollars and seventy-one cents.

For payment to W. W. Cheely, proprietor of the Madisonian, of Virginia City, Montana, for advertising, being amount found due him in the settlement of his account, one hundred and twenty-seven dollars and fifty cents.

For payment to Albert W. Gilchrist, United States deputy surveyor, for resurvey of lands in the State of Florida, being amount found due him in the settlement of his account, one hundred and fifty-five dollars and ninety-one cents.

For payment to Albro Gardner, United States deputy surveyor, for surveying and resurveying of public lands in the State of Washington, as submitted in House Document Numbered Three hundred and fifty-two of this session, one hundred and four dollars and thirty-six cents.

For pay to Isaac M. Galbraith, United States deputy surveyor, for resurveys of public land in the State of Washington, as submitted in House Document Numbered Four hundred and sixty-three of this session, two hundred and one dollars and four cents.

To pay Chapman and Bannister, deputy surveyors, amount due and unpaid for surveys under contract numbered one hundred and forty-six, two thousand one hundred and six dollars and six cents.

To pay F. W. Pettigrew amount due and unpaid on contract for surveys of public lands, numbered one hundred and thirty-two, of July twelfth, eighteen hundred and ninety-seven, three hundred and eighty-three dollars and thirty-three cents.

Expenses, offices of surveyors-general, Wyoming.

**OFFICE OF SURVEYOR-GENERAL OF WYOMING:** For rent of office for the surveyor-general, pay of messenger, stationery, and supplies, lights, ice, post-office box rent, drafting instruments, mounting maps, towels, books of reference for office use, and other incidental expenses, two hundred and sixty-four dollars and sixty cents.

Alaska.

**OFFICE OF SURVEYOR-GENERAL AND EX OFFICIO SECRETARY OF THE DISTRICT OF ALASKA:** For clerks in his office, three hundred dollars.

Payments to settlers on Des Moines River lands.

**PAYMENT TO SETTLERS ON DES MOINES RIVER LANDS:** To pay the amount found due J. L. Stevens, special commissioner to adjust the Des Moines River land-grant claims, on account of per diem salary, traveling and other miscellaneous expenses incurred by him in the discharge of his duties as said commissioner since April first, nineteen hundred, one thousand seven hundred and forty-one dollars and five cents.

Fort Sherman abandoned military reservation.

Payment to custodian.

**FORT SHERMAN ABANDONED MILITARY RESERVATION:** To pay salary of the custodian of the Fort Sherman abandoned military reservation, Idaho, from March first to June thirtieth, nineteen hundred and one, at the rate of four hundred and eighty dollars per annum, one hundred and sixty-one dollars and thirty cents.

## UNITED STATES GEOLOGICAL SURVEY.

For engraving and printing the geological maps of the United States, ten thousand dollars.

Geological Survey.

For the purchase of necessary books for the library, and the payment for the transmission of public documents through the Smithsonian exchange, five thousand six hundred and twenty dollars.

For furnishing the new addition to the Hooe Building, occupied by the United States Geological Survey, for which the sum of five thousand dollars additional rent was provided for in the sundry civil act approved June sixth, nineteen hundred, twelve thousand dollars. That facilities for study and research in the Government Departments, the Library of Congress, the National Museum, the Zoological Park, the Bureau of Ethnology, the Fish Commission, the Botanic Gardens, and similar institutions hereafter established shall be afforded to scientific investigators and to duly qualified individuals, students, and graduates of institutions of learning in the several States and Territories, as well as in the District of Columbia, under such rules and restrictions as the heads of the Departments and Bureaus mentioned may prescribe.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Geological Survey" (mineral resources), for the fiscal year nineteen hundred, thirty-three dollars and eleven cents.

## INDIAN AFFAIRS.

The accounting officers of the Treasury Department are hereby authorized and directed to pass to the credit of Captain W. J. Nicholson, acting Indian agent, San Carlos Agency, Arizona, the sum of one thousand and twenty dollars and eighty-seven cents, collected by him as grazing tax for the fiscal year ending June thirtieth, nineteen hundred, on the San Carlos Indian Reservation, Arizona, and expended by him under the authority of the Secretary of the Interior.

Indian Service.

For traveling expenses of eight Indian inspectors, 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 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, for the fiscal year nineteen hundred, fifty-nine dollars and seventeen cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Traveling expenses of Indian inspectors," for the fiscal year nineteen hundred, one hundred and sixty-eight dollars and fifty-eight cents.

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, for the fiscal year nineteen hundred, seventy-two dollars and ninety-one cents.

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 year nineteen hundred, three dollars and eighty-five cents.

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 year eighteen hundred and ninety-nine, thirty dollars and eighty-six cents.

For service of officers, at fifteen dollars per month each, and privates, at ten dollars per month each, of Indian police, to be employed in main-

Indian Service—  
Continued.

taining 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, for the fiscal year nineteen hundred, eight hundred and fifty dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Pay of Indian police," for the fiscal year nineteen hundred, four hundred and fifty-nine dollars and eighty cents.

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, ten thousand dollars.

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 year nineteen hundred, two thousand and ninety-six dollars and eighty cents.

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 year eighteen hundred and ninety-nine, seventeen dollars and ten cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Vaccination of Indians," for the fiscal year nineteen hundred, two hundred and twenty-two dollars.

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; and pay of employees not otherwise provided for, and for pay of the five special agents at two thousand dollars per annum each, ten thousand dollars.

For erection of barn at Haskell Institute, Lawrence, Kansas, three thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of Mexican Kickapoos" for the fiscal years eighteen hundred and ninety-nine and nineteen hundred, five hundred and eighty-eight dollars and twenty-nine cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of Absentee Shawnees, Big Jim's Band," for the fiscal years eighteen hundred and ninety-nine and nineteen hundred, eight hundred and twenty-three dollars and thirty-five cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Carlisle, Pennsylvania," for the fiscal year nineteen hundred, two hundred and five dollars and eighty-three cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Fort Mojave, Arizona, sewer and water system," thirty-six dollars and sixty-five cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Lincoln Institution, Philadelphia, Pennsylvania," for the fiscal year nineteen hundred, ninety-one dollars and fifty cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Phoenix, Arizona," for the fiscal year nineteen hundred, two hundred and sixty-three dollars and seventy-three cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Salem, Oregon," for the fiscal year nineteen hundred, seven hundred and eight dollars and eighteen cents.

The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow during the fiscal year nineteen hundred and one a larger per capita expenditure than one hundred and sixty-seven dollars but not exceeding two hundred and fifty dollars, at the Indian school for the Sac and Fox Reservation, Iowa, if he deems the same necessary.

For completing allotments to the Wichitas and affiliated bands provided for by the Act of March second, eighteen hundred and ninety-five, twenty thousand dollars.

For continuing during the fiscal year nineteen hundred and two 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, twelve thousand dollars, and the members of said commission shall perform such other duties pertaining to Indian affairs, in the field, as may be required of them by the Secretary of the Interior.

It is hereby directed that the money appropriated by the Act of Congress, entitled "An Act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes," approved January fourth, nineteen hundred and one, "for completing the allotments provided for in the agreement with the Comanche, Kiowa, and Apache Indians in Oklahoma," may be used in accordance with the provisions of said Act by the Secretary of the Interior for making any and all surveys, whether original or resurveys, found necessary in connection with the making of said allotments, and also for any expenses necessary and incident for the setting apart as grazing lands for said Indians four hundred and eighty thousand acres of land, as provided in the agreement ratified by the Act approved June sixth, nineteen hundred.

For the survey of lands in the Pine Ridge, Standing Rock, and Lower Brule Indian reservations in South Dakota, and for examination in the field of surveys, the sum of twenty-two thousand dollars, to be immediately available, and for clerical work and stationery in the office of the Surveyor-General required on surveys within the Pine Ridge, Standing Rock, and Lower Brule Indian reservations in South Dakota, the sum of three thousand two hundred dollars; in all, twenty-five thousand two hundred dollars.

ARMY AND NAVY PENSIONS.

For fees and expenses of examining surgeons, for services rendered within the fiscal year nineteen hundred, fifteen 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: *Provided*, 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: *Provided further*, That no fee shall be paid to any member of an examining board unless personally present and assisting in the examination of applicant: *And provided further*, That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is

Crow, Flathead, etc., Indian Commission. Vol. 29, p. 341. Continuance of, authorized.

Comanche, Kiowa, and Apache Indians, Oklahoma. Appropriation for allotting available for surveys, etc.

*Ante*, p. 676.

Surveys, Pine Ridge, Standing Rock, and Lower Brule reservations, etc.

Army and Navy pensions.

Fees, examining surgeons.

*Provisos*. Examinations, etc.

No fee unless service rendered.

Report to state rating, etc.

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.

Reimbursement to  
E. F. Waite.

To reimburse Edward F. Waite, late a special examiner of the Pension Bureau, for costs incurred by him in the United States circuit court of appeals, at Saint Paul, Minnesota, at May, eighteen hundred and ninety-eight, term in defending himself in the criminal prosecution suit *Re Campbell* against Waite, Special Examiner, Pension Bureau, instituted and appealed from the State court of Iowa, three hundred and seventy-nine dollars and fifteen cents.

Post-Office Depart-  
ment.

## POST-OFFICE DEPARTMENT.

For fuel and repairs to heating, lighting, and power plant, six thousand five hundred dollars.

For miscellaneous items, including two hundred dollars for law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the Department, three thousand two hundred dollars.

For telegraphing on account of fiscal years as follows:

For the fiscal year nineteen hundred, nine hundred and nineteen dollars and fifteen cents.

For the fiscal year eighteen hundred and ninety-nine, forty-one dollars and eighty-one cents.

For labor and material necessary for the modification of the windows in the Post-Office Department building, eleven thousand three hundred dollars.

To provide lookouts over the main working room of the Washington, District of Columbia, post-office, three thousand dollars.

For the purchase of four revolving doors to be placed in the main entrances of the Washington City post-office, on the Eleventh and Twelfth streets and Pennsylvania avenue sides, two thousand four hundred and thirty-two dollars.

For fuel and repairs to heating apparatus, fiscal year nineteen hundred, thirty dollars.

Postal service.

## POSTAL SERVICE.

### OUT OF THE POSTAL REVENUES.

Foreign service.

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, seventy thousand dollars.

Postal Laws and  
Regulations, appro-  
priation for printing,  
etc.

*Aut.*, p. 253.

For printing, binding, and wrapping the revised edition of the Postal Laws and Regulations, and the necessary appendix thereto, provided for in the Act entitled "An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred and one," approved June second, nineteen hundred, the sum of fifteen thousand dollars in addition to the amount provided for in said Act, out of which the Postmaster-General may expend two thousand dollars, to be paid to Harrison J. Barrett, late assistant attorney for the Post-Office Department, for his services in codifying and editing said revised edition out of office hours, and superintending the publication of the same, and one thou-

Amount available  
for H. J. Barrett.

sand dollars, or so much thereof as may be necessary, to reimburse said Barrett for amounts paid by him to others for clerical and expert service, said sums to be verified by proper vouchers, fifteen thousand dollars.

For temporary clerk hire, fifteen thousand dollars.

For acting railway postal clerks vice railway postal clerks injured while on duty, five thousand dollars.

For postmarking and rating stamps and repairs to same; ink and pads for stamping and canceling purposes, three thousand dollars.

To pay Amos Van Etten for legal services rendered George M. Brink, postmaster at Kingston, New York, in defending a suit brought against him by virtue of his official employment, one hundred and twenty-five dollars.

Out of the sum appropriated by the Act of June second, nineteen hundred, for inland transportation by railroad routes, twenty thousand dollars additional may be employed to pay freight on postal cards, stamped envelopes, stamped paper, and other supplies from the manufacturing to the post-offices and depots of distribution.

For mail messenger service, thirty-five thousand dollars.

The number of clerks of class two appropriated for in the Railway Mail Service for the current fiscal year is modified so as to allow two thousand and eighty-seven clerks of class two, at not exceeding nine hundred dollars each: *Provided*, That this change shall be made without increasing the aggregate amount appropriated for clerks of the several classes of the Railway Mail Service in the Post-Office appropriation Act of June second, nineteen hundred.

For the manufacture of adhesive postage and special-delivery stamps, thirty thousand dollars.

For rent of offices in Washington, District of Columbia, for the division superintendent of Railway Mail Service, from August thirteenth, nineteen hundred, to June thirtieth, nineteen hundred and one, one thousand eight hundred and fifty-seven dollars and twenty-six cents.

For stationery for postal service, fifteen thousand dollars.

For wrapping twine, sixty-five thousand dollars.

For wrapping paper, five thousand dollars.

**MILITARY POSTAL SERVICE:** To pay the amounts set forth in House Document Numbered Three hundred and fifty-two, of this session, on account of fiscal year eighteen hundred and ninety-nine, one hundred and fourteen dollars and thirty-six cents.

**MISCELLANEOUS:** To pay the amounts set forth in House Document Numbered Three hundred and fifty-two, of this session, office First Assistant Postmaster-General, on account of fiscal year eighteen hundred and ninety-nine, sixty-six dollars and fifty cents.

**FREE-DELIVERY SERVICE:** To pay the amounts set forth in House Document Numbered Three hundred and fifty-two, of this session, on account of the fiscal year as follows:

For the fiscal year nineteen hundred, three hundred and fifteen thousand five hundred and seventy-one dollars and ninety-nine cents.

For the fiscal year eighteen hundred and ninety-nine, twenty-five dollars and seventy-three cents.

To pay the amounts set forth in Senate Document Numbered Two hundred and five, of this session, fiscal year nineteen hundred, seventeen dollars and fifty-eight cents.

**RURAL FREE-DELIVERY SERVICE:** To pay amount set forth in House Document Numbered Three hundred and fifty-two, of this session, on account of fiscal year eighteen hundred and ninety-nine, thirty-two dollars and ninety-seven cents.

**MANUFACTURE OF POSTAGE STAMPS:** To pay amount set forth in House Document Numbered Three hundred and fifty-two, of this session, on account of the fiscal year nineteen hundred, eight hundred and twenty-nine dollars and thirty-two cents.

Temporary clerks, etc.

Postmarking.

Legal services.

Inland transportation.

*Ante*, p. 258.

Mail messenger service.

Number of clerks, class 2.

*Proviso.*  
—no increase of appropriation, etc.

Stamps.

Rent.

Stationery, etc.

Military postal service.

Miscellaneous.

Free delivery.

—rural.

Manufacturing stamps.

## Postmasters.

**COMPENSATION OF POSTMASTERS:** For amounts to reimburse the postal revenues, being the amounts retained by postmasters in excess of the appropriations, including amounts set forth in House Document Numbered Three hundred and fifty-two, of this session, for the fiscal years as follows:

For the fiscal year nineteen hundred, two million one hundred and fifteen thousand seven hundred and eighty-seven dollars and nine cents.

For the fiscal year eighteen hundred and ninety-nine, three hundred and twenty-four dollars and thirty-two cents.

For compensation of postmasters, as set forth in Senate Document Numbered Two hundred and five, of this session, for the fiscal years as follows:

For the fiscal year nineteen hundred, one hundred and seventy dollars and thirteen cents.

For the fiscal year eighteen hundred and ninety-nine, seventeen dollars and ninety-one cents.

## Mail transportation.

**MAIL TRANSPORTATION:** To pay amounts set forth in House Document Numbered Three hundred and fifty-two, of this session, for inland transportation, as follows:

By railroad routes, on account of the fiscal years as follows:

For the fiscal year nineteen hundred, fifteen thousand four hundred and ninety-four dollars and twenty-eight cents.

For the fiscal year eighteen hundred and ninety-nine, one hundred and fifty-three dollars and eighty-one cents.

For the fiscal year eighteen hundred and ninety-nine, as set forth in Senate Document Numbered Two hundred and five, of this session, two hundred and four dollars and seventy-six cents.

For post-office cars, fiscal year nineteen hundred, three thousand eight hundred and seventy-eight dollars and sixty-one cents.

For star routes, fiscal year nineteen hundred, nineteen thousand seven hundred and twenty-four dollars and sixteen cents.

For star routes, fiscal year nineteen hundred, as set forth in Senate Document Numbered Two hundred and five, of this session, two thousand eight hundred and ninety-eight dollars and forty-three cents.

## Department of Justice.

## DEPARTMENT OF JUSTICE.

## Law books.

For books for law library of the Department, five hundred dollars.

For the purchase of early volumes of Opinions of Attorneys-General, to be distributed as current volumes of said opinions are distributed, two hundred and twenty-five dollars.

## Furniture, etc.

For furniture and repairs for the fiscal years as follows:

For the fiscal year nineteen hundred and one, two hundred and fifty dollars.

For the fiscal year nineteen hundred, sixty-one dollars and five cents.

For stationery for the fiscal year eighteen hundred and ninety-nine, thirty dollars.

For official transportation, including purchase, keep, and shoeing of animals, and purchase and repairs of wagons and harness, eight hundred dollars.

For the purchase of nine directories of the District of Columbia for the Department of Justice, forty-five dollars.

## Repairs to court-house, District of Columbia.

For special repairs to court-house, District of Columbia, in accordance with estimates of the Architect of the Capitol, for the fiscal years nineteen hundred and nineteen hundred and one, six hundred and fifty dollars.

## Alaska.

**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:

For the fiscal year nineteen hundred and one, six thousand dollars.

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

**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, three thousand dollars.

Defending suits in claims.

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 year nineteen hundred, five hundred and ten dollars and fifty cents.

**DEFENSE IN INDIAN DEPREDAATION CLAIMS:** To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Defense in Indian depredation claims" for the fiscal year nineteen hundred, one hundred and forty-seven dollars and ninety-three cents.

Indian depredation claims.

**PROSECUTION OF CRIMES:** To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Prosecution of crimes" for the fiscal year nineteen hundred, four hundred and sixty-seven dollars and fifty cents.

Prosecution of crimes.

**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, prior to June sixth, nineteen hundred, the amount of said compensation to be determined by the Attorney-General, six thousand five hundred and twenty-five dollars.

Circuit courts appeals.  
Payment for legal services in, authorized, etc.

For payment to Henry L. Burnett, United States attorney for the southern district of New York, for legal services rendered under direction of the Attorney-General, in the supreme court of the State of New York, in the case of John G. Hassard against United States of Mexico, and the States of Tamaulipas and San Luis Potosi, five hundred dollars, and in the case of James C. Jewett against United States of Mexico, two hundred and fifty dollars; in all, seven hundred and fifty dollars.

To reimburse John F. Horr, United States marshal for the southern district of Florida, the amount erroneously paid into the Treasury of the United States, instead of being deposited to the credit of the prize fund in the case of the United States against the Buena Ventura, and subsequently paid from his personal resources, thirty dollars and fifty cents.

Reimbursements.

To reimburse Canada H. Thompson, United States marshal for the district of Oklahoma, for payments made by him and disallowed by the accounting officers of the Treasury in his accounts under the appropriation "Salaries, fees, and expenses of marshals," to John M. Hale, deputy United States marshal, for traveling expenses incurred by said deputy in July, eighteen hundred and ninety-eight, in perfecting plans whereby writs to arrest, issued in connection with the burning of the Seminole Indians, Lincoln McGiesey and Palmer Sampson, could be executed, twenty-one dollars and eighty-five cents; and to Office

Deputy W. D. Fossett for expenses incurred by him in November, eighteen hundred and ninety-eight, in the investigation of the accuracy of the accounts rendered by one of the marshal's field deputies, sixty-two dollars and sixty cents; in all, eighty-four dollars and forty-five cents.

To pay to Francis Bloodgood, of Milwaukee, Wisconsin, balance of a judgment rendered in his favor in the district court of the United States for the eastern district of Wisconsin, for services rendered as United States commissioner, six hundred and ten dollars.

Additional district judge, northern district of Ohio, payment to.

**JUDICIAL:** For the payment of the salary of the additional district judge for the northern district of Ohio for the last half of the fiscal year nineteen hundred and one, two thousand and ninety-seven dollars and eighteen cents.

Acts clerk district court Beaumont, Tex., validated, etc.

That the appointment of the clerk of the district court at Beaumont, Texas, heretofore made, and his lawful acts as such clerk heretofore done, are hereby validated and confirmed, and the accounting officers of the Treasury are hereby directed to audit and pay him for his services rendered the United States as such clerk as compensation is paid to other clerks of the United States courts.

Robert Willett, clerk, etc. Allowance in accounts of.

The accounting officers of the Treasury are hereby authorized to allow in the accounts of Robert Willett, clerk of the court of appeals, District of Columbia, the sum of seven dollars expended by him during the fiscal year nineteen hundred, upon the order of the court, for a city directory and book of reference for use of said court; and authority is hereby granted for the purchase from the appropriation for expenses of said court of such law books, books of reference, and periodicals as the court shall hereafter require in the conduct of its business.

H. G. McMillan, etc. Accounts of, reopened, etc. *Ante*, p. 734.

The accounting officers of the Treasury are hereby authorized and directed to reopen and restate the accounts of H. G. McMillan, D. C. Dunbar, C. H. McClure, and K. S. Boreman and settle them in accordance with the provisions of the Act approved January nineteenth, nineteen hundred and one, entitled "An Act relating to the accounts of United States marshals and clerks of the district courts of the Territory of Utah."

United States courts.

## UNITED STATES COURTS.

Marshals, etc.

For payment of salaries, fees, and expenses of United States marshals and their deputies, two hundred and twenty thousand dollars, to include payments for services rendered in behalf of the United States or otherwise.

Indian Territory. Mileage of witnesses in United States commissioners courts.

That witnesses in misdemeanor and civil cases before the United States commissioners courts in the Indian Territory shall be entitled to three cents a mile, for each mile actually and necessarily traveled, in going to and returning from said court; and witnesses subpoenaed in behalf of the United States shall be paid on the order of the commissioner, as in felony cases. When a witness is subpoenaed and in attendance upon said court in more than one case at the same term, only one travel fee and one per diem compensation shall be allowed for attendance, and the same shall be taxed in the case first disposed of, after which the per diem attendance only shall be taxed in the other cases in the order in which they are disposed of.

District attorneys, etc.

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, ten thousand dollars.

Assistants.

For payment of regular assistants to United States district attorneys, who are appointed by the Attorney-General, at a fixed annual compensation, ten thousand dollars.

For payment of assistants to United States district attorneys employed by the Attorney-General to aid in special cases for the fiscal years as follows:

Special assistant attorneys.

For the fiscal year eighteen hundred and ninety-nine, two thousand dollars.

For the fiscal year eighteen hundred and ninety-eight, two thousand dollars.

For the fiscal year eighteen hundred and ninety-seven, one thousand dollars.

*Provided*, That the appropriation for pay of special assistant attorneys, United States courts, for the fiscal year nineteen hundred, shall be available for the purpose for which it was originally provided and for the payment of special assistants to the Attorney-General employed to aid in special cases.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Pay of special assistant attorneys, United States courts," for the fiscal years as follows:

For the fiscal year eighteen hundred and ninety-nine, one thousand nine hundred and seventy dollars and sixty-five cents.

For the fiscal year eighteen hundred and ninety-eight, five hundred dollars.

For payment for services and expenses of special assistants to the Attorney-General, in cases appealed from the Court of Private Land Claims to the Supreme Court, to be available until expended, eight thousand dollars.

For fees of jurors, seventy-five thousand dollars.

Fees of jurors.

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, one hundred thousand dollars.

Support of prisoners.

For rent of rooms for the United States courts and judicial officers, five thousand dollars.

Rent.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Rent of court rooms, United States courts," for the fiscal years as follows:

For the fiscal year nineteen hundred, five thousand six hundred and fifty-five dollars and seven cents.

For the fiscal year eighteen hundred and ninety-nine, fifteen 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, twelve thousand dollars.

Bailiffs and criers.

*Provided*.

Attendance.  
R. S., sec. 715, p. 136.

Vacation.  
Expenses of judges.

For payment of such miscellaneous expenses as may be authorized by the Attorney-General, for the United States courts and their offi-

Miscellaneous.

cers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving of records, fifty thousand dollars.

## Legislative.

## LEGISLATIVE.

## Senate.

## SENATE.

## Payments to widows of Senators.

To enable the Secretary of the Senate to pay Mrs. Harriet F. Gear, widow of Honorable John H. Gear, late a Senator from the State of Iowa, five thousand dollars.

To enable the Secretary of the Senate to pay Mrs. Anna Malcom Agnew Davis, widow of Honorable Cushman K. Davis, late a Senator from the State of Minnesota, five thousand dollars.

## Officers, clerks, etc.

For compensation of officers, clerks, messengers, and others in the service of the Senate, namely: For ten clerks to Senators who are not chairmen of committees, from March fourth, nineteen hundred and one, to June thirtieth, nineteen hundred and one, inclusive, at the rate of one thousand five hundred dollars per annum, six thousand one hundred and fifty-three dollars.

## Fuel, etc.

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

## Inquiries and investigations.

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, ten thousand dollars.

## Miscellaneous.

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

## Reporting debates.

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March fourth, nineteen hundred, to March fourth, nineteen hundred and one, for clerk hire and other extra clerical services, three thousand nine hundred and ninety dollars.

## Compiling laws, etc. for consideration of claim bills.

To enable the Secretary of the Senate to pay the persons who performed the work of compiling the laws, proclamations, orders and history of claims, and the decisions of the courts relating thereto for use in the consideration of claims bills, one thousand four hundred dollars, to be paid only upon vouchers signed by the chairman of the Senate Committee on Claims.

## Payments for extra services.

To pay Hawkins Taylor, assistant clerk to the Committee on Foreign Relations, for extra services, including preparation of the work entitled "Precedents with reference to treaties between the United States and Foreign Nations," six hundred dollars.

To pay John H. Walker for extra services as clerk to Committee on Pensions, five hundred dollars.

To pay Dennis M. Kerr, clerk detailed from the Bureau of Pensions, for services to Committee on Pensions, five hundred dollars.

To pay J. H. Jones for services in the care of the Senate chronometer, and for the work in connection therewith, for the second session of the Fifty-sixth Congress, one hundred dollars.

## Congressional employees.

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 March, nineteen hundred and one, 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.

## Payment to Wood &amp; Bond, etc.

To enable the Secretary of the Senate to pay Wood and Bond, undertakers, of Macon, Georgia, for services and expenses in connection

with the funeral and burial of the late Senator A. H. Colquitt, two hundred and seventy-six dollars and twenty-five cents.

HOUSE OF REPRESENTATIVES.

For compensation of Members of the House of Representatives and Delegates from Territories, twenty thousand dollars.

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

For wrapping paper, pasteboard, 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), one thousand dollars.

To supply a deficiency in the appropriation for salaries of officers and employees, fiscal years eighteen hundred and ninety-nine and nineteen hundred, eleven dollars and fifty-nine cents.

To pay the salaries of the employees in the heating and ventilating department of the House, provided for in House resolution numbered one hundred and sixty-four, from March fourth to June thirtieth, nineteen hundred and one, inclusive, one thousand one hundred and sixty dollars and thirty-three cents.

For salary of assistant bookkeeper in the office of the Sergeant-at-Arms, from March fourth to June thirtieth, nineteen hundred and one, inclusive, at the rate of nine hundred dollars per annum, two hundred and ninety-five dollars.

For janitor for Committee on Appropriations, at the rate of seven hundred and twenty dollars per annum, from March third, nineteen hundred and one, to June thirtieth, nineteen hundred and two, inclusive, nine hundred and fifty-eight dollars.

To pay the widow of William D. Daly, late a Representative in Congress from the State of New Jersey, two thousand nine hundred and fifty-five dollars and forty-eight cents.

To pay the widow of F. G. Clarke, late a Representative in Congress from the State of New Hampshire, seven hundred and twelve dollars and thirty-three cents.

To pay the widow of J. H. Hoffecker, late a Representative in Congress from the State of Delaware, three thousand five hundred and sixty-one dollars and sixty-five cents.

To pay to the legal heirs of R. S. Wise, late a Representative in Congress from the State of Virginia, nine hundred and eighty-six dollars and thirty-one cents.

To pay to the legal heirs of A. D. Shaw, late a Representative in Congress from the State of New York, two hundred and eighty-seven dollars and sixty-seven cents.

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:

To Jesse F. Stallings, five hundred dollars;

To Oliver H. Dockery, two thousand dollars; in all, two thousand five hundred dollars.

To reimburse the official reporters of the proceedings and debates, and the official stenographers to committees of the House of Representatives for clerical hire and extra clerical services from March fourth, nineteen hundred, to March fourth, nineteen hundred and one, seven hundred and fifty dollars each; and to John J. Cameron two hundred and forty dollars; in all, six thousand two hundred and forty dollars.

House of Representatives.

Compensation of Members.

Miscellaneous, etc.

Folding materials.

Vol. 28, p. 624.

Salaries employees.

Payments to widows, etc., of Representatives.

Contested election expenses.

Reporting debates.

Payments to em-  
ployees.

To pay Kendal Lee, Marcellus Butler, and Charles Carter for caring for rooms of Committees on Accounts, Invalid Pensions, and subcommittee room of Committee on Appropriations, respectively, one hundred dollars each, three hundred dollars.

To pay H. F. Dodge for reporting hearings before the Committee on Post-Offices and Post-Roads, thirty-five dollars and seventy-five cents.

To pay C. W. Mansfield, assistant clerk to the Committee on Rivers and Harbors, one hundred dollars.

To pay Herman Gauss for extra services as assistant clerk to the Committee on Invalid Pensions, five hundred dollars.

To pay Charles O. Houck for clerical services rendered to the Committee on Invalid Pensions, three hundred dollars.

To pay D. S. Porter for extra services as assistant clerk to Committee on Pensions, five hundred dollars.

To pay Edward A. Boykin for services as messenger and assistant clerk to Committee on Pensions, three hundred dollars.

To pay William L. Stiles for services as messenger to Committee on Accounts, three hundred and seventy-five dollars and eighty-nine cents.

To pay Herman D. Reeve, for extra service rendered during the Fifty-fifth and Fifty-sixth Congresses as clerk to the Committee on Military Affairs, one thousand dollars.

To pay the following, the same having been audited and recommended by the Committee on Accounts, namely:

To George F. Evers and James F. English, five hundred dollars each;

To William H. Smith, six hundred dollars;

To Howard D. Pritchard, two hundred and eighty dollars;

To J. J. Constantine, three hundred dollars;

To Oscar Hill and Harrison Crane, five hundred and sixty dollars each;

To Joel Grayson, junior, four hundred and eighty-one dollars and seventeen cents;

To Harris A. Walters, five hundred and ninety-four dollars;

To Charles N. Thomas, three hundred dollars;

To Joseph H. Johnson, sixty-four dollars and ten cents;

To Jesse G. Bunnell, three hundred dollars;

To Guy Underwood, one thousand and eighty dollars;

To Samuel F. Leavitt, two hundred and ten dollars;

To John W. Deards, two hundred and twenty-seven dollars;

To John Iredale, three hundred and seventy-nine dollars and nine cents;

To James A. Gibson, four hundred and eighty dollars;

To H. A. Dumont, three hundred and seventy-nine dollars and nine cents;

To Don C. Walters, five hundred and ninety-four dollars;

To John Hollingsworth, nine hundred dollars;

To George C. Randall, three hundred dollars;

To Charles O. Houk, three hundred and sixty dollars;

To Ed. H. Sharp, three hundred dollars;

To John B. Fletcher, three hundred dollars;

To O. M. Enyart, four hundred dollars;

To William A. Forbis, two hundred dollars;

To Minot Reed Stewart, two hundred and ninety-five dollars;

To O. A. Harvey, eight hundred and fifty-three dollars and thirty-two cents;

To Thomas F. Tracy, four hundred and three dollars and forty-eight cents;

In all, twelve thousand seven hundred dollars and twenty-five cents.

To pay William A. Watson, special messenger, authorized in the resolution adopted by the House of Representatives February seventh, nineteen hundred, at the rate of one thousand two hundred dollars per annum, from March fourth, nineteen hundred and one, to June thirtieth, nineteen hundred and two, inclusive, one thousand five hundred and ninety-three dollars and thirty cents.

To pay George C. Randall, B. W. Armstrong, John W. Herndon, J. M. McKay, and F. B. Lyon, each a sum equal to two months' pay at the rate of compensation respectively received by them January first, nineteen hundred and one, for extra services rendered in the folding room under resolution of the House Numbered Two hundred and fifty-three, one thousand one hundred and thirty-three dollars and thirty-two cents.

LIBRARY OF CONGRESS.

That the appropriation of two thousand dollars heretofore made in the legislative and judicial appropriation bill for special, temporary, and miscellaneous service at the discretion of the Librarian of Congress shall be immediately available. Congressional Library.

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the costs of printing the debates and proceedings of Congress in the Congressional Record, and for lithographing, mapping, and engraving for both Houses of Congress, 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, five hundred thousand dollars. Public printing and binding.

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, twenty-five thousand dollars, or so much thereof as may be necessary. Leaves of absence, Government Printing Office.

To pay Samuel Robinson, William Madden, and Joseph DeFontes as messengers on night duty during the second session of the present Congress for extra services, one hundred and fifty dollars each, in all, four hundred and fifty dollars. Messengers, night duty, payment to.

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

For printing and binding for the War Department, seventy-five thousand dollars.

For printing and binding for the Navy Department, including three thousand dollars for the Hydrographic Office, eighteen thousand dollars.

For printing and binding for the Post-Office Department, exclusive of the Money-Order Office, thirty-five thousand dollars.

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

For printing and binding for the Interior Department, including the Civil Service Commission, fifty thousand dollars.

JUDGMENTS IN INDIAN DEPREDAATION CLAIMS.

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in Senate Documents Numbered One hundred and eighty-nine and Two hundred and seventeen, four hundred and thirty-five thousand seven hundred and twenty-eight 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, Judgments, Indian depredation claims.  
—deductions.  
Vol. 26, p. 853.

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.

*Proviso.*  
Certificate of lack of  
ground for new trial.

### 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 Three hundred and fifty-four and Senate Document Numbered Two hundred and eleven, seven hundred and fifty-nine thousand four hundred and ninety-four dollars and sixty-seven cents: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired: *Provided further*, That the payment, to officers and enlisted men severally entitled, of the judgments of the Court of Claims for bounty for destruction of enemy's vessels, under section forty-six hundred and thirty-five of the Revised Statutes, be made on settlements by the Auditor for the Navy Department in the manner prescribed by law and Treasury regulation for the payment of prize money, the distribution of such individual share to be in accordance with the orders, rules, and findings of the Court of Claims.

*Provisos.*  
Appeal.

Payments for de-  
struction of enemy's  
vessels, how made.  
R. S., sec. 4635, p. 902.

Payment authorized  
to Chas. F. Adams as  
administrator of Peter  
C. Brooks, etc.  
Vol. 30, p. 1193, etc.

That the sum or sums appropriated to be paid to the administrator of Peter C. Brooks, deceased, in the Act of Congress approved March third, eighteen hundred and ninety-nine, entitled "An 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," be paid Charles F. Adams as the administrator of said estate; but the amount thus appropriated shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the administrator of said estate represents the next of kin of the said Peter C. Brooks, and the court which granted the administration shall have certified that said administrator has given adequate security for the legal disbursement of the amounts.

### JUDGMENTS, UNITED STATES COURTS.

Judgments, United  
States courts.  
Vol. 24, p. 565.

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 Three hundred and sixty-seven, and Senate Document Numbered One hundred and ninety-two, and which have not been appealed, three thousand and fifty-two dollars and seventy 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.



For payment of interest at four per centum per annum on the final judgment against the United States in favor of Patrick Henry Winston, rendered by the circuit court of the United States for the district of Washington, on the first day of October, eighteen hundred and ninety-four, under and by virtue of jurisdiction conferred by the Act of Congress approved March third, eighteen hundred and seventy-seven, four hundred and six dollars and twenty-six cents.

Payment authorized of interest on judgment of Winston against United States.

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-eight, 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 Three hundred and fifty-nine, Fifty-sixth Congress, second session, there is appropriated as follows:

Vol. 19, p 110.

Vol. 22, p. 254.

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

Claims allowed by the Auditor for the Treasury Department.

For inspector of furniture and other furnishings for public buildings, twenty-four dollars and fifteen cents.

For fuel, lights, and water for public buildings, three hundred and two dollars and seventy-two cents.

For suppressing the slave trade, one hundred and eight dollars and ninety cents.

For contingent expenses, mint at Carson, one dollar and twenty-three cents.

For contingent expenses, mint at New Orleans, six dollars and eighty-four cents.

For contingent expenses, assay office at Boise, one dollar and ninety-seven cents.

For salaries and expenses, assay office at Deadwood, one hundred and sixty-three dollars and twenty-one cents.

For repayment to importers excess of deposits, one thousand and forty-two dollars and nineteen cents.

For enforcement of the Chinese-exclusion Act, two hundred and seventy-six dollars and six cents.

For Quarantine Service, twenty-one dollars and ten cents.

For Life-Saving Service, fifty-eight dollars and five cents.

For salaries and expenses of collectors of internal revenue, thirty-five dollars and fifty-two cents.

For redemption of stamps, fifty-one dollars and twenty-five cents.

For refunding taxes illegally collected, twenty-eight thousand six hundred and nineteen dollars and four cents.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

Claims allowed by the Auditor for the War Department.

For pay of the Army, seven thousand eight hundred and seventy-six dollars and forty-six cents.

For pay of volunteers, seventy-seven dollars and ninety-five cents.

For bounty under Act of July eleventh, eighteen hundred and sixty-two, one hundred dollars.

For bounty under Act of July twenty-eighth, eighteen hundred and sixty-six, one hundred dollars.

For subsistence of the Army, one hundred and ninety-nine dollars and thirty-one cents.

For regular supplies, Quartermaster's Department, ninety-five dollars and eighteen cents.

For incidental expenses, Quartermaster's Department, three hundred and forty-one dollars and forty-one cents.

For transportation of the Army and its supplies, three hundred and seventy-six dollars and eight cents.

For clothing, and camp and garrison equipage, one hundred and thirty-seven dollars and twenty cents.

For headstones for graves of soldiers, four dollars and thirteen cents.

For Medical and Hospital Department, eight dollars and fifty cents.

For artificial limbs, eight hundred and sixty dollars and twenty-one cents.

For operating snagboats on the Ohio River, twenty-two cents.

For expenses California Débris Commission, four dollars and thirty-seven cents.

For horses and other property lost in the military service, ninety dollars.

For pay of volunteers, Mexican war, eighty-six dollars and four cents.

For pay of mounted riflemen under Colonel John C. Frémont in eighteen hundred and forty-six, fifty-one dollars and four cents.

For traveling expenses of First Michigan Cavalry, two hundred and six dollars and twenty-one cents.

For pay, transportation, services, and supplies of Oregon and Washington Volunteers in eighteen hundred and fifty-five and eighteen hundred and fifty-six, forty-eight dollars and fifty-two cents.

Claims allowed by the Auditor for the Navy Department.

#### CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, two thousand nine hundred and seventy-nine dollars and thirty-nine cents.

For pay, miscellaneous, sixty-six dollars and twenty-four cents.

For pay of the Marine Corps, one hundred and fifteen dollars and three cents.

For pay, Naval Academy, one hundred and forty-four dollars.

For outfits for naval apprentices, Bureau of Navigation, forty-five dollars.

For indemnity for lost clothing, nine hundred and forty-six dollars and fifty-five cents.

For destruction of clothing and bedding for sanitary reasons, two hundred and twenty-eight dollars and sixty-eight cents.

For bounty for destruction of enemy's vessels, seventy dollars and twenty-seven cents.

For enlistment bounties to seamen, six hundred and thirty-three dollars and thirty-four cents.

For extra pay to officers and men who served in the Pacific, five dollars and seventy cents.

Claims allowed by the Auditor for the Interior Department.

#### CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For investigation of pension cases, Pension Office, two dollars and eighty-six cents.

For reimbursement to receivers of public moneys, excess of deposits, five dollars and eighty cents.

For salaries and commissions of registers and receivers, two hundred and ninety-six dollars.

For contingent expenses of land offices, twenty dollars and ninety cents.

For surveying the public lands, nine thousand one hundred and twelve dollars and fifty-one cents.

For Geological Survey, one hundred and fifty-two dollars and thirty-one cents.

For pay of Indian police, eighty-seven dollars and fifty cents.

For pay of matrons, twelve dollars.

For telegraphing and purchase of Indian supplies, fifty-seven dollars and thirty-seven cents.

For transportation of Indian supplies, four hundred and fifty dollars and seventeen cents.

For support of Sioux of different tribes, beneficial objects, five hundred and eighty-five dollars and ninety cents.

For support of Mission Indians, one dollar and ninety-five cents.

For Indian schools, support, one hundred and sixty-six dollars and sixty-five cents.

For Indian school buildings, two hundred and ninety-nine dollars and twenty-five cents.

For Indian school, Genoa, Nebraska, thirty-three dollars and forty-eight cents.

For Indian school, Pierre, South Dakota, two dollars and sixty-seven cents.

For army pensions, fifty-four dollars.

For navy pensions, twenty-four dollars.

For fees of examining surgeons, pensions, two dollars.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

Claims allowed by the Auditor for the State and other Departments.

For salaries, consular service, one thousand four hundred and two dollars.

For allowance for clerks at consulates, one hundred and twenty dollars.

For pay of consular officers for services to American vessels and seamen, one hundred and eighty dollars and fifty-four cents.

For loss by exchange, consular service, eleven cents.

For fees and costs in extradition cases, one hundred and nine dollars and eighty-seven cents.

For relief and protection of American seamen, five hundred and fifty-four dollars and eighty cents.

For contingent expenses, United States consulates, two hundred and fifty-eight dollars and forty-nine cents.

For Interstate Commerce Commission, fifty-one dollars.

For salaries and expenses, Bureau of Animal Industry, two hundred and seventy-five dollars and eighty-four cents.

For forestry investigations, one dollar and forty-nine cents.

For general expenses, Weather Bureau, forty-two dollars and sixty-two cents.

For rent and incidental expenses, Territory of Alaska, eight hundred and ten dollars.

For salaries and expenses, United States courts, Indian Territory, one hundred and thirty dollars and sixty-five cents.

For salaries, fees, and expenses of marshals, United States courts, five hundred and thirty-two dollars and sixty-four cents.

For salaries and expenses of district attorneys, United States courts, one hundred and eighteen dollars and eighty-seven cents.

For fees of clerks, United States courts, fifty-four dollars and fifty cents.

For fees of commissioners, United States courts, one thousand two hundred and sixty dollars and thirty cents.

For fees of jurors, United States courts, four hundred and fifty-one dollars.

For fees of witnesses, United States courts, forty-nine dollars and sixty cents.

For support of prisoners, United States courts, sixty-four dollars and sixty cents.

For rent of court rooms, United States courts, seven hundred and fifty dollars.

For pay of bailiffs, and so forth, United States courts, eight dollars.

For miscellaneous expenses, United States courts, two hundred and fifty-three dollars and fifty cents.

Claims allowed by the Auditor for the Post-Office Department.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For rent, light, and fuel, one hundred and nine dollars and thirty-five cents.

For free-delivery service, one dollar.

For clerk hire, two hundred and fifteen dollars.

For compensation of postmasters, one hundred and ten dollars and eight cents.

For rewards, five hundred dollars.

For inland mail transportation (star), three hundred and nineteen dollars and thirty-seven cents.

No part of sum appropriated by this Act for pay of cadets shall be paid to any cadet who shall have been found guilty of any brutal form of hazing.

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 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-eight, 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 Two hundred and twelve, Fifty-sixth Congress, second session, there is appropriated as follows:

Vol. 18, p. 110.

Vol. 23, p. 254.

Claims allowed by the Auditor for the Treasury Department.

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For contingent expenses, Treasury Department: Freight, telegrams, and so forth, fiscal year nineteen hundred and one, three hundred and ninety-seven dollars and thirteen cents.

For contingent expenses, Treasury Department: Freight, telegrams, and so forth, ten dollars and ninety-five cents.

For heating apparatus for public buildings, five dollars and thirty cents.

For repairs and preservation of public buildings, six dollars and forty cents.

For additional compensation to certain employees in the civil service at Washington, District of Columbia, under joint resolution of February twenty-eighth, eighteen hundred and sixty-seven, one thousand and seventy dollars and eighty-four cents.

For collecting the revenues from customs, seventy-eight dollars and thirty cents.

For repayment to importers excess of deposits, two hundred and twenty dollars and fifty-five cents.

For redemption of stamps, four hundred and five dollars and eighty-three cents.

For refunding taxes illegally collected, eighteen thousand seven hundred and thirty-six dollars and sixty-two cents.

Claims allowed by the Auditor for the War Department.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For contingent expenses, War Department, one dollar and thirty-five cents.

For pay, and so forth, of the Army, seven hundred and forty-three dollars and nine cents.

For regular supplies, Quartermaster's Department, one hundred and twenty-nine dollars and forty-nine cents.

For incidental expenses, Quartermaster's Department, eight dollars and five cents.

For transportation of the Army and its supplies, two hundred and sixty-seven dollars and thirty cents.

For clothing, and camp and garrison equipage, forty dollars and one cent.

For headstones for graves of soldiers, one dollar and twenty-five cents.

For pay, transportation, services, and supplies of Oregon and Washington Volunteers in eighteen hundred and fifty-five and eighteen hundred and fifty-six, two hundred and eighty-one dollars and sixty-two cents.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

Claims allowed by the Auditor for the Navy Department.

For pay of the Navy, eight hundred and sixty-eight dollars and nineteen cents.

For contingent, Marine Corps, sixty-five dollars and twelve cents.

For indemnity for lost clothing, four thousand nine hundred and ninety-eight dollars and eighty-five cents.

For destruction of clothing and bedding for sanitary reasons, one hundred and thirty-seven dollars and eighteen cents.

For bounty for destruction of enemy's vessels, five dollars and sixty-three cents.

For enlistment bounties to seamen, eight hundred and thirty-three dollars and thirty-three cents.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

Claims allowed by the Auditor for the Interior Department.

For contingent expenses, Department of the Interior, four dollars and forty-three cents.

For appraisal and sale of abandoned military reservations, one hundred dollars.

For surveying the public lands, fourteen thousand one hundred and ten dollars and eighty-three cents.

For surveying private land claims, three hundred and seventy-two dollars and three cents.

For pay of matrons, seven dollars.

For payment to Overton Love, a Chickasaw Indian, for stock stolen from him by Comanche Indians in eighteen hundred and sixty-seven, seven thousand three hundred and fifty dollars.

For army pensions, thirty dollars.

For navy pensions, ten dollars.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

Claims allowed by the Auditor for the State and other Departments.

DEPARTMENT OF STATE.

For salaries, secretaries of embassies and legations, eleven cents.

For pay of consular officers for services to American vessels and seamen, eighteen dollars and sixty-nine cents.

For loss by exchange, diplomatic service, forty-eight dollars and seventy-nine cents.

For contingent expenses, United States consulates, twenty-five dollars and four cents.

## DEPARTMENT OF AGRICULTURE.

For forestry investigations, five dollars and seventy-seven cents.  
 For general expenses, Weather Bureau, twelve dollars and forty-four cents.

## DEPARTMENT OF JUSTICE.

For salaries, fees, and expenses of marshals, United States courts, four hundred and forty dollars and twenty-nine cents.  
 For fees of commissioners, United States courts, one hundred and nineteen dollars and fifteen cents.  
 For fees of witnesses, United States courts, twenty-four dollars and thirty cents.

Claims allowed by the Auditor for the Post-Office Department.

## CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For advertising, eight dollars and fifty cents.  
 For railroad transportation, seventy-two dollars and thirty-three cents.  
 For star transportation, nine dollars and fifty-four cents.  
 Approved, March 3, 1901.

March 3, 1901.

**CHAP. 832.**—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 two, and for other purposes.

Indian Department 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 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 and two, and fulfilling treaty stipulations for the various Indian tribes, namely:

## CURRENT AND CONTINGENT EXPENSES.

Pay of agents at agencies.

For pay of forty-nine agents of Indian affairs at the following-named agencies, at the rates respectively indicated, namely:

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;

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 dollars;

At the Nez Perces Agency, Idaho, one thousand six 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 eight 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 five 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 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 Sisseton Agency, South Dakota, one thousand five hundred dollars;

At the Shoshone Agency, Wyoming, one thousand five hundred dollars;

At the Southern Ute Agency, Colorado, one thousand four hundred dollars;

At the Standing Rock Agency, North Dakota, one thousand eight hundred dollars;

Pay of agents at agencies—Continued.

At the Tongue River Agency, Montana, one thousand five 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;

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, seventy-seven thousand six hundred dollars: *Provided,*

*Provisos.*

Appropriations not available for army officers acting as agents.

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, or any part thereof, 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.

Interpreters.

For payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, seven thousand dollars; but no person employed by the United States and paid for any other service shall be paid for interpreting.

Inspectors.

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: to enable the Secretary of the Interior to investigate and report upon the condition of Indians upon reservations, their degree of civilization, the advisability of reducing the size of their reservations, the propriety of commuting their annuities, and to investigate and report upon the character of reservations, the area used by the Indians and the areas needed for their use, whether the reservation is composed of mineral or agricultural lands, and whether the reservation or any part thereof is better fitted for the purposes of forestry than for agriculture, and how the same shall be administered, and the area of mineral land, five thousand dollars in all; twenty-five thousand dollars, of which sum not exceeding five thousand dollars to be immediately available: *Provided,* That the Indian inspector who may be assigned to duty in the Indian Territory shall be considered as actually employed on duty in the field; and the accounting officers of the Treasury are hereby authorized to allow him per diem pay during the fiscal year nineteen hundred and one, and so long as he shall remain on duty in said Territory.

Allowance, inspector, Indian Territory.

Traveling expenses of inspectors.

For traveling expenses of eight Indian inspectors, 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 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.

Superintendent.

For pay of one superintendent of Indian schools, three thousand dollars.



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.  
*Provision.*  
—per diem allowance in field.

—other duties.

For buildings and repairs of buildings at agencies and for water supplies at agencies, thirty-five thousand dollars.

Agency buildings.

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.

Contingent expenses.

Special agents.

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.

Citizens' commission.  
Vol. 16, p. 40.

To enable the Secretary of the Interior to employ practical farmers and practical stockmen, subject only to such examination as to qualification as the Secretary of the Interior may prescribe, 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.

Practical farmers.

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.

Indian police.

For compensation of judges of Indian courts, twelve thousand five hundred and forty dollars.

Judges of Indian courts.

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.

Matrons to teach housekeeping.

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.

Supplies, etc.

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, two hundred and fifty thousand dollars.

Transportation.

For pure vaccine matter and vaccination of Indians, five thousand dollars.

Vaccination.

Fulfilling treaties.

## FULFILLING TREATY STIPULATIONS WITH, AND SUPPORT OF, INDIAN TRIBES.

Apaches, Kiowas,  
and Comanches fund.

## APACHES, KIWAS, AND COMANCHES FUND.

To carry out the agreement with said Indians, approved June sixth, nineteen hundred, as provided in article six of said agreement, one million five hundred thousand dollars.

Chickasaws.

## CHICKASAWS.

Payment in full for  
permanent annuity.

For permanent annuity, in goods, three thousand dollars: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury, to the credit of the Chickasaws, the sum of sixty thousand dollars, being in full for the permanent annuity in money or otherwise, as guaranteed to them by the treaty of July fifteenth, seventeen hundred and ninety-four.

Vol. 1, p. 619.

Chippewas of the  
Mississippi.

## CHIPPEWAS OF THE MISSISSIPPI.

For ninth 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.

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, four thousand dollars.

Vol. 16, p. 720.

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,  
36.

For permanent annuity for education, per second and thirteenth articles of last two treaties named above, six thousand dollars;

Vol. 7, p. 236.

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;

Interest.

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.

Vol. 7, p. 236.

Vol. 11, p. 614.

CHIPPEWAS OF MINNESOTA, REIMBURSABLE.

Chippewas of Minnesota.

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.

Advance interest.  
Vol. 25, p. 645, etc.

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, when authorized by the Secretary of the Interior, 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 and fifty thousand dollars.

Expenses of civilization.

CŒUR D'ALENES.

Cœur d'Alenes.

For tenth 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;

Vol. 26, p. 1028.

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.

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;

Permanent annuities.  
Vol. 7, p. 36.  
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. 69.  
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;

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;

Interest.  
Vol. 11, p. 700.

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.

Vol. 22, p. 43.

For the twentieth 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 manner as the President may direct, thirty thousand dollars;

Vol. 15, p. 652.

This amount, or so much thereof as may be necessary to furnish such articles of food as from time to time the condition and necessities of the Indians may require, fifteen thousand dollars; in all, forty-five thousand dollars.

Fort Hall Indians.

FORT HALL INDIANS.

Vol. 25, p. 688.

For thirteenth 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;

Ante, p. 671.

To carry out the agreement with said Indians, approved June sixth, nineteen hundred, to be used as provided in article two of said agreement, four hundred and twenty-five thousand dollars; in all, four hundred and thirty-one thousand dollars.

Indians at Black-foot Agency.

INDIANS AT BLACKFEET AGENCY.

Vol. 29, p. 354.

For fourth of nine installments, to be disposed of as provided in article two of the agreement with the Indians of the Blackfoot Reservation, ratified by Act approved June tenth, eighteen hundred and ninety-six, one hundred and fifty thousand dollars.

Iowas.

IOWAS.

Interest.

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, nineteen hundred and one, 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.

Vol. 10, p. 1071.

Kansas.

KANSAS.

Interest.

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.

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.

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.

Molels.

Schools.

Vol. 12, p. 981.

NORTHERN CHEYENNES AND ARAPAHOES.

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.

Northern Cheyennes and Arapahoes.

Subsistence.

Vol. 19, p. 256.

OSAGES.

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.

That the Secretary of the Interior is hereby authorized and directed to examine the accounts of Indian traders with the Osage Indians at the Osage Agency, and to determine the sums equitably due to such traders from such Indians, and to adjust their accounts upon the basis of a fair profit upon the goods which have been sold by such traders to such Indians, and when the amounts due as aforesaid shall have been determined and adjusted, the Secretary of the Interior is hereby authorized to pay, by a disbursing officer selected by the Secretary for that purpose, to the Osage Indians per capita the amount which has been collected as rent of pasture lands, and any accumulated interest other than their regular annuities which has not been heretofore paid to them: *Provided*, That when it shall appear to such disbursing officer that any such Indian, either as an individual or as the head of a family, is indebted to a trader or traders at such agency, as the same shall have been determined and adjusted, in an amount equal to or exceeding said per capita payment, such disbursing officer shall pay the per capita share due to said Indian as an individual or the head of a family, to such trader or traders in discharge of, or to be applied upon such indebtedness to such trader or traders. If such Indian as an individual or head of a family shall be indebted to more than one of such traders, such payment of his per capita share shall be paid to the traders in proportion to the amount of the respective sums due them as determined and adjusted. If the per capita share of any such Indian as an individual or head of a family shall exceed his indebtedness to said trader or traders, then payment shall be made as aforesaid to such trader or traders of the amount due, as aforesaid, and the balance of such per capita payment shall be paid to said Indian: *And provided further*, That it shall be unlawful hereafter for the traders upon the Osage Indian Reservation to give credit to any individual Indian or head of a family to an amount greater than sixty per centum of the next quarterly annuity to which such individual Indian or head of a family will be entitled; and if such traders shall give credit to any individual Indian or head of a family upon such reservation in excess of the

Osages.

Interest.

Vol. 7, p. 242.

Adjustment of accounts of traders with Osage Indians authorized.

—basis.

—per capita payment to Indians, accumulated interest, etc.

*Proviso.*  
—payment to trader of per capita share of Indian indebted, etc.

—limit of credit to Indians from traders, etc.

amount herein allowed, no portion of the indebtedness thus created shall be collectible, and the same shall be void and the licenses of such traders shall be revoked.

Further payments  
to Indians authorized.

Should the amount of the per capita payment herein authorized and directed be insufficient to fully cancel and discharge the debts found to be due from such Indians to such traders as herein provided, the Secretary of the Interior is hereby authorized and directed to make further per capita payments to said Indians whenever and as often as future pasture moneys and accumulations of interest other than regular annuities shall amount to the sum of one hundred thousand dollars, the same to be paid and applied in the manner hereinbefore provided: *And provided further*, That on and after July first, nineteen hundred and one, any person desiring to trade with the Indians on said reservation shall, upon establishing the fact, to the satisfaction of the Commissioner of Indian Affairs, that he is a proper person to engage in such trade, be permitted to do so under such rules and regulations as the Commissioner of Indian Affairs may prescribe for the protection of said Indians: *And provided further*, That the Secretary of the Interior is hereby directed to report to the next session of Congress showing the amounts due by such Indians to such traders as determined and adjusted as herein provided, and also any payments that may have been made to said Indians or to said trader or traders.

Regulations for  
trading with Indians.

Report.

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;

Vol. 11, p. 730.

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.

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;

Vol. 7, p. 114.

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. 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;

Vol. 7, p. 314.

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, pp. 320, 317.

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, p. 318.

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. 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, etc.

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.

Interest.

Vol. 9, p. 854.

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.

Vol. 7, p. 425.

That the act of the general council of the Quapaw tribe or nation of Indians in the Indian Territory, "To set apart and dedicate certain Quapaw lands for the use of schools, and dispose of certain other lands, to pay the indebtedness of the Quapaw Nation," passed and approved on January second, eighteen hundred and ninety-nine, be, and is hereby, ratified and confirmed: *Provided*, That the lands so dedicated and disposed of shall not exceed four hundred acres.

Acts dedicating lands for schools, etc., confirmed.

—limit.

SACS AND FOXES OF THE MISSISSIPPI.

Sacs and Foxes of the Mississippi.

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.

Annuity.

Vol. 7, p. 85.

Interest.

Vol. 7, p. 541.

Physician, etc.

SACS AND FOXES OF THE MISSOURI.

Sacs and Foxes of the Missouri.

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;

Interest.

Vol. 7, p. 541.

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.

School.

Vol. 12, p. 1173.

SEMINOLES.

Seminoles.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article of treaty of August

Interest.

Vol. 11, p. 762.

seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

Vol. 14, p. 757.

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;

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;

Vol. 7, p. 179.

For permanent annuity, in specie, per fourth article of treaty of September seventeenth, eighteen hundred and eighteen, five hundred dollars;

Vol. 15, p. 515.

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. 7, p. 179.  
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. 352.

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: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury, to the credit of the Senecas, the sum of seventy-three thousand eight hundred dollars, being in full for the permanent annuities, in money or otherwise, guaranteed to them by the treaties described above.

Vol. 15, p. 515.

Senecas of New York.

SENECAS OF NEW YORK.

Annuity.  
Vol. 4, p. 142.

For permanent annuity, in lieu of interest on stock, per Act of February nineteenth, eighteen hundred and thirty-one, six thousand dollars;

Interest.

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;

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.

Annuity.  
Vol. 7, p. 179.  
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;

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: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Eastern Shawnees the sum of twenty thousand six hundred dollars, being in full for the permanent annuities, in money or otherwise, guaranteed to them by the treaties above described.

Vol. 7, p. 352.

Vol. 15, p. 515.

Payment in full for permanent annuity.

## SHOSHONES AND ARAPAHOES.

Shoshones and Arapahoes.

Vol. 30, p. 94.

For fourth 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.

## SHOSHONES AND BANNOCKS.

Shoshones and Bannocks.

Shoshones.

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;

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;

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.

Bannocks.

## SIX NATIONS OF NEW YORK.

Six Nations of New York.

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.

Annuity.  
Vol. 7, p. 46.

## SIOUX OF DIFFERENT TRIBES, INCLUDING SANTEE SIOUX OF NEBRASKA.

Sioux of different tribes.

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;

Teachers, etc.

For pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, one thousand six hundred dollars;

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;

Employees.

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;

Subsistence.  
Vol. 19, p. 254.*Provisos.*  
Transportation.

Limit of rations, etc.

For support and maintenance of day and industrial schools, including purchase, erection, and repairs of school buildings, in accordance

Schools.  
Vol. 15, p. 637.

Vol. 25, p. 894.

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.

Sioux, Yankton  
tribe.

## SIOUX, YANKTON TRIBE.

Vol. 11, p. 744.

For thirteenth 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 thousand dollars; in all, forty-five thousand dollars.

Spokanes.

## SPOKANES.

Removal to Cœur  
d'Alene Reservation.

For last 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: *Provided*, That any moneys heretofore or hereafter to be appropriated for the removal of said Spokane Indians to the Cœur d'Alene Reservation shall be extended to or expended for such members of the tribe who have removed or shall remove to the Colville, Spokane, or Jocko Reservations:

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;

Chiefs Louis and  
Enoch.

For ninth 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.

Confederated Bands  
of Utes.

## CONFEDERATED BANDS OF UTES.

Carpenters, etc.

Vol. 13, p. 675.

Vol. 15, p. 622.

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;

Vol. 15, p. 621.

For pay of two teachers, as per same article of same treaty, one thousand eight hundred dollars;

For purchase of iron and steel and the necessary tools for blacksmith shop, per ninth article of same treaty, two hundred and twenty dollars;

Food.

Vol. 15, p. 622.

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;

Employees.

For pay of employees at the several Ute agencies, fifteen thousand dollars; in all, fifty-three thousand seven hundred and forty dollars.

## 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. 628.

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.

## MISCELLANEOUS SUPPORTS.

Miscellaneous sup-  
ports.

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.

For subsistence and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation, seventy thousand dollars.

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.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including seeds, thirteen thousand dollars.

For the relief of the Turtle Mountain Indians and those of the Devils Lake Agency, North Dakota, for the purpose of stamping out small-pox and expenses already incurred in respect thereto, twenty thousand dollars, or so much thereof as may be necessary, to be immediately available.

For support and civilization of the confederated tribes and bands in middle Oregon, and for pay of employees, five thousand dollars.

For support and civilization of Digger Indians of California, and for locating them on lands purchased for them, two thousand five hundred dollars.

For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, five thousand dollars.

For support and civilization of Carlos's Band of Flatheads, Montana, including pay of employees, eight thousand dollars.

For support and civilization of the Flatheads and other confederated tribes, Montana, including pay of employees, eight thousand dollars.

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.

For support, civilization, and instruction of the Shoshones and Banocks and other Indians of the Fort Hall Reservation in Idaho, including pay of employees, twenty-five thousand dollars.

For support and education and civilization of the Indians of the Fort Peck Reservation in Montana, including pay of employees, seventy-five thousand dollars.

For support, civilization, and instruction of the Shoshones, Ban-

Miscellaneous sup-  
ports—Continued.

nocks, Sheepsters, and other Indians of the Lemhi Agency, Idaho, including pay of employees, thirteen thousand dollars.

For support, civilization, and instruction of the Klamaths, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, five thousand dollars.

For support and civilization of the Kansas Indians, Oklahoma Territory, including agricultural assistance and pay of employees, two thousand five hundred dollars.

For support and civilization of the Kickapoo Indians in Oklahoma Territory, five thousand dollars.

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.

For support and civilization of Indians at the Mission Agency, California, including pay of employees, three thousand dollars.

For support and civilization of the Modoc Indians now residing within the Indian Territory, one thousand dollars.

For purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians, four thousand dollars.

For support and civilization of Nez Perce Indians in Idaho, three thousand dollars.

For support and civilization of the Ponca Indians, including pay of employees, fifteen thousand dollars: *Provided*, That this amount shall be divided pro rata among all the members of said tribe in Oklahoma Territory and in Nebraska and Dakota.

For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, one thousand dollars.

For support and civilization of the Shebits and Kaibabs in Utah if in the opinion of the Secretary of the Interior the same is necessary, five thousand dollars.

For support and civilization of Shoshone Indians in Wyoming, twenty-five thousand dollars.

For support and civilization of Shoshone Indians in Nevada, including pay of employees, twelve thousand dollars.

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.

For support and civilization of Sioux of Devils Lake, North Dakota, including pay of employees, and for the purchase of seeds, ten thousand dollars.

For support and civilization of Tonkawa Indians, Oklahoma Territory, and for seeds and agricultural implements, one thousand dollars.

To enable the Secretary of the Interior to purchase subsistence and other necessaries for the support of the Hualpais in Arizona, five thousand dollars.

For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, five thousand dollars.

For support and civilization of the Yakimas, and other Indians at said agency, including pay of employees, eight thousand dollars.

Incidental expenses. **GENERAL INCIDENTAL EXPENSES OF THE INDIAN SERVICE.**

Arizona. **ARIZONA:** For general incidental expenses of the Indian Service in Arizona, including traveling expenses of agents, one thousand five hundred dollars.

California. **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.

**COLORADO:** For general incidental expenses of the Indian Service in Colorado, including traveling expenses of agents, one thousand dollars.

**IDAHO:** For general incidental expenses of the Indian Service in Idaho, including traveling expenses of agents, one thousand dollars.

**INDIAN TERRITORY:** 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, eighteen thousand dollars: *Provided*, That hereafter the clerks of the district courts in the Indian Territory shall account to the United States for all fees earned and collected by them in accordance with such rules and regulations as the Attorney-General shall prescribe. They shall annually pay over to the Treasurer of the United States all such fees collected and earned by them in excess of the necessary expenses incurred and paid by them for attendance on court, record books, stationery, and clerk hire subsequent to May thirty-first, nineteen hundred, such expenses to be allowed and retained by said clerks on accounts approved by the judge of the court when accompanied by proper vouchers. And such clerks shall hereafter be paid the sum of one thousand dollars each per annum for all extra services in addition to their regular salary.

**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.

**NEVADA:** For general incidental expenses of the Indian Service in Nevada, including traveling expenses of agents, and support and civilization of Indians located on the Piute, Walker River, and Pyramid Lake reservations, eight thousand dollars; and pay of employees, including physician at the Walker River Reservation, at nine hundred dollars, four thousand nine hundred dollars; in all, twelve thousand nine hundred dollars.

**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:** 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:** 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:** 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:** For general incidental expenses of the Indian Service in Utah, including traveling expenses of agents, one thousand dollars.

**WASHINGTON:** For general incidental expenses of the Indian Service in Washington, including traveling expenses of agents, and support and civilization of Indians at Colville and Puyallup agencies, and for pay of employees, seventeen thousand dollars.

**WYOMING:** For general incidental expenses of the Indian Service in Wyoming, including traveling expenses of agents, one thousand dollars.

Colorado.

Idaho.

Indian Territory.

*Proviso.*  
Clerks of district courts to return fees in excess of necessary expenses.

—annual payment for extra services.

Montana.

Nevada.

New Mexico.

North Dakota.

Oregon.

South Dakota.

Utah.

Washington.

Wyoming.

MISCELLANEOUS.

Miscellaneous.

For salaries of four commissioners, appointed under Acts of Congress approved March third, eighteen hundred and ninety-three, and

Commission to Five Civilized Tribes. Vol. 27, p. 645.

Vol. 28, p. 939.

*Provisos.*  
Number of commis-  
sioners.  
Special disbursing  
agent, etc.

Use of appropria-  
tion, etc.

Statement of ex-  
penditures.

Temporary clerks,  
office Commissioner  
Indian Affairs.

Inquiry as to possi-  
ble personal tax, In-  
dian Territory.

Choctaw orphan  
lands.  
Disposition of, au-  
thorized.

Mills; Pima Agency,  
Ariz.

—Klamath Agency,  
Oreg.

—Nez Percé Reserva-  
tion, Idaho.

Physician, New York  
Agency,  
Omaha, Nebr.  
Warehouse for sup-  
plies.  
Vol. 30, p. 75.

Turtle Mountain  
Band of Chippewas.  
Sioux of Devils  
Lake, N. Dak.; sup-  
port of.

Surveying and al-  
lotting lands in sev-  
eralty.  
Vol. 24, p. 388.

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, three hundred thousand dollars; for contingent expenses of the commission, four thousand dollars; in all, three 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 law; and said commissioners shall at once make an itemized statement to the Secretary of the Interior of all their expenditures up to January first, nineteen hundred and one, and annually thereafter: *And provided further*, That not to exceed ten thousand four hundred dollars of the above amount may be used in the temporary employment in the office of the Commissioner of Indian Affairs of three clerks, at the rate of one thousand six hundred dollars per annum, who shall be competent to examine records in disputed citizenship cases and law contests growing out of the work of said commission, and in the temporary employment in said office of three competent stenographers, at the rate of one thousand dollars each per annum, to be immediately available.

To enable the Secretary of the Interior to investigate and report to Congress at its next session whether it is practicable to provide a system of taxation of personal property, occupations, franchises, and so forth, in the Indian Territory sufficient to maintain a system of free schools to all the children of the Indian Territory, five thousand dollars.

That the Commissioner of the General Land Office is hereby authorized and directed to dispose of the Choctaw orphan lands in the State of Mississippi as other public lands are disposed of.

For operating and repairing the flour mill at Pima Agency, Arizona, one thousand five hundred dollars.

For operating one portable sawmill for the Klamath Agency, Oregon, and for necessary repairs to same, one thousand five hundred dollars.

For operating one portable sawmill on the Nez Percé Indian Reservation, Idaho, and for necessary repairs to the same, one thousand five hundred dollars.

For pay of physician, New York Agency, six hundred dollars.

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," eight thousand dollars.

For relief and support of the Turtle Mountain Band of Chippewas and the Sioux of Devils Lake, North Dakota, to be expended for their benefit under direction of the Secretary of the Interior in such manner and for such purposes as he may direct, twenty-five thousand dollars, to be immediately available.

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.

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, one hundred thousand dollars: *Provided*, That the Secretary of the Interior may employ such number of 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.*  
—superintendents authorized.

—and clerk.

For repairs to the bridge across Wind River, on the Shoshone Reservation in Wyoming, eight hundred and fifty dollars, to be immediately available.

Shoshone Reservation, Wyo.  
Repairs, bridge over Wind River.

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 depredation 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 depredation claims.  
Transfer to Court of Claims.  
Vol. 26, p. 851.

To enable the President to cause, under the provisions of the Act of March second, eighteen hundred and eighty-nine, entitled "An Act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," to be allotted the land in said separate reservations as provided in said Act, including the necessary resurveys, ten thousand dollars. [Reimbursable.]

Sioux Indian Reservation, Dak.  
Appropriation for allotments, resurveys, etc.  
Vol. 25, p. 888.

For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, and for necessary expense of transporting insane Indians to and from said asylum, twelve thousand dollars.

Canton, S. Dak., insane asylum.

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, and all Acts amendatory thereof or supplemental thereto, one hundred and fifty thousand dollars:

Choctaw, Chickasaw, etc., nations.  
Appropriation for platting town sites, etc.  
Vol. 30, pp. 500, 505.

*Provided*, That hereafter the Secretary of the Interior may, whenever the chief executive of the Choctaw or Chickasaw Nation fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioner appointed by the chief executive of the Choctaw or Chickasaw Nation to qualify or act, in his discretion, appoint a commissioner to fill the vacancy thus created.

Appointment of town-site commissioner.

Suit of Eastern Band of Cherokee Indians vs. Thomas et al. Appropriation for payments under certain agreements of compromise.

**EASTERN BAND OF CHEROKEE INDIANS:** For this amount, to be expended under the direction of the Attorney-General for the purpose of carrying into effect six agreements of compromise in the suit of the United States against William H. Thomas and others, entered into between A. E. Holton, United States attorney, and George H. Smathers, special assistant to the United States attorney for the western district of North Carolina, representing the United States and the defendants therein and hereinafter named; and an agreement in the two suits, respectively, of the Eastern Band of Cherokee Indians against William H. Thomas and others, and the United States against William H. Thomas and others, entered into between George H. Smathers, special assistant United States attorney, representing the United States and the Eastern Band of Cherokee Indians, as evidenced by an act of the council of said Indians, bearing date December seventeenth, nineteen hundred, both suits pending in the circuit court of the United States for the western district of North Carolina, which agreements of compromise with said defendants and the agreement with said band of Indians are on file in the Department of Justice, and are set forth in detail on pages four and five of a report made by George H. Smathers, special assistant United States attorney, to the Attorney-General, as to the status of this litigation, bearing date January twenty-second, nineteen hundred and one, to settle and quiet the title to certain tracts of land claimed by said Indians that were conveyed in a deed executed by William Johnston and others, to the Commissioner of Indian Affairs as trustee for the Eastern Band of Cherokee Indians, bearing date August fourteenth, eighteen hundred and eighty, known as the "Sibbald deed," and more fully set forth in said agreements of compromise, the sum of eight thousand seven hundred and seventy dollars, the names of the defendants and the amount to be paid to each under said agreements of compromise, and the amount to be paid to said band of Indians, being as follows: To W. N. Cooper, R. L. Cooper, and T. J. Cooper, executors of James W. Cooper, deceased, under agreement of compromise, Exhibit Numbered One, two thousand dollars; to M. A. Hembree and others, defendants, in agreement of compromise, Exhibit Numbered Two, as follows: To M. A. Hembree, Murphy, Cherokee County, North Carolina, three hundred and twenty-five dollars; to Thomas Dockery, Murphy, Cherokee County, North Carolina, five hundred dollars; to James Humphreys, Murphy, Cherokee County, North Carolina, three hundred dollars; to W. R. Graves, Murphy, Cherokee County, North Carolina, one hundred and twenty-five dollars; to John E. Graves, Murphy, Cherokee County, North Carolina, three hundred dollars; to John A. Dockery, Murphy, Cherokee County, North Carolina, thirty dollars; to N. E. Dockery, Murphy, Cherokee County, North Carolina, twenty-five dollars; to John E. Fricks, Murphy, Cherokee County, North Carolina, three hundred and twenty-five dollars; to A. G. Hunsucker, Murphy, Cherokee County, North Carolina, seventy-five dollars; to L. M. Hunsucker, Murphy, Cherokee County, North Carolina, one hundred and twenty-five dollars; to Henry P. McClure, Murphy, Cherokee County, North Carolina, forty dollars; to Irena Warlick, Murphy, Cherokee County, North Carolina, two hundred and fifty dollars; to W. F. Mauney and N. F. Cooper, Robbinsville, Graham County, North Carolina, Exhibit Numbered Three, fifty dollars; to David Watkins and Joseph Watkins, Bryson City, Swain County, North Carolina, Exhibit Numbered Four, two hundred dollars; to J. U. Whiteside, Bryson City, North Carolina, Exhibit Numbered Five, fifty dollars; to Charley Kirkland, Bryson City, North Carolina, Exhibit Numbered Six, fifty dollars; to Eastern Band of Cherokee Indians, Cherokee, Swain County, North Carolina, Exhibit Numbered Seven, four thousand dollars; **total, eight thousand seven hundred and seventy dollars.**

—† ayees designated.



The Secretary of the Interior is hereby authorized, in his discretion, to permit the construction of a free bridge to span the narrows of Devils Lake, in the State of North Dakota, at a point between townships one hundred and fifty-two and one hundred and fifty-three north, range sixty-four west. If said bridge shall abut on an Indian allotment, the consent of the allottee shall first be obtained. The Secretary may also authorize the taking of stone from the shores of the lake on the reservation side in the construction of the said bridge.

Devils Lake, North Dakota.  
Construction of bridge at narrows authorized.

To pay Lieutenant-Colonel James F. Randlett, retired from the Army, while serving as agent at the Uintah and Ouray Agency, Utah (as provided in Twenty-seventh United States Statutes, page one hundred and twenty), for six months and twenty-three days, at the rate of one thousand eight hundred dollars per annum, the sum of one thousand and fifteen dollars.

Lieut. Col. James F. Randlett.  
Payment to.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to negotiate, through any United States Indian inspector, agreements with any Indians for the cession to the United States of portions of their respective reservations or surplus unallotted lands, any agreements thus negotiated to be subject to subsequent ratification by Congress.

Secretary of Interior may negotiate with Indians for cession of lands.

To enable the Secretary of the Interior to employ a special attorney for the Pueblo Indians of New Mexico during the remainder of the fiscal year ending June thirtieth, nineteen hundred and one, and to pay for legal services heretofore rendered said Indians during said fiscal year, one thousand five hundred dollars, or so much thereof as may be necessary, to be immediately available.

Pueblo Indians, New Mexico.  
Special attorney for.

To enable the Secretary of the Interior to employ a special attorney for the Pueblo Indians of New Mexico during the fiscal year ending June thirtieth, nineteen hundred and two, one thousand five hundred dollars, or so much thereof as may be necessary.

The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.

Rolls of Commission to Five Civilized Tribes.  
Force of, etc.

—time for closing.

That no act, ordinance, or resolution of the Creek or Cherokee tribes, except resolutions for adjournment, shall be of any validity until approved by the President of the United States. When such acts, ordinances, or resolutions passed by the council of either of said tribes shall be approved by the principal chief thereof, then it shall be the duty of the national secretary of said tribe to forward them to the President of the United States, duly certified and sealed, who shall, within thirty days after their reception, approve or disapprove the same. Said acts, ordinances, or resolutions, when so approved, shall be published in at least two newspapers having a bona fide circulation in the tribe to be affected thereby, and when disapproved shall be returned to the tribe enacting the same.

Approval of acts, etc., of Creeks or Cherokees.

—publication of acts, etc.

That the Secretary of the Interior is authorized and directed to withhold from the amount appropriated by the Act of February ninth, nineteen hundred, to pay the judgment of the Court of Claims in favor of the New York Indians, a sum not exceeding ten thousand dollars, and to apply it in the payment of expenses necessary in ascertaining the beneficiaries of said judgment: *Provided*, That out of the amount so appropriated for the payment of said judgment there be first retained and paid by the proper officers to the attorneys engaged in the prosecution of the claim resulting in said judgment such sum or

New York Indians.  
Deduction from appropriation to pay judgment of Court of Claims in favor of.

—attorneys' fees.

sums as shall have heretofore been ascertained and approved by the Commissioner of Indian Affairs and the Secretary of the Interior as payable in accordance with contracts with the said Indians heretofore approved by said Commissioner of Indian Affairs and the Secretary of the Interior.

Albert Pike's heirs.  
Payment to, of claim  
for legal services to  
Choctaw Nation.

For payment to the heirs of Albert Pike, deceased, to be paid as hereinafter provided, out of any funds in the Treasury of the United States belonging to the Choctaw Nation, seventy-five thousand dollars; which said sum the Secretary of the Treasury is hereby authorized and directed to pay immediately as follows: Thirty thousand dollars to Yvon Pike, surviving son and heir of Albert Pike; fifteen thousand dollars to Mrs. Lillian Pike Roome, surviving daughter and heir of Albert Pike; and thirty thousand dollars to Yvon Pike as administrator of the estate of Luther H. Pike, deceased, son of Albert Pike, upon execution by each of the said heirs and said administrator of a receipt in full for all their respective claims against the Choctaw Nation for the services of Albert Pike in the collection from the United States of what is commonly known as the "net proceeds claim."

Omaha and Winne-  
bago agencies, Ne-  
braska.

Repairs to bridges.  
Mandan, N. Dak.  
Indian industrial  
school at, authorized.

For repairs of bridges and approaches on the Omaha and Winnebago Agency, in the State of Nebraska, five thousand dollars.

For erecting, constructing, and completing suitable school buildings for an Indian industrial school at or near the city of Mandan, in the State of North Dakota, upon lands to be donated to the Government for that purpose, of not less than one hundred and sixty acres in extent, and of such character and in such location as shall be deemed by the Secretary of the Interior to be most suitable for the purpose, and upon plans and specifications to be approved by the Secretary of the Interior, fifty thousand dollars.

Sisseton and Wah-  
peton bands of Dakota  
or Sioux Indians.

Court of Claims to  
determine claims of  
loyal members since  
act of forfeiture, etc.

That full jurisdiction is hereby conferred upon the Court of Claims to hear, ascertain, and report to Congress what members of the Sisseton and Wahpeton bands of Dakota or Sioux Indians remained loyal to the Government of the United States and were not directly or indirectly concerned in the depredations of certain bands of Sioux Indians named in the Act of Congress approved February sixteenth, eighteen hundred and sixty-three, entitled "An Act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," or other Acts upon the subject; and to hear, ascertain, and report to Congress what annuities provided by the treaty with said bands of July twenty-third, eighteen hundred and fifty-one, would now be due the loyal members of said bands if the said Act of Congress had not been passed. The court is further authorized to further consider, ascertain, and report to Congress what lands, appropriations, payments, gratuities, or other provisions have been made to or for said bands or to any of the members thereof since said Act of forfeiture was passed. Proceedings shall be commenced by petition verified by the attorney for said Indians who may appear for and on their behalf, and said case shall have preference and be advanced on the docket of said court; and if said court shall find that said bands preserved their loyalty to the United States, they shall ascertain and state the amount that would be due to said Indians on account of said annuities, had said Act of Congress of February sixteenth, eighteen hundred and sixty-three, not been passed, stating in connection therewith what credits should be charged against said annuities on account of the lands, appropriations, payments, gratuities or other provisions as hereinbefore stated.

Vol. 12, pp. 652, 1038.

—procedure, etc.

Comanche, Kiowa,  
and Apache Indians,  
Oklahoma.

Appropriation for  
allotments available  
for surveys, etc.

Ante, p. 727.

It is hereby directed that the money appropriated by the Act of Congress entitled "An Act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes," and approved January fourth, nineteen hundred and one, "for completing the allot-

ments provided for in the agreement with the Comanche, Kiowa, and Apache Indians in Oklahoma," may be used in accordance with the provisions of said Act by the Secretary of the Interior for making any and all surveys whether original or resurveys found necessary in connection with the making of said allotments, and also for any expenses necessary and incident for the setting apart as grazing lands for said Indians, four hundred and eighty thousand acres of land, as provided in the agreement ratified by the Act approved June sixth, nineteen hundred.

SUPPORT OF SCHOOLS.

Support of schools.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, one million two hundred and twenty thousand dollars.

Day and industrial.

For construction, purchase, lease, and repair of school buildings, and sewerage, water supply, and lighting plants, and purchase of school sites, and improvement of buildings and grounds, two hundred and forty thousand dollars; in all, one million four hundred and sixty thousand dollars.

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 erection of shops, two thousand dollars; warehouse, one thousand eight hundred dollars; boiler house, boiler, pump, and engine, two thousand five hundred dollars; in all, fifty-eight thousand one hundred dollars.

Support of pupils.  
Albuquerque, N. Mex.

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 five hundred dollars; for general repairs and improvements, three thousand one hundred dollars; for increasing the capacity of school plant to one hundred and fifty pupils by the erection of additional buildings and other improvements, twenty thousand dollars; in all, forty-one thousand three hundred dollars.

Chamberlain, S. Dak.

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 improvements, one thousand dollars; addition to dormitory, one thousand five hundred dollars; for lighting plant, one thousand five hundred dollars; in all, thirty thousand three hundred and fifty dollars.

Cherokee, N. C.

For support of Indian industrial school at Carlisle, Pennsylvania, for transportation of pupils to and from said school, and for general repairs and improvements, one hundred and forty-nine thousand dollars; for additional 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.

Carlisle, Pa.

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 six hundred dollars; for general repairs and improvements, two thousand five hundred dollars; for installing a complete water system, including the purchase of right of way, if necessary, for pipe line to said school, twelve thousand two hundred dollars; for steam heating plant, three thousand five hundred dollars; in all, fifty-three thousand two hundred dollars.

Carson City, Nev.

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 general repairs and improvements, five thousand

Chilocco, Okla.

dollars; for addition to school building, eight thousand dollars; in all, eighty-one thousand six hundred dollars.

Flandreau, S. Dak.

For support and education of three hundred and fifty Indian pupils at The Riggs Institute, Flandreau, South Dakota, fifty-eight thousand four hundred and fifty dollars; for general repairs and improvements, three thousand dollars; for pay of superintendent of said school, one thousand eight hundred dollars; water rent, one thousand five hundred dollars; for erection of warehouse and office building, four thousand dollars; for industrial shops, four thousand dollars; for farm building, one thousand five hundred dollars; to extend water system, including purchase of one acre of land, four thousand dollars; in all, seventy-eight thousand two hundred and fifty dollars.

Fort Mojave, Ariz.

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 erection of new dormitory, fifteen thousand dollars; in all, forty-three thousand five hundred and fifty dollars.

Fort Totten, N. Dak.

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 general repairs and improvements, five thousand dollars; in all, forty-eight thousand three hundred and fifty dollars.

Genoa, Nebr.

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, one thousand dollars; for pay of superintendent of said school, one thousand seven hundred dollars; in all, fifty-two thousand eight hundred dollars.

Hayward, Wis.

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, five hundred dollars; in all, twenty-two thousand six hundred and seventy-five dollars.

Grand Junction,  
Colo.

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 five hundred dollars; for construction of warehouse, two thousand five hundred dollars; for lighting plant, three thousand dollars; in all, thirty-nine thousand seven hundred and twenty-five dollars.

Kickapoo Reserva-  
tion, Kans.

For support and education of sixty-five Indian pupils at the Indian school, Kickapoo Reservation, Kansas, ten thousand eight hundred and fifty-five dollars; for pay of superintendent, eight hundred and forty dollars; construction of employees' quarters, two thousand five hundred dollars; for new porch, three hundred dollars; in all, fourteen thousand four hundred and ninety-five dollars.

Haskell Institute,  
Kans.

For support and education of six hundred Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, for transportation of pupils to and from said school, and for general repairs and minor improvements, one hundred and five thousand two hundred dollars; for pay of superintendent at said school, two thousand dollars; for construction of employees' quarters, five thousand dollars; for construction of domestic building, twenty-five thousand dollars; in all, one hundred and thirty-seven thousand two hundred dollars.

Hampton, Va.

For support and education of one hundred and twenty Indian pupils at the school at Hampton, Virginia, twenty thousand and forty dollars.

Morris, Minn.

For the support and education of one hundred and fifty Indian pupils

at Morris, Minnesota, Indian School, twenty-five thousand and fifty dollars; pay of superintendent, one thousand five hundred dollars; erection of hospital, five thousand dollars; for the extension and improvement of the water supply, two thousand dollars; in all, thirty-three thousand five hundred and fifty dollars.

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, two thousand seven hundred and fifty dollars; for construction of hospital, four thousand dollars; for additional mess hall, kitchen, and so forth, five thousand dollars; for improvement of the water supply, three thousand five hundred dollars; in all, sixty-seven thousand and fifty dollars.

Mt. Pleasant, Mich.

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, five hundred dollars; in all, twenty-seven thousand and fifty dollars.

Perris, Cal.

For support and education of six hundred Indian pupils at the Indian school at Phoenix, Arizona, and for general repairs and improvements, one hundred and five thousand two hundred dollars; for pay of superintendent at said school, two thousand dollars; for construction of hospital, six thousand dollars; purchase of eighty acres of land, with water right, four thousand eight hundred dollars; in all, one hundred and eighteen thousand dollars.

Phoenix, Ariz.

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; construction of new sewer, five thousand dollars; construction of lighting plant, two thousand dollars; in all, thirty-five thousand five hundred and fifty dollars.

Pierre, S. Dak.

For support and education of one hundred and fifty pupils at the Indian school at Truxton Canyon, Arizona, twenty-five thousand and fifty dollars; pay of superintendent, one thousand five hundred dollars; general improvements, one thousand dollars; schoolhouse, twelve thousand dollars; in all, thirty-nine thousand five hundred and fifty dollars.

Truxton Canyon,  
Ariz.

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 five hundred dollars, to be immediately available; for construction of warehouse, two thousand five hundred dollars; for iron bridge and approaches, one thousand five hundred dollars, to be immediately available; barn, three thousand dollars; sewer, two thousand dollars, to be immediately available; water-closets and bath, one thousand five hundred dollars, to be immediately available; in all, thirty-eight thousand five hundred and fifty dollars.

Pipestone, Minn.

For support and education of one hundred Indian pupils, Rapid City, South Dakota, sixteen thousand seven hundred dollars; for pay of superintendent, one thousand five hundred dollars; for general repairs and improvements, seven hundred and fifty dollars; for water plant, three thousand seven hundred and fifty dollars; for increasing the capacity of school plant to one hundred and fifty pupils by the erection of additional buildings and other improvements, twenty thousand dollars; in all, forty-two thousand seven hundred dollars.

Rapid City, S. Dak.

For support and education of three hundred pupils at the Indian school, Riverside, California, fifty thousand one hundred dollars; for additional compensation to the superintendent of the Perris school, act-

Riverside, Cal.

ing as superintendent of this school, three hundred dollars; for increasing the capacity of the school plant from one hundred and fifty pupils to three hundred pupils, by the erection of additional buildings and other improvements, seventy-five thousand dollars, to be immediately available; for the purchase of one hundred acres of land, ten thousand dollars, or so much thereof as may be necessary; in all, one hundred and thirty-five thousand four hundred dollars.

Salem, Oreg.

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 and equipment of brick laundry, five thousand dollars, to be immediately available; for completion of electric-light and steam-heating plant, eleven thousand dollars, to be immediately available; for general repairs and improvements, five thousand dollars; in all, one hundred and six thousand three hundred dollars.

Sac and Fox Reservation, Iowa.

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, six hundred dollars; in all, fourteen thousand one hundred and twenty-five dollars.

Santa Fe, N. Mex.

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, one thousand five hundred dollars; for general repairs and improvements, three thousand dollars; for construction of industrial building, six thousand dollars; for construction of employees' quarters, five thousand dollars; in all, sixty-seven thousand three hundred dollars.

Shoshone Reservation, Wyo.

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 construction of employees' quarters, three thousand five hundred dollars; in all, thirty-five thousand six hundred and twenty-five dollars.

Tomah, Wis.

For the support and education of two hundred and twenty-five Indian pupils at the Indian school, Tomah, Wisconsin, thirty-seven thousand five hundred and seventy-five dollars; for pay of superintendent at said school, one thousand six hundred dollars; for general repairs and improvements, three thousand dollars; in all, forty-two thousand one hundred and seventy-five dollars.

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.

Transporting 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.

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 upon the reservations, or at 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.

Supplies, purchase after advertisement.

—exception.

*Provisos.*  
Works of irrigation.

Purchases from Indians.

Manufactures by Indians.

SEC. 3. That the Secretary of the Interior is hereby authorized and empowered to grant a right of way, in the nature of an easement, for the construction, operation, and maintenance of telephone and telegraph lines and offices for general telephone and telegraph business through any Indian reservation, through any lands held by an Indian tribe or nation in the Indian Territory, through any lands reserved for an Indian agency or Indian school, or for other purpose in connection with the Indian service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, upon the terms and conditions herein expressed. No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from the Secretary of the Interior, and the maps of definite location of the lines shall be subject to his approval. The compensation to be paid the tribes in their tribal capacity and the individual allottees for such right of way through their lands shall be determined in such manner as the Secretary of the Interior may direct, and shall be subject to his final approval; and where such lines are not subject to State or Territorial taxation the company or owner of the line shall pay to the Secretary of the Interior, for the use and benefit of the Indians, such annual tax as he may designate, not exceeding five dollars for each ten miles of line so constructed and maintained; and all such lines shall be constructed and maintained under such rules and regulations as said Secretary may prescribe. But nothing herein contained shall be so construed as to exempt the owners of such lines from the payment of any tax that

Secretary of Interior may grant rights of way for telephones, etc., through Indian reservations, etc.

—damages.

Annual tax.

Regulations.

No exemption from State tax.

- Regulating tolls reserved.
- Rights of towns on line of construction.
- Condemnation of lands allotted in severalty authorized.
- Secretary of Interior may grant permission to open highways through Indian reservations, etc.
- Diversion of surplus for subsistence.
- 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.
- Rejection of bids.—purchases in open market.
- may be lawfully assessed against them by either State, Territorial, or municipal authority; and Congress hereby expressly reserves the right to regulate the tolls or charges for the transmission of messages over any lines constructed under the provisions of this Act: *Provided*, That incorporated cities and towns into or through which such telephone or telegraphic lines may be constructed shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such towns and cities.
- That lands allotted in severalty to Indians may be condemned for any public purpose under the laws of the State or Territory where located in the same manner as land owned in fee may be condemned, and the money awarded as damages shall be paid to the allottee.
- SEC. 4. That the Secretary of the Interior is hereby authorized to grant permission, upon compliance with such requirements as he may deem necessary, to the proper State or local authorities for the opening and establishment of public highways, in accordance with the laws of the State or Territory in which the lands are situated, through any Indian reservation or through any lands which have been allotted in severalty to any individual Indians under any laws or treaties but which have not been conveyed to the allottees with full power of alienation.
- SEC. 5. 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.
- SEC. 6. 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.
- SEC. 7. 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 interests 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 two, 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 and one.

*Proviso.*  
Appropriations immediately available.

SEC. 8. 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. 9. That section five of "An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven, be amended by adding thereto the following proviso: "*Provided further*, That whenever the Secretary of the Interior shall be satisfied that any of the Indians of the Siletz Indian Reservation, in the State of Oregon, fully capable of managing their own business affairs, and being of the age of twenty-one years or upward, shall, through inheritance or otherwise, become the owner of more than eighty acres of land upon said reservation, he shall cause patents to be issued to such Indian or Indians for all of such lands over and above the eighty acres thereof. Said patent or patents shall be issued for the least valuable portions of said lands, and the same shall be discharged of any trust and free of all charge, incumbrance, or restriction whatsoever; and the Secretary of the Interior is hereby authorized and directed to ascertain, as soon as shall be practicable, whether any of said Indians of the Siletz Reservation should receive patents conveying in fee lands to them under the provisions of this Act."

Siletz Reservation, Oreg.  
Vol. 24, p. 389.

Patents to Indians for more than 80 acres of land authorized, etc.

—inquiry directed.

Approved, March 3, 1901

CHAP. 833.—An Act Granting homesteaders on the abandoned Fort Fetterman Military Reservation in Wyoming the right to purchase one quarter section of public land on said reservation as pasture or grazing land.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That each person who has exercised the right of homestead entry on the abandoned Fort Fetterman reservation in the State of Wyoming shall, upon proper proof of settlement and homestead upon land covered by said entry, be entitled to the right to purchase, under such rules and regulations as the Secretary of the Interior may prescribe, at one dollar and twenty-five cents per acre, not exceeding one quarter section of the public lands on said reservation as pasture or grazing land not otherwise disposed of: *Provided*, That land so purchased be unfitted for cultivation and homestead entry by reason of lack of water for irrigating purposes or otherwise: *And provided further*, That said purchase of pasture or grazing land shall not, with the land heretofore entered by the applicant, exceed in the aggregate three hundred and twenty acres.

Fort Fetterman Military Reservation, Wyo.

Homesteaders may purchase pasture or grazing land.

*Provisos.*  
—land unfitted for cultivation only.  
—limit of entry.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 834.**—An Act To amend “An Act authorizing certain officers of the Navy and Marine Corps to administer oaths,” approved January twenty-fifth, eighteen hundred and ninety-five.

Navy.  
Oaths may be administered by certain officers.  
Vol. 28, p. 639.

*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 authorizing certain officers of the Navy and Marine Corps to administer oaths,” approved January twenty-fifth, eighteen hundred and ninety-five, be, and is hereby, amended so as to read as follows:

“That judges-advocate of naval general courts-martial and courts of inquiry, and all commanders in chief of naval squadrons, commandants of navy-yards and stations, officers commanding vessels of the Navy, and recruiting officers of the Navy, and the adjutant and inspector, assistant adjutant and inspector, commanding officers, and recruiting officers of the Marine Corps be, and the same are hereby, authorized to administer oaths for the purposes of the administration of naval justice and for other purposes of naval administration.”

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 835.**—An Act Authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company.

Oswego and Rome Railroad granted right of way through Fort Ontario Military Reservation, N. Y.

—width, etc.

*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 hereby is, authorized and empowered to grant to the Oswego and Rome Railroad Company, a corporation organized and existing under the laws of the State of New York, its successors and assigns, the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, said right of way to be a strip of land of sufficient width on each side of the center line of the railroad of said Oswego and Rome Railroad Company, as the same is now located and constructed, across the northerly and westerly portions of said military reservation, to enable said company to properly and efficiently operate said line of railroad.

Regulations, etc., by Secretary of War.

**SEC. 2.** That the Secretary of War shall have power to impose such terms, conditions, restrictions, and limitations as he shall deem advisable in said grant of right of way, and shall have power from time to time to make and enforce such reasonable and necessary rules and regulations concerning the operation and maintenance of said line of railroad across said military reservation as he may deem necessary for the proper protection of the interests of the United States in the use of said military reservation.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 836.**—An Act To amend “An Act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service,” approved February fifteenth, eighteen hundred and ninety-three.

Quarantine.  
Vol. 27, p. 449, amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an Act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service, approved February fifteenth, eighteen hundred and ninety-three, be amended by addition of the following sections:

Quarantine boundaries to be marked.

“**SEC. 10.** That the Supervising Surgeon-General, with the approval of the Secretary of the Treasury, is authorized to designate and mark

the boundaries of the quarantine grounds and quarantine anchorages for vessels which are reserved for use at each United States quarantine station; and any vessel or officer of any vessel or other person, other than State or municipal health or quarantine officers, trespassing or otherwise entering upon such grounds or anchorages in disregard of the quarantine rules and regulations, or without permission of the officer in charge of such station, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than three hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court. Any master or owner of any vessel, or any person violating any provision of this Act or any rule or regulation made in accordance with this Act, relating to inspection of vessels or relating to the prevention of the introduction of contagious or infectious diseases, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of said vessel or its contents or as to the health of any passenger or person thereon, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than five hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court.

Penalties.  
—fortrespassing upon.

—for violating contagious diseases regulations, etc.

“SEC. 11. That any vessel sailing from any foreign port without the bill of health required by section two of this Act, and arriving within the limits of any collection district of the United States, and not entering or attempting to enter any port of the United States, shall be subject to such quarantine measures as shall be prescribed by regulations of the Secretary of the Treasury, and the cost of such measures shall be a lien on said vessel, to be recovered by proceedings in the proper district court of the United States and in the manner set forth above as regards vessels from foreign ports without bills of health and entering any port of the United States.

Vessels from foreign ports without bill of health not entering the United States subject to regulations, etc.

“SEC. 12. That the medical officers of the United States, duly clothed with authority to act as quarantine officers at any port or place within the United States, and when performing the said duties, are hereby authorized to take declarations and administer oaths in matters pertaining to the administration of the quarantine laws and regulations of the United States.”

Medical officers acting as quarantine officers may take declarations, etc.

Approved, March 3, 1901.

**CHAP. 837.**—An Act To extend the privileges of the seventh section of the immediate transportation Act to Fall River, Massachusetts.

March 3, 1901.

*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 Fall River, Massachusetts.

Fall River, Mass., granted privileges of immediate transportation of dutiable goods. Vol. 21, p. 174.

Approved, March 3, 1901.

**CHAP. 838.**—An Act To provide an American register for the barkentine J. C. Pfluger, of San Francisco, California.

March 3, 1901.

*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 barkentine J. C. Pfluger, of San Francisco, California, purchased and wholly owned by a citizen of the United States and repaired by him, to be registered as a vessel of the United States.

Barkentine, J. C. Pfluger, granted American register.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 839.**—An Act To extend the time for the completion of a bridge across the Missouri River.

Time extended to Dakota Southern Railroad to bridge Missouri River at Yankton, S. Dak.  
Vol. 30, p. 1366.

*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 two, and by extending the time for completing said bridge to March third, nineteen hundred and four.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 840.**—An Act To authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Alabama.

Montgomery and Autauga Bridge Company may bridge Alabama River at Montgomery, Ala.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Montgomery and Autauga Bridge Company, a corporation created and existing under the general laws of the State of Alabama for the purpose of constructing and maintaining the bridge hereinafter mentioned, is hereby authorized to construct and maintain a street-car railway bridge, and the approaches thereto, over and across the Alabama River, in Alabama, at such point as may be selected by them between the city wharf at Montgomery, Alabama, and the bridge of the Louisville and Nashville Railroad Company, subject to approval by the Secretary of War. Said bridge shall be constructed to provide for the passage of electric street cars, and may be used for the passage of wagons and vehicles of all kinds, for transit of animals, and for foot passengers; such 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 limits 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 mails, the troops, and the munitions of war of the United States than the rate per mile paid for 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.

Transit, etc.

*Proviso.*  
Lawful structure and post route.

Postal telegraph, etc.

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 to secure that object the said Montgomery and Autauga Bridge Company 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 space of one-fourth mile above and one-fourth mile below the proposed location the topography of the banks of the river, the shore lines at high and low water, and the direction and strength of the currents, 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, or after completion, such change shall be subject to the approval of the Secretary of War.

**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

Amendment.  
Alterations.

Secretary of War shall have authority, and it shall be his duty, to require the said Montgomery and Autauga Bridge Company to alter and change the said bridge, at their own expense, in such manner as may be proper to secure free and complete navigation without impediment.

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; and said Montgomery and Autauga Bridge Company 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.

SEC. 5. That all street-railway companies desiring to use said bridge shall be allowed to do so upon paying a reasonable compensation for such use, and all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge; and if actual construction of the bridge herein authorized shall not be commenced within one year and be completed within three years from same date the rights and privileges hereby granted shall cease and be determined.

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

Approved, March 3, 1901.

Draw.

Lights.

Use by street railways.

Telephone, etc., companies.

Commencement and completion.

Amendment.

**CHAP. 841.**—An Act To provide an American register for the steam yacht May.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the foreign-built steam yacht May, owned by a citizen of the United States, to be registered as a vessel of the United States.

Approved, March 3, 1901.

Steam yacht May granted American register.

**CHAP. 842.**—An Act Authorizing the Texas and Pacific Railway Company to construct a bridge across Red River, Louisiana.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Texas and Pacific Railway Company is hereby authorized and empowered to construct and maintain a bridge across the Red River, Louisiana, at a point suitable to the interests of navigation at or near Turnbulls Island, so as to connect its lines south of Red River with proposed lines on the opposite or north bank of said river.

SEC. 2. That said bridge shall be so constructed that a reasonable, free, and unobstructed passageway may be secured and maintained by proper draws to all water craft navigating said river at the point aforesaid, and that said draw or draws shall be opened promptly upon reasonable signal for the passage of boats and vessels. The owners thereof shall maintain at their own expense from sunset to sunrise such lights or other signals thereon as the Light-House Board shall prescribe.

SEC. 3. That said bridge shall not be built or commenced until the plans and location of the same shall have been submitted to and approved by the Secretary of War; that no change shall be made in this construction, and no alteration of it after its construction, unless such change or alterations shall in like manner receive the approval of the Secretary of War: *Provided,* That if said bridge shall at any time, substantially or materially, obstruct the free navigation of said river,

Texas and Pacific Railway may bridge Red River at Turnbulls Island, La.

Aids to navigation.

Lights.

Secretary of War to approve plans, etc.

—changes.

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 owners of said bridge.

—notification of approval, etc.

SEC. 4. That the Secretary of War upon receiving the designs, drawings, and specifications of said bridge, and a map of the location, and such other information as he may call for, and upon being satisfied that the bridge, when built according to such designs and drawings, will be in accordance with the requirements of this Act and will not unreasonably obstruct the navigation of said river, be, and is hereby, authorized and directed to approve said designs, drawings, and specifications, and to so notify the said railway company, and upon receipt of such notification the said railway company may proceed to construct said bridge, conforming strictly to the approved designs, drawings, and specifications.

Commencement and completion.

SEC. 5. This Act shall be null and void if the actual construction of the bridge herein authorized be not commenced within one year from the date of approval of this Act, and so forth, and completed within three years from the date thereafter.

Lawful structure and post route.

SEC. 6. 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 and telephone purposes.

Telegraph, etc., companies.

Rights of railroads to use.

SEC. 7. 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 railway trains over the same and the approaches thereto upon payment of a reasonable compensation for such use; or, in case of disagreement, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest.

Amendment.

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

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 843.**—An Act Authorizing the board of supervisors of Pima County, Arizona Territory, to issue fifty-year four per centum bonds of Pima County, Arizona Territory, to redeem certain bonded indebtedness of said county.

Pima County, Ariz., may issue bonds to redeem certain existing bonds.

*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 Pima County, Arizona Territory, be, and they are hereby, authorized to prepare, execute, sell, and deliver, from time to time, bonds of the said Pima County, in accordance with the provisions of title thirty-one, chapter two, county indebtedness, of the revised statutes of Arizona, approved March second, eighteen hundred and eighty-seven, bearing interest not exceeding four per centum per annum, both principal and interest payable only in gold coin of the United States of America of present standard, the proceeds to be used only for the redemption of the one hundred and forty-seven negotiable coupon bonds, each in the sum of one thousand dollars, and dated June thirtieth, eighteen hundred and eighty-seven, issued by the supervisors of Pima

County, Arizona Territory, and numbered one hundred and four to two hundred and fifty, both inclusive. The total amount of the bonds hereby authorized to be issued shall not exceed one hundred and forty-seven thousand dollars, and no bonds shall be issued under the provisions of this Act except when it is necessary so to do in order to refund the aforesaid indebtedness of Pima County, and then only in amounts sufficient to refund such indebtedness as it falls due as hereinbefore set out. None of said bonds shall be sold or exchanged for less than their par value and any interest that may be due thereon, and this Act shall be printed on the back of all bonds issued under the provisions of this Act.

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

Approved, March 3, 1901.

CHAP. 844.—An Act To amend the Acts for the protection of birds, game, and fish in the District of Columbia.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections one and three of an Act entitled "An Act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons, in the District of Columbia," approved March third, eighteen hundred and ninety-nine, be, and they are hereby, amended to read as follows:

District of Columbia.  
Protection of birds  
and preservation of  
game.  
Vol. 30, p. 1012,  
amended.

"That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any partridge, otherwise quail, between the fifteenth day of March and the first day of November, under a penalty of five dollars for each partridge, otherwise quail, killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

Closed seasons.  
Birds.

"That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any woodcock between the first day of January and the first day of July, under a penalty of five dollars for each woodcock killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

"That no person shall expose for sale or have in his or her possession, either dead or alive, any prairie chicken, otherwise pinnated grouse, between the fifteenth day of March and the first day of September, under a penalty of five dollars for each prairie chicken, otherwise pinnated grouse, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

"That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any wild turkey or ruffed grouse, otherwise known as pheasant, between the twenty-sixth day of December and the first day of November, except the English, ring-neck, or other pheasants of foreign origin hatched and raised in farm poultry inclosures, under a penalty of five dollars for each wild turkey or ruffed grouse, otherwise known as pheasant, killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

"That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any squirrel or rabbit except the species

—squirrels or rabbits,  
etc.

known as the English rabbit, Belgian hare, between the first day of February and the first day of November, under a penalty of two dollars for each squirrel or rabbit killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than fifteen days nor more than three months.

—wild ducks, snipe, plover, etc.

“That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any wild duck, wild goose, brant, snipe, or plover between the first day of April and the first day of September, under a penalty of five dollars for each wild duck, wild goose, brant, snipe, or plover killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than thirty days nor more than six months.

“That no person shall kill, expose for sale, or have in his or her possession, either dead or alive, any water rail or ortolan, reed bird or rice bird, marsh blackbird, or other game bird not previously mentioned, between the first day of February and the first day of September, under a penalty of two dollars for each water rail or ortolan, reed bird or rice bird, marsh blackbird, or other game bird not previously mentioned, killed, exposed for sale, or had in his or her possession, either dead or alive, and in default thereof to be imprisoned in the workhouse for a period not less than fifteen days nor more than six months.

Game birds defined.

“SEC. 3. That for the purposes of this Act the following only shall be considered game birds: The Anatidæ, commonly known as swans, geese, brant, river and sea ducks; the Rallidæ, commonly known as rails, coots, mud hens, and gallinules; the Limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews; the Gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails, and the species of Icteridæ, commonly known as marsh blackbirds and reed birds or rice birds.

Other birds protected.

“That no person shall kill, catch, expose for sale, or have in his or her possession, living or dead, any wild bird other than a game bird, English sparrow, crow, Cooper’s hawk, sharpshinned hawk, or great horned owl; nor rob the nest of any such wild bird of eggs or young; nor destroy such nest except in the clearing of land of trees or brush, under a penalty of five dollars for every such bird killed, caught, exposed for sale, or had in his or her possession, either dead or alive, and for each nest destroyed, and in default thereof to be imprisoned in the workhouse for a period not exceeding thirty days: *Provided*, That this section shall not apply to birds or eggs collected for scientific purposes under permits issued by the superintendent of police of the District of Columbia in accordance with such instructions as the secretary of the Smithsonian Institution may prescribe, such permits to be in force for one year from date of issue and nontransferable.

*Proviso.*  
Exemption of scientific collections.

Penalty for trapping.

“That no person shall trap, net, or ensnare any waterfowl or other wild bird (except the English sparrow), or have in his or her possession any trap, snare, net, or illuminating device for the purpose of killing or capturing any such bird, under a penalty of five dollars for each waterfowl or other wild bird (except the English sparrow) killed or captured, and in default thereof to be imprisoned in the workhouse not exceeding thirty days: *Provided*, That this Act shall not apply to birds or animals heretofore stuffed or to birds or animals hereafter killed in open season and subsequently stuffed.”

*Proviso.*  
—exception.

Protection of fish,  
Vol. 30, p. 416,  
amended.

SEC. 2. That section eight of an Act for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes, is hereby amended so as to read:



“SEC. 8. That all nets, boats, or other contrivances, the property of any person or persons convicted under the provisions of this Act, shall be confiscated to the District of Columbia, and the same shall be sold at public auction to the highest bidder, by the property clerk of said District, and the proceeds therefrom be deposited with the collector of taxes, as are other District revenues.”

Disposition of nets, etc., taken.

SEC. 3. That section two of “An Act for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes,” approved May seventeenth, eighteen hundred and ninety-eight, be, and is hereby, amended to read as follows:

Bass.

“SEC. 2. That no person shall catch or kill in the waters of the Potomac River or its tributaries within the District of Columbia any black bass (otherwise known as green bass and chub), crappie (otherwise known as calico bass and strawberry bass), between the first day of April and the twenty-ninth day of May of each year, nor have in possession nor expose for sale any of said species between the dates aforesaid, nor catch or kill any of said species of fish at any other time during the year except by angling, nor catch nor kill any of the aforesaid species by what are known as out lines or trot lines, having a succession of hooks or devices.”

Closed season.

Approved March 3, 1901.

CHAP. 845.—An Act Supplementary to 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 fixing the compensation of commissioners in such cases.

March 3, 1901.

*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 district attorney of the district in which any Chinese person may be arrested for being found unlawfully within the United States, or having unlawfully entered the United States, to designate the United States commissioner within such district before whom such Chinese person shall be taken for hearing.

Chinese exclusion. Vol. 27, p. 25. Designation of United States commissioner to hear question of illegal entry.

SEC. 2. That a United States commissioner shall be entitled to receive a fee of five dollars for hearing and deciding a case arising under the Chinese-exclusion laws.

—fees of.

SEC. 3. That no warrant of arrest for violations of the Chinese-exclusion laws shall be issued by United States commissioners excepting upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector, deputy collector, or inspector of customs, immigration inspector, United States marshal, or deputy United States marshal, or Chinese inspector, unless the issuing of such warrant of arrest shall first be approved or requested in writing by the United States district attorney of the district in which issued.

Warrants of arrest; on whose complaint issued.

SEC. 4. That this Act shall take effect immediately.

Effect.

Approved, March 3, 1901.

CHAP. 846.—An Act To supplement existing laws relating to the disposition of lands, and so forth.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* SECTION 1. That before the time for opening to settlement or entry of any of the lands in the Territory of Oklahoma, respectively ceded to the United States by the Wichita and affiliated bands of Indians, and the Comanche, Kiowa, and Apache tribes of Indians, under agreements respectively ratified

Oklahoma. Ceded lands of Wichita, etc., Indians to be surveyed, subdivided, etc., prior to opening for settlement. Vol. 28, p. 894.

*Ante*, p. 676.

by the Acts of March second, eighteen hundred and ninety-five, and June sixth, nineteen hundred, it shall be the duty of the Secretary of the Interior to subdivide the same into such number of counties as will, for the time being, best subserve the public interests, and to designate the place for the county seat of each county, and to set aside and reserve at such county seat, for disposition as herein provided, three hundred and twenty acres of land: *Provided*, That the Secretary of the Interior may attach any part of said lands to any adjoining county in said Territory.

*Proviso.*  
Lands may be attached to adjoining county.

President's proclamation opening lands.

The lands to be opened to settlement and entry under the Acts of Congress ratifying said agreements respectively shall be so opened by proclamation of the President, and to avoid the contests and conflicting claims which have heretofore resulted from opening similar public lands to settlement and entry, the President's proclamation shall prescribe the manner in which these lands may be settled upon, occupied and entered by persons entitled thereto under the Acts ratifying said agreements, respectively; and no person shall be permitted to settle upon, occupy or enter any of said lands except as prescribed in such proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry.

Surveys, etc.

The lands so set apart and designated shall, in advance of the opening, be surveyed, subdivided, and platted, under the direction of the Secretary of the Interior, into appropriate lots, blocks, streets, alleys, and sites for parks or public buildings, so as to make a town site thereof:

*Proviso.*  
Limit of purchase business lots, etc.

*Provided*, That no person shall purchase more than one business and one residence lot. Such town lots shall be offered and sold at public auction to the highest bidder, under the direction of the Secretary of the Interior, at sales to be had at the opening and subsequent thereto.

Disposition of proceeds of sales.

The receipts from the sale of these lots in the respective county seats shall, after deducting the expenses incident to the surveying, subdividing, platting, and selling of the same, be disposed of under the direction of the Secretary of the Interior in the following manner: A court-house shall be erected therewith at such county seat at a cost of not exceeding ten thousand dollars and the residue shall be applied to the construction of bridges, roads, and such other public improvements as the Secretary of the Interior shall deem appropriate, including the payment of all expenses actually necessary to the maintenance of the county government until the time for collecting county taxes in the calendar year next succeeding the time of the opening. No indebtedness of any character shall be contracted or incurred by any of said counties prior to the time for collecting county taxes in the calendar year next succeeding the opening, excepting where the same shall have been authorized by the Secretary of the Interior.

County indebtedness.

County officials

SEC. 2. The governor of the Territory shall appoint and commission for each county all county and township officers made necessary by the laws of the Territory of Oklahoma, who shall hold their respective offices until the officers elected by the people at the general election next following the opening shall have qualified.

Additional land offices, etc., authorized.

SEC. 3. The President is hereby authorized to establish two additional United States land districts and land offices in the Territory of Oklahoma, which districts shall include the lands so ceded by the Wichita and affiliated bands of Indians, one of the land offices shall be located at Elreno, in the county of Canadian; and the other shall be located at the county seat nearest Fort Sill. These land districts shall be respectively established at the time of proclaiming the lands aforesaid open to settlement and entry.

Approved, March 3, 1901.

**CHAP. 847.**—An Act To enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the judges of the criminal and police courts of the District of Columbia are hereby authorized and empowered, at their discretion, to commit to the custody and care of the Board of Children's Guardians of the District of Columbia children under seventeen years of age who shall be convicted of petty crimes or misdemeanors which may be punishable with fine or imprisonment; and said Board of Children's Guardians shall place, under contract, such children in such suitable homes, institutions, or training schools for the care of children as it may deem wise and proper.

District of Columbia. Board of Children's Guardians to have custody of children under 17 years committing minor offenses.

—disposition of children.

**SEC. 2.** That no court shall commit a child under seventeen years of age, charged with or convicted of a petty crime or misdemeanor punishable by a fine or imprisonment, to a jail, workhouse, or police station, but if such child be unable to give bail or pay a fine, it may be committed to the Board of Children's Guardians temporarily or permanently, in the discretion of the court, and said board shall make some suitable provision for said child outside the inclosure of any jail, workhouse, or police station, or said court may commit such child to the Reform School under the laws now providing for such commitment.

No jail commitment, etc.

**SEC. 3.** That for the purpose of aiding the court in a proper disposition of cases referred to in section one the Board of Children's Guardians is hereby authorized and directed to designate one of its employees as a probation officer, whose duty shall be to make such investigation in cases involving children under seventeen years of age as the court may direct, to be present in court in order to represent the interests of the child when the case is heard, to furnish the court such information and assistance as the judge may require, and to take charge of any child before and after trial as may be directed by the court.

Probation officer, duties, etc.

**SEC. 4.** That any person within the District of Columbia, of sufficient financial ability, who shall refuse or neglect to provide for any child under the age of fourteen years, of which he or she shall be the parent or guardian, such food, clothing, and shelter as will prevent the suffering and secure the safety of such child, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to punishment by a fine of not more than one hundred dollars, or by imprisonment in the workhouse of the District of Columbia for not more than three months, or both such fine and imprisonment.

Nonsupport by parent, etc.

—penalty.

**SEC. 5.** That whenever petition or information shall have been filed in any court of the District of Columbia authorized to commit children to the care, custody, and guardianship of the Board of Children's Guardians for such commitment of any child, and upon the hearing of the same before said court it shall appear to the satisfaction of the court that such child is entitled to be committed as aforesaid under or by virtue of any of the provisions of the Act of Congress approved July twenty-sixth, eighteen hundred and ninety-two, entitled "An Act to provide for the care of dependent children in the District of Columbia and to create a Board of Children's Guardians," and if said evidence tends to show that such child has a father or a mother, either of whom is able to contribute to the support of such child, either by reason of having means or property or having an income consisting of wages or salary due for personal services or labor or otherwise, but fails or neglects so to do, then the proper prosecuting officer shall file in the police court of the District of Columbia an information charging said father or mother, or both, with such failure or neglect, and upon conviction thereof the said court shall require the father or the mother of such child, or both such father and mother, to contribute by stated

Order for contribution for maintenance against parent, etc.

Vol. 27, p. 268.

payments, to be made to said Board of Children's Guardians, toward the support of such child such sum or sums, monthly, weekly, or otherwise, as in the judgment of said court either or both such father and mother should and may be able to pay; and the courts aforesaid may at any time hear and determine any petition for an order for contribution toward maintenance of any child who has heretofore been or who may hereafter be committed to the guardianship of the Board of Children's Guardians, or for modifying or suspending the operation of any such order previously made.

Penalty for neglect to pay for maintenance.

—additional imprisonment for continued neglect.

Proviso. Suspension of sentence on filing bond, etc.

SEC. 6. That any person against whom an order for contribution toward maintenance may have been made, as provided for in this Act, who shall refuse or neglect to make such payments as ordered, shall be deemed guilty of contempt, and upon conviction thereof shall be sentenced to suffer imprisonment in the workhouse of the District of Columbia for not less than three months nor more than one year; and such imprisonment shall not exempt such person from additional imprisonment for further neglect or refusal to make contribution as aforesaid: *Provided, however,* That if, after such conviction, any such parent shall appear before the court before which such conviction shall have taken place and shall show to the satisfaction of the court that the amount due under such order, up to the time of conviction, has been paid, and further, with good and sufficient surety, to be approved by said court, shall enter into bond to the United States in the penal sum of five hundred dollars, conditioned that he will thereafter pay such sums as may have been ordered or that may thereafter be ordered to be paid by said court until such order shall be revoked, the said court may suspend sentence therein during the continuance of such bond.

Disbursing officer of board. Payments, etc., by.

SEC. 7. That the disbursing officer of the Board of Children's Guardians shall receive and shall be responsible under his bond for all moneys paid to said board under the provisions of this Act, and shall pay the amounts so received by him into the Treasury of the United States within twenty days after the close of each fiscal quarter.

Repeal. Effect.

SEC. 8. That all Acts and portions of Acts inconsistent with the provisions mentioned above are hereby repealed, and the terms of the provisions in the above sections shall become law on and after the date of approval.

Approved, March 3, 1901.

March 3, 1901.

CHAP. 848.—An Act Authorizing and directing the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Maryland, Ionic columns.

Baltimore, Md. Delivery to, authorized of certain relics of old custom-house.

*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 deliver to the mayor and city council of Baltimore, in the State of Maryland, the twelve columns now in the custom-house of said city, in order that said columns may be placed in one of the public parks or places of said Baltimore City as a relic or remembrance of said custom-house, which is to be torn down and removed to make way for a new building to be erected.

Approved, March 3, 1901.

**CHAP. 849.**—An Act Increasing the limit of cost of certain public buildings, and for other purposes.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the purchase of sites and the erection thereon of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site, hereby fixed:

Limit of cost of certain public buildings increased.

United States post-office and court-house at Aberdeen, South Dakota, from eighty-seven thousand dollars to one hundred thousand dollars. Aberdeen, S. Dak.

United States post-office and court-house at Abilene, Texas, from seventy-five thousand dollars to one hundred thousand dollars. Abilene, Tex.

United States post-office and court-house at Boise, Idaho, from two hundred thousand dollars to two hundred and fifty thousand dollars. Boise, Idaho.

United States post-office and custom-house at Brunswick, Georgia, from fifty thousand dollars to one hundred thousand dollars. Brunswick, Ga.

United States post-office and court-house at Cheyenne, Wyoming, from two hundred and fifty thousand dollars to three hundred and twenty-five thousand dollars. Cheyenne, Wyo.

United States post-office and court-house at Cumberland, Maryland, from seventy-five thousand dollars to one hundred thousand dollars. Cumberland, Md.

United States post-office and court-house at Butte, Montana, from two hundred thousand dollars to two hundred and twenty-five thousand dollars. Butte, Mont.

United States post-office and court-house at Eau Claire, Wisconsin, from fifty thousand dollars to one hundred and ten thousand dollars; and the limit of cost of site is hereby fixed at ten thousand dollars. Eau Claire, Wis.

United States post-office and court-house at Elmira, New York, from one hundred and eighty-five thousand dollars to two hundred and thirty-two thousand dollars; and the Secretary of the Treasury is hereby authorized, in his discretion, to expend not to exceed seven thousand dollars for the acquisition of additional land for the enlargement of the site heretofore acquired. Elmira, N. Y.

United States post-office and court-house at Creston, Iowa, from fifty thousand dollars to one hundred thousand dollars. Creston, Iowa.

United States post-office and court-house at Elizabeth City, North Carolina, from fifty thousand dollars to one hundred thousand dollars. Elizabeth City, N. C.

United States post-office and court-house at Fergus Falls, Minnesota, from seventy-five thousand dollars to one hundred thousand dollars. Fergus Falls, Minn.

United States post-office at Fitchburg, Massachusetts, from one hundred thousand dollars to one hundred and twenty-five thousand dollars. Fitchburg, Mass.

United States post-office at Freeport, Illinois, from seventy-five thousand dollars to eighty-five thousand dollars. Freeport, Ill.

United States post-office and court-house at Helena, Montana, from three hundred thousand dollars to three hundred and fifty thousand dollars. Helena, Mont.

United States post-office and court-house at Jamestown, New York, from seventy-five thousand dollars to one hundred and fifteen thousand dollars. Jamestown, N. Y.

United States post-office at Janesville, Wisconsin, from fifty thousand dollars to seventy-five thousand dollars. Janesville, Wis.

United States post-office at Joliet, Illinois, from one hundred thousand dollars to one hundred and thirty thousand dollars. Joliet, Ill.

- Joplin, Mo. United States post-office and court-house at Joplin, Missouri, from fifty thousand dollars to one hundred thousand dollars.
- Hot Springs, Ark. United States post-office at Hot Springs, Arkansas, from seventy-eight thousand dollars to one hundred thousand dollars.
- Lawrence, Mass. United States post-office at Lawrence, Massachusetts, from one hundred thousand dollars to one hundred and thirty-five thousand dollars; and the limit of cost of site is hereby fixed at forty thousand dollars.
- Leadville, Colo. United States post-office at Leadville, Colorado, from fifty thousand dollars to seventy-five thousand dollars.
- Lockport, N. Y. United States post-office and court-house at Lockport, New York, from fifty thousand dollars to one hundred and five thousand dollars.
- Newport, Vt. United States post-office and custom-house at Newport, Vermont, from fifty thousand dollars to one hundred thousand dollars.
- Newport News, Va. United States post-office and custom-house at Newport News, Virginia, from one hundred thousand dollars to two hundred thousand dollars.
- Norwich, Conn. United States post-office at Norwich, Connecticut, from one hundred thousand dollars to one hundred and ten thousand dollars; and the limit of cost of site is hereby fixed at thirty-five thousand dollars.
- Rome, N. Y. United States post-office at Rome, New York, from fifty thousand dollars to seventy thousand dollars.
- St. Cloud, Minn. United States post-office at Saint Cloud, Minnesota, from fifty thousand dollars to sixty-eight thousand dollars.
- St. Paul, Minn. United States post-office, court-house, and custom-house at Saint Paul, Minnesota, from one million and fifty thousand dollars to one million one hundred and fifty thousand dollars.
- Salt Lake City, Utah. United States post-office, custom-house, and court-house at Salt Lake City, Utah, from three hundred thousand dollars to five hundred thousand dollars.
- Seattle, Wash. United States post-office, court-house, and custom-house at Seattle, Washington, from three hundred thousand dollars to seven hundred and fifty thousand dollars; and the limit of cost of site is hereby fixed at two hundred thousand dollars.
- Tampa, Fla. United States post-office, court-house, and custom-house at Tampa, Florida, from two hundred and fifty thousand dollars to three hundred and twenty-five thousand dollars.
- Wilkesbarre, Pa. United States post-office at Wilkesbarre, Pennsylvania, from one hundred and twenty-five thousand dollars to one hundred and fifty thousand dollars; and the limit of cost of site is hereby fixed at forty thousand dollars.
- Winston, N. C. United States post-office at Winston, North Carolina, from fifty thousand dollars to sixty thousand dollars.
- Oskaloosa, Iowa. United States post-office at Oskaloosa, Iowa, from fifty thousand dollars to sixty-six thousand dollars.
- Bristol, Tenn. United States post-office at Bristol, Tennessee, from fifty thousand dollars to fifty-five thousand dollars.
- Carrollton, Ky. United States post-office at Carrollton, Kentucky, from twenty-five thousand to thirty thousand dollars.
- Columbus, Ga. United States post-office and court-house at Columbus, Georgia, from one hundred and fifty-six thousand dollars to one hundred and fifty-nine thousand dollars.
- Dubuque, Iowa. United States court-house, post-office, and custom-house at Dubuque, Iowa, increasing limit of cost and improving and enlarging building as authorized by Act of March second, eighteen hundred and ninety-nine, from one hundred thousand dollars to one hundred and ten thousand dollars.
- Indianapolis, Ind. United States post-office, court-house, and custom-house at Indianapolis, Indiana, from one million nine hundred thousand one hundred dollars to two million two hundred thousand one hundred dollars.

Approved, March 3, 1901.

**CHAP. 850.**—An Act For the reward of enlisted men of the Navy or Marine Corps.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any enlisted man of the Navy or Marine Corps who shall have distinguished himself in battle or displayed extraordinary heroism in the line of his profession shall, upon the recommendation of his commanding officer, approved by the flag-officer and the Secretary of the Navy, receive a gratuity and medal of honor as provided for seamen in section fourteen hundred and seven of the Revised Statutes.

Navy, etc.  
Medals, etc., authorized to enlisted men for heroism, etc.  
R. S., sec. 1407, p. 249.

Approved, March 3, 1901.

**CHAP. 851.**—An Act Making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred and two.

March 3, 1901.

*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:

Postal Service appropriations.  
Vol. 5, p. 80.

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 Philippine Islands or territory held by military occupation, and for additional transportation to and from said territory, also including postal service for military camps or stations, to be used in the discretion of the Postmaster-General, fifty thousand dollars.

Postmaster-General.  
Advertising.  
Miscellaneous.  
Philippine Islands, etc.

OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL.

For compensation to postmasters, twenty 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.

First Assistant Postmaster-General.  
Postmasters.  
Division 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, six at one thousand nine hundred dollars each, nineteen at one thousand eight hundred dollars each, twenty-six at one thousand seven hundred dollars each, seventy-two at one thousand six hundred dollars each, seventy-four at one thousand five hundred dollars each, sixty-one at one thousand four hundred dollars each, one hundred and twenty-four at one thousand three hundred dollars each, two hundred and sixty-one at one thousand two hundred dollars each, two hundred and sixty-five at one thousand one hundred dollars each, and three hundred and thirty-two at one thousand dollars each; in all, for assistant postmasters, one million five hundred and fifty-nine thousand three hundred dollars.

Salary and Allowance Division.  
Assistant postmasters.

For compensation to clerks in post-offices:  
One thousand clerks in charge of stations and substations, at one hundred dollars each, one hundred thousand dollars;

Clerks.  
—at \$100 each.

Three hundred clerks in charge of stations and substations, at two hundred dollars each, sixty thousand dollars;

—at \$200 each.

—at \$300 each.

Two hundred clerks in charge of stations and substations, janitors, messengers, porters, watchmen, and stampers, at three hundred dollars each, sixty thousand dollars;

—at \$400 each.

One hundred 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, forty thousand dollars;

—at \$500 each.

One thousand six hundred 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, eight hundred thousand dollars;

—at \$600 each.

Two thousand eight hundred 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 six hundred dollars each, one million six hundred and eighty thousand dollars;

—at \$700 each.

One thousand 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, seven hundred thousand dollars;

—at \$800 each.

Three thousand nine hundred 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 thousand dollars;

—at \$900 each.

One thousand nine hundred 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 seven hundred and ten thousand dollars;

—at \$1,000 each.

One thousand five hundred 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 five hundred thousand dollars;



Seven hundred 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, seven hundred and seventy thousand dollars; —at \$1,100 each.

Eight hundred 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, nine hundred and sixty thousand dollars; —at \$1,200 each.

Two hundred and twenty-five 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 ninety-two thousand five hundred dollars; —at \$1,300 each.

Two hundred 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 eighty thousand dollars; —at \$1,400 each.

Ninety 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, one hundred and thirty-five thousand dollars; —at \$1,500 each.

One hundred 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 sixty thousand dollars; —at \$1,600 each.

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 each.

Superintendents,  
etc.  
—at \$1,800 each.

Sixty assistant superintendents money-order division, assistant superintendent 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, one hundred and eight thousand dollars;

—at \$1,900 each.

One superintendent of delivery and one superintendent money-order division, at one thousand nine hundred dollars each, three thousand eight hundred dollars;

—at \$2,000 each.

Sixty superintendents money-order division, superintendents of registry, superintendents of stations, superintendents of delivery, superintendents of mails, and cashiers, at two thousand dollars each, one hundred and twenty thousand dollars;

—at \$2,100 each.

Seven superintendents of money-order division, superintendents of registry, superintendents of delivery, and superintendents of mails, at two thousand one hundred dollars each, fourteen thousand seven hundred dollars;

—at \$2,200 each.

Twenty-nine 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, sixty-three thousand eight hundred dollars;

—at \$2,400 each.

Twenty-two 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, fifty-two thousand eight hundred dollars;

—at \$2,500 each.

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 each.

Seventeen superintendents of delivery, superintendents of mails, and cashiers, at two thousand six hundred dollars each, forty-four thousand two hundred dollars;

—at \$2,700 each.

Ten superintendents of delivery, and superintendents of mails, at two thousand seven hundred dollars each, twenty-seven thousand dollars;

Auditors.  
New York.  
Chicago.

One auditor, New York, three thousand dollars;

One auditor, Chicago, three thousand dollars;

Superintendents at  
\$3,200.

One superintendent of 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 fifty thousand dollars;

Temporary clerks.

For temporary clerk hire, one hundred and twenty-five thousand dollars;

Separating mails.

For separating mails at third and fourth class post-offices, one million and fifty thousand dollars;

Amount.

In all, for clerk hire in post-offices, fourteen million three hundred and sixty-three 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, two million one hundred 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

*Proviso*,  
—limit. rent, third-  
class offices.

Leases.

the first, second, and third classes at a reasonable annual rental, to be paid quarterly, for a term not exceeding ten years.

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 fifty 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 to expend the funds he may allow them for such purposes without the written consent of the Postmaster-General.

Miscellaneous.

*Proviso.*  
Expenditures without written consent.

For advertising and purchase of newspapers containing official advertisements contracted for under this appropriation at first and second class post-offices, twenty-five thousand dollars. For rental or purchase of canceling machines and motors, and power therefor, one hundred and ninety thousand dollars:

Advertising.

*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.

*Proviso.*  
Interchangeable expenditures.

For compensation to five assistant superintendents salary and allowance division, at the rate of two thousand dollars per annum; and for per diem allowance for same when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not to exceed four dollars per day, seventeen thousand three hundred dollars.

Assistant superintendents, salary and allowance division.

**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, sixteen million eighty thousand and nine hundred dollars.

Free delivery.  
Letter carriers.

For pay of letter carriers in new offices entitled to free-delivery service under existing law, seventy-five thousand dollars.

—new offices.

For horse-hire allowance, five hundred and ten thousand dollars.

Horse hire, etc.

For car fare and bicycle allowance, two hundred and fifty-five thousand dollars.

Incidentals.

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 the per diem allowance and other necessary official expenses of assistant superintendents of free-delivery service, two hundred and twenty thousand dollars; in all, seven million one hundred and forty thousand and nine 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.

*Proviso.*  
Interchangeable expenditures.

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

Rural free delivery.

**SUPPLY DIVISION:** For stationery for postal service, seventy thousand dollars.

Supply division.  
Stationery.

For wrapping twine, or tying devices, one hundred and sixty-five thousand dollars.

Twine.

For wrapping paper, thirty thousand dollars.

Paper.

For letter balances, scales, and test weights, and repairs to same, twelve thousand five hundred dollars.

Scales, etc.

For postmarking and rating stamps, and repairs to same, and ink and pads for stamping and canceling purposes, thirty-seven thousand five hundred dollars.

Stamps, cancelings, etc.

- Rubber stamps. For rubber stamps and type, metal-bodied rubber type, dates, figures, and holders, and ink and pads for rubber stamps, five thousand dollars.
- Packing boxes. For packing boxes, sawdust, paste, and hardware, one thousand two hundred and fifty dollars.
- Printing. For printing facing-slips and cutting same, card slide labels, blanks, and books of an urgent nature for the postal service, thirty thousand dollars.
- Blank books, etc. Blanks, blank books, printed matter, metal advertising signs, twine, carbon paper, and articles pertaining to its use in the issue and payment of money orders, one hundred and twenty-five thousand dollars: *Provided*, That five per centum of the foregoing amount for blanks, blank books, and so forth, may be available interchangeably for expenditure on the three following items, but no one of such items shall thereby be increased more than five per centum:
- Proviso.*  
Interchangeable expenditures.
- Money-order service. Rubber and metal stamps and repairs thereto; ribbons, pads, and racks for the money-order service, eight thousand dollars.
- Copying presses and typewriting machines and repairs thereto, for use of the money-order service, ten thousand dollars.
- Exchange on drafts, stationery, and necessary miscellaneous expenses of the money-order service, fifteen thousand dollars.

Second Assistant  
Postmaster-General.

OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.

- Inland mail transportation. **INLAND MAIL TRANSPORTATION:** For inland transportation by star routes, including temporary service to newly established offices, five million five hundred and eighty 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.
- Proviso.*  
Alaska service.
- Steamboat routes. For inland transportation by steamboat routes, five hundred and eighty-six thousand dollars.
- Messenger service. For mail-messenger service, one million and thirty-eight thousand dollars.
- Inquiry as to telegraph and telephone system. The Postmaster-General is directed, if he has sufficient available information to enable him to do so, to report to Congress the probable cost of connecting a telegraph and telephone system with the postal service by some feasible plan.
- Wagon, etc., service. For regulation, screen, or other wagon service, eight hundred thousand dollars.
- Bags, catchers, etc. For mail bags, cord fasteners, label cases, and for labor and material necessary for repairing equipment, two hundred and seventy-five thousand dollars.
- Locks, keys, etc. For mail locks and keys, chains, tools, and machinery, and for labor and material necessary for repairing same, forty-three thousand dollars.
- Repair shop. 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.
- Railroad routes. For inland transportation by railroad routes, of which a sum not exceeding sixty thousand dollars may be employed to pay freight on postal cards, stamped envelopes, stamped paper, mail equipment, and other supplies from the manufactories or depositories to the post-offices and depots of distribution, thirty-four million seven hundred thousand dollars.
- Post-office cars. For railway post-office car service, four million eight hundred and sixteen thousand dollars.
- Railway Mail Service. **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 seven hundred dollars each; eleven assistant division super-

intendents, at one thousand eight hundred dollars each; twenty-two assistant superintendents, at one thousand six hundred dollars each; ninety-five chief clerks, at one thousand six hundred dollars each; twelve hundred and fifty-one clerks, class five, at one thousand four hundred dollars each; one thousand seven hundred and fifty-two clerks of class four, at one thousand two hundred dollars each; three thousand nine hundred and twenty-nine clerks, class three, at one thousand dollars each; two thousand and ninety-eight clerks, class two, at not exceeding nine hundred dollars each; five hundred and fifty-nine 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, thirty-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, twenty-six thousand dollars.

Traveling expenses.

For rent, light, fuel, telegraph, and miscellaneous office expenses, schedules of mail trains, telephone service, typewriting machines, and badges for railway postal clerks, forty thousand dollars.

Rent, light, and fuel.

For per diem allowance of assistant superintendents, thirty 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, ten million three hundred and seventy-four thousand seven hundred dollars. And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Amount.

For inland transportation of mail by electric and cable cars, four hundred 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 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 five hundred and forty-nine thousand dollars, including additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to Tahiti; all mails made up in the United States destined for the island of Tahiti, forty-five thousand dollars: *Provided*, That the sum paid the said Oceanic Steamship Company shall not exceed one dollar per mile, as authorized by Act of March

Foreign mails, Oceanic Steamship Company.

*Provisos.*  
—limit per mile.

Vol. 26, p. 832.

Clerks on steamers.

third, eighteen hundred and ninety-one, entitled "An Act to provide for ocean mail 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.

Transfers at New York.

Balances due foreign countries.

For balances due foreign countries, one hundred and fifty-five thousand dollars.

Third Assistant Postmaster-General.

## OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.

Stamps.

For manufacture of adhesive postage and special-delivery stamps, two hundred and eighty-seven thousand dollars.

For pay of agent and assistants to distribute stamps, and expenses of agency, twelve thousand dollars.

For manufacture of stamped envelopes and newspaper wrappers, six hundred and forty-eight thousand dollars.

For pay of agent and assistants to distribute stamped envelopes and newspaper wrappers, and expenses of agency, twenty thousand dollars.

Postal cards.

For manufacture of postal cards, one hundred and sixty-five thousand dollars.

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 twenty-eight thousand dollars.

Ship, etc., letters.

For ship, steamboat, and way letters, one thousand dollars.

Indemnity for loss of registered matter.

For payment of limited indemnity for the loss of pieces of first-class registered matter, six thousand dollars.

Car fare, etc.

For car fares for special-delivery messengers in urgent cases, ten thousand dollars.

Special-delivery messengers.—fees available for other employees.

For fees to special-delivery messengers (who may be postmasters, salaried employees of post-offices, or other suitable persons) as provided for in the Act of Congress approved March third, eighteen hundred and eighty-five, entitled "An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes," as extended and amended by the Acts of Congress approved August fourth, eighteen hundred and eighty-six, January sixteenth, eighteen hundred and eighty-nine, and March first, eighteen hundred and ninety-nine, six hundred and sixty-five thousand dollars.

—amount.

Miscellaneous.

For blanks, books, and printed matter of urgent and special character, including the preparation, publication, and free distribution to the public of a pamphlet containing general postal information, and for metallic advertising signs, intaglio seals, and other miscellaneous items of immediate necessity for the registry system, twenty thousand dollars.

For miscellaneous items, one thousand dollars.

Fourth Assistant Postmaster-General.

## OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL.

Mail depredations.

For mail depredations 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.

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, twenty-five thousand dollars.

Rewards.

For miscellaneous items, one thousand dollars.

Miscellaneous.

When any publication has been accorded second-class mail privileges, the same shall not be suspended or annulled until a hearing shall have been granted to the parties interested.

Second-class mail privileges annulled only after hearing.

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.

Appropriations unavailable for incapacitated employees.

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 two.

Appropriation for deficiencies in revenues.

Approved, March 3, 1901.

**CHAP. 852.**—An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes.

March 3, 1901.

*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 two, and for other purposes.

Naval service appropriations.

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; clerks to commandants of yards and stations; clerks to paymasters at yards and stations; general storekeepers, receiving ships and other vessels; commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, warrant machinists, pharmacists, and mates, who shall hereafter receive the same commutation for quarters as second lieuten-

Pay of the Navy.

ants of the Marine Corps; 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, twenty-two thousand five hundred men, fifty additional warrant machinists, 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, fifteen million two hundred thousand two hundred and eighty-four dollars, of which sum fifty thousand dollars is hereby made immediately available for pay of additional men and warrant machinists: *Provided*, That officers of the Navy, and officers and enlisted men of the Marine Corps, who have been detailed, or may hereafter be detailed, for shore duty in Alaska, the Philippine Islands, Guam, or elsewhere beyond the continental limits of the United States, shall be considered as having been detailed for "shore duty beyond seas," and shall receive pay accordingly, with such additional pay as may be provided by law for service in island possessions of the United States.

"Shore duty beyond seas" defined.

Advancement for service Spanish war not to interfere with regular promotions. R. S., secs. 1506, etc., p. 259.

Officers advanced to be additional numbers of grade, etc.

*Proviso.*  
No promotions to fill such vacancies.

That the advancement in rank of officers of the Navy and Marine Corps, whensoever made, for service rendered during the war with Spain, pursuant, respectively, to the provisions of sections fifteen hundred and six and sixteen hundred and five of the Revised Statutes, shall not interfere with the regular promotion of officers otherwise entitled to promotion, but officers so advanced, by reason of war service, shall, after they are promoted to higher grades, be carried thereafter as additional to the numbers of each grade to which they may at any time be promoted; and each such officer shall hereafter be promoted in due course, contemporaneously with and to take rank next after the officer immediately above him; and all advancements made by reason of war service shall be appropriately so designated upon the official Navy list: *Provided, however*, That no promotion shall be made to fill a vacancy occasioned by the promotion, retirement, death, resignation, or dismissal of any officer who, at the time of such promotion, retirement, death, resignation, or dismissal, is an additional member of his grade under the foregoing provisions.

#### PAY, MISCELLANEOUS.

Pay, miscellaneous.

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, 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; ferriage, 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, six hundred



thousand dollars: *Provided*, That in cases where orders are given to officers of the Navy or Marine Corps for travel to be performed repeatedly between two or more places in such vicinity as in the discretion of the Secretary of the Navy is appropriate, he may direct that actual and necessary expenses only be allowed.

*Proviso.*  
Travel expenses.

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.

Contingent expenses.

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, two hundred and fifty thousand dollars, of which fifty thousand dollars shall be immediately available.

Emergency fund.

BUREAU OF NAVIGATION.

Bureau of Navigation.

TRANSPORTATION, RECRUITING, AND CONTINGENT: 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, ferriage, 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, one hundred and eighty thousand dollars.

Transportation, recruiting, and contingent.

GUNNERY EXERCISES: 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 transportation to and from ranges, twelve thousand dollars.

Gunnery exercises.

OUTFITS FOR NAVAL APPRENTICES: Outfits for two thousand five hundred naval apprentices and one hundred hospital apprentices, at forty-five dollars each, one hundred and seventeen thousand dollars.

Apprentices, bounties.

OUTFITS FOR LANDSMEN: Outfits for five thousand landsmen under training for seamen, at forty-five dollars each, two hundred and twenty-five thousand dollars.

—landsmen.

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, ferriage, 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 stations.  
Yerba Buena Island, Cal.

To reimburse the appropriation "Naval training station, California, nineteen hundred and one." for the cost of securing a supply of fresh water from Oakland, California, six thousand four hundred and fifty-nine dollars and thirty-two cents, to be immediately available.

Coasters Harbor  
Island, R. I.

NAVAL TRAINING STATION, RHODE ISLAND: 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, ferriage, 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, forty-five thousand 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; in all, nine thousand two hundred dollars.

For the services of a lecturer on international law, one thousand dollars; for the services of civilian lecturers from universities and colleges rendered at the War College, six hundred dollars, and for the purchase of books of reference, four hundred dollars; in all, two thousand dollars.

Naval Home, Phila-  
delphia.

NAVAL HOME, PHILADELPHIA, PENNSYLVANIA: 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 eight hundred and forty-five 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, eight thousand dollars; music in chapel, six hundred dollars; transportation of indigent and destitute beneficiaries to the Naval Home, one hundred dollars; support of beneficiaries, fifty thousand seven hundred and twenty-five 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 stores.

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, powder factories, and powder depots; 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.

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.

Smokeless powder.

Purchase and manufacture of smokeless powder, five hundred thousand dollars.

New and improved machinery for existing shops of the naval gun factory at the Washington Navy-Yard, fifty thousand dollars.

Washington Navy-Yard.

For new and improved machinery for the proposed new workshop at the Washington Navy-Yard, estimated for by the Bureau of Yards and Docks, one hundred thousand dollars.

For automatic coal-conveying machinery and apparatus complete for the boiler-house stokers at the naval gun factory, nine thousand eight hundred and forty-nine dollars.

For equipment of the forge shop at the naval gun factory after extension and remodeling, as estimated for by the Bureau of Yards and Docks, including twenty-five ton crane and runways, steam hammer, small hammers, piping, wiring, and motors, forty thousand dollars.

Tools, machinery, and motive power for ordnance workshops and gun-carriage buildings at the navy-yard, Mare Island, California, twenty-four thousand dollars.

Mare Island, Cal.

For new and improved battery for the Baltimore, one hundred and seventy-five thousand dollars.

"Baltimore," new battery for.

**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.

*Proviso.*  
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, furniture, experiments, and general torpedo outfits, sixty-five thousand dollars.

Torpedo station, Newport, R. I.

**ARMING AND EQUIPPING NAVAL MILITIA:** For arms, accouterments, signal outfits, boats and their equipment, 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.

Arming, etc., Naval Militia.

**ARMS AND EQUIPMENT OF UNITED STATES MARINE CORPS:** For small arms, machine and rapid-fire guns, accouterments, and ammunition therefor, for use of the United States Marine Corps, one hundred thousand dollars.

Arms, etc., Marine Corps.

**NAVAL PROVING GROUND:** For the purchase of additional land for the naval proving ground at Indian Head, twenty-five thousand dollars.

Naval proving ground, Indian Head.

**NAVAL STATION, PUGET SOUND, WASHINGTON:** For purchase of an ammunition lighter for ordnance purposes at the naval station, Puget Sound, eighteen thousand dollars.

Naval station, Puget Sound.

**REPAIRS, BUREAU OF ORDNANCE:** For necessary repairs to ordnance buildings, magazines, gun parks, boats, lighters, wharves, machinery, and other items of like character, thirty thousand dollars.

Bureau of Ordnance.—repairs.

**MISCELLANEOUS, 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, seventy-five thousand dollars.

—miscellaneous.

Civil establishment.

**CIVIL ESTABLISHMENT, BUREAU OF ORDNANCE:** Navy-yard, Ports mouth, New Hampshire: For one writer, at one thousand dollars;

Navy-yard, Boston, Massachusetts: For one writer, at one thousand dollars;

Navy-yard, New York, New York: For one clerk, at one thousand four hundred dollars;

Navy-yard, League Island, Pennsylvania: For one clerk, at one thousand two hundred dollars;

District of Columbia.

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 four hundred dollars; one clerk, at one thousand two hundred dollars; one clerk, at one thousand one hundred dollars; three 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 one thousand dollars; in all, nineteen thousand one hundred and six dollars and seventy-five 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;

Navy-yard, Mare Island, California: For one writer, at one thousand two hundred dollars;

Naval proving ground, Indian Head, Maryland: For one writer, at one thousand two hundred dollars;

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;

In all, civil establishment, Bureau of Ordnance, thirty-six thousand six hundred and six dollars and seventy-five cents; and no other fund appropriated by this Act shall be used in payment for such service.

Bureau of Equipment.

## BUREAU OF EQUIPMENT.

Coal and transportation.

**COAL AND TRANSPORTATION:** For purchase of coal for steamers' and ships' use, including expenses of transportation, storage, and handling the same, two million dollars.

Equipment of vessels.

**EQUIPMENT OF VESSELS:** For 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, and 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; photographs, 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, one million five hundred thousand dollars.

**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, six hundred thousand dollars; and to enable him to acquire land for a naval station and harbor and channel defense at Pearl Harbor, Hawaii, one hundred and fifty thousand dollars; in all, eight hundred and fifty thousand dollars.

Depots for coal.  
R. S., sec. 1552, p. 264.

**MAINTENANCE OF COLLIERS, NINETEEN HUNDRED AND TWO:** For pay, transportation, shipping, and subsistence of civilian officers and crews of naval colliers, and all expenses connected with naval colliers employed in emergencies which can not be paid from other appropriations, three hundred and fifty thousand dollars.

Colliers, maintenance.

**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-yard; postage on letters sent abroad; ferriage, ice, and emergencies arising under cognizance of the Bureau of Equipment unforeseen and impossible to classify, thirty-five thousand dollars.

Contingent expenses.

**CIVIL ESTABLISHMENT, BUREAU OF EQUIPMENT:** Navy-yard, Portsmouth, New Hampshire: For one clerk, at one thousand dollars; one writer, nine hundred and fifty dollars; in all, one thousand nine hundred and fifty dollars;

Civil establishment

Navy-yard, Boston, Massachusetts: For one superintendent of ropewalk, 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; one writer, at nine hundred and fifty dollars; in all, six thousand four hundred and seventy-five dollars;

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; one writer, at nine hundred and fifty dollars; in all, four thousand five hundred dollars;

Navy-yard, League Island, Pennsylvania: For one clerk, at one thousand two hundred dollars; one clerk, at one thousand dollars; in all, two thousand two hundred dollars;

Navy-yard, Norfolk, Virginia: For two clerks, at one thousand two hundred dollars each; one writer, at nine hundred and fifty dollars; in all, three thousand three hundred and fifty dollars;

Navy-yard, Mare Island, California: For one clerk, at one thousand two hundred dollars; one clerk, at one thousand dollars; one writer, at nine hundred and fifty dollars; in all, three thousand one hundred and fifty dollars;

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, one thousand six hundred dollars;

Cavite, Philippine Islands: For one electrician, at five dollars and four cents per diem; one clerk at one thousand dollars; in all, two thousand five hundred and seventy-seven dollars and fifty-two cents;

Navy-yard, Pensacola, Florida: One clerk, one thousand dollars;

Naval station, Port Royal, South Carolina: One clerk, one thousand dollars;

Naval station, Key West, Florida: One clerk, one thousand dollars;

Naval station, Bremerton, Washington: One clerk, one thousand dollars;

In all, civil establishment, Bureau of Equipment, twenty-nine thousand eight hundred and two dollars and fifty-two cents.

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, five hundred thousand dollars.

Contingent expenses

**CONTINGENT, BUREAU OF YARDS AND DOCKS:** For contingent expenses that may arise at navy-yards and stations, fifty thousand dollars.

Civil establishment

**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; one draftsman, at four dollars per diem; one electrician, one thousand two hundred dollars; in all, eight thousand three hundred and thirty-seven dollars.

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; one electrician, at one thousand four hundred dollars; in all, nine thousand eight hundred and sixteen dollars and twenty-five cents.

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

quarterman, at three dollars per diem; one superintendent of teams, or quarterman, 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 four hundred dollars; one bookkeeper, or accountant, at one thousand two hundred dollars; in all, twenty-one thousand six hundred and sixty-six dollars and thirteen cents.

Naval station, Sacketts Harbor, New York: For one ship keeper, at three hundred and sixty-five dollars per annum.

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; one draftsman, at five dollars per diem; one electrician, at one thousand two hundred dollars; one mail messenger, at two dollars per diem, including Sundays; one master of tugs, at one thousand dollars; in all, nine thousand nine hundred and seventy-three dollars.

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 four hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; in all, five thousand six hundred and ninety-five dollars and twenty-five cents.

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; one draftsman, one thousand five hundred dollars; one bookkeeper, one thousand two hundred dollars; in all, twelve thousand four hundred and fifty-eight dollars and sixty-three cents.

Naval station, Port Royal, South Carolina: One clerk, at one thousand two hundred dollars; one rodman and inspector, at three dollars 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.

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.

Naval station, Key West, Florida: For one mail messenger, at six hundred dollars.

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 four hundred dollars; one quarterman joiner, at four dollars and fifty-six cents per diem; one telegraph operator, at three dollars and twenty-eight cents per diem; in all,

Civil establish-  
ment—Continued.

fourteen thousand two hundred and ninety-one dollars and sixty-seven cents.

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; one copyist, at nine hundred dollars; one electrician, at one thousand two hundred dollars; in all, six thousand seven hundred and seven dollars and forty cents.

Naval station, San Juan, Porto Rico: One clerk, one thousand two hundred dollars; one writer, commandant's office, nine hundred and sixty dollars; one mail messenger, four hundred and twenty dollars; in all, two thousand five hundred and eighty dollars.

Naval station, Hawaii: One writer, at three dollars and twenty-five cents per diem; one messenger, at two dollars per diem, including Sundays; in all, one thousand seven hundred and forty-seven dollars and twenty-five cents.

Naval station, Cavite, Philippine Islands: One clerk, one thousand two hundred dollars; one time clerk, three hundred and seventy-five dollars; one writer, two hundred and fifty-five dollars; one messenger, one hundred and eighty-five dollars; one messenger, one hundred and fifty dollars; in all, two thousand one hundred and sixty-five dollars.

In all, civil establishment, Bureau of Yards and Docks, one hundred and four thousand six hundred and seventy-nine dollars and eight 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, to extend, fifty thousand dollars; grading, to continue, twenty-five thousand dollars; railroad and rolling stock, additions, ten thousand dollars; sewer systems, extensions, nine thousand dollars; water systems, extensions, six thousand dollars; latrines, two thousand dollars; extension of office building for construction and repair, and for fireproof construction, twenty thousand dollars; floating derrick, twenty thousand dollars; coal storage at electric and dry dock plants, ten thousand dollars; repairing reservoir and cleaning ponds, two thousand dollars; reconstructing building numbered sixty for boat shop and storage, seventy thousand dollars; improvements to ship-fitters' shop, numbered forty-five, twenty thousand dollars; coal storage near building numbered forty-six, eight thousand five hundred dollars; storehouse for general supplies (to cost not more than one hundred and fifty thousand dollars, for which contract is hereby authorized), seventy-five thousand dollars; office building for steam engineering, fifteen thousand dollars; elevators in storehouses numbered one and two, eight thousand dollars; improvements to ordnance building numbered twenty-two, ten thousand eight hundred and fifty dollars; tools for yards and docks, two thousand dollars; elevator, shelves, and so forth, for yard dispensary, five hundred dollars; to enable the Secretary of the Navy to prepare specifications and obtain proposals from responsible contractors for removing Henderson's Point, so as to improve the approach to the navy-yard at Portsmouth, New Hampshire, to a depth of not exceeding thirty-five feet below mean low water for a distance of not exceeding three hundred and fifty feet, the proposals to be submitted to Congress at its next session, one thousand dollars; in all, three hundred and sixty-four thousand eight hundred and fifty dollars.

Boston, Mass.

**NAVY-YARD, BOSTON, MASSACHUSETTS:** Ship-fitters' shop, toward completion, fifty thousand dollars; metal workers' shop, toward com-



pletion, fifty thousand dollars; refitting and improving machine shop numbered one, building forty-two, to complete, fifty thousand dollars; new piers and wharves, twenty-five thousand dollars; paving, twenty-five thousand dollars; dredging, twenty-five thousand dollars; electric elevators, ten thousand dollars; smithery for construction and repair, toward completion, fifty thousand dollars; fire-protection system, fifty-two thousand dollars; sawmill and spar shed (to cost not more than two hundred thousand dollars, for which contract is hereby authorized), seventy-five thousand dollars; repairs to large chimney, building numbered forty-two, eight thousand dollars; water-closets for building numbered forty-two, two thousand five hundred dollars; coal storage for steam engineering, five thousand dollars; central heating system, thirty-five thousand dollars; water system, extensions, ten thousand dollars; sewer system, extensions, five thousand dollars; electric-light plant, extensions, six thousand dollars; railroad system, extensions, six thousand dollars; coal-storage and coal-handling plant, extensions, thirty-five thousand dollars; extension of naval prison, to be immediately available, twenty-six thousand five hundred dollars; in all, navy-yard, Boston, five hundred and fifty-one thousand dollars.

NAVY-YARD, NEW YORK, NEW YORK: Reconstructing building numbered twenty-one for boathouse, to complete, to be immediately available, eighty-five thousand dollars; paving and grading, twenty thousand dollars; granite and concrete dry dock, to continue, three hundred thousand dollars; fire-protection system, sixty thousand dollars; dredging, twenty-five thousand dollars; coal-storage and coal-handling plant, one hundred thousand dollars; railroad system, extensions, fifteen thousand dollars; piers on Cob Dock, eighty-eight thousand dollars; ordnance storehouse on Cob Dock, ninety thousand dollars; slip for ordnance, Cob Dock, fifty thousand dollars; elevator and stair railings, oil storehouse numbered one hundred and twenty, three thousand five hundred dollars; electric motors for building numbered two, two thousand five hundred dollars; extending building numbered twenty-three, thirty thousand dollars; reconstructing building numbered nineteen (to cost not more than one hundred and eighty-five thousand dollars, for which contract is hereby authorized), one hundred thousand dollars; quay wall, Cob Dock, extension, forty thousand dollars; in all, navy-yard, New York, New York, one million and nine thousand dollars.

New York, N. Y.

NAVY-YARD, LEAGUE ISLAND, PENNSYLVANIA: Extension of reserve basin, to continue dredging, fifty thousand dollars; electrical workshop and storehouse for equipment, to complete, to be immediately available, thirty-three thousand dollars; to continue retaining wall about reserve basin, fifty thousand dollars; grading and paving, fifteen thousand dollars; machine shop for steam engineering, to complete, seventy-five thousand dollars; foundry and coppersmith shop for steam engineering, to complete, fifty-eight thousand dollars; boiler and blacksmith shop for steam engineering, to complete fifty-eight thousand dollars; plumbers and coppersmiths' shop and foundry for construction and repair, to complete, forty-three thousand eight hundred and eighty dollars; block, cooper, and spar shops for construction and repair, to complete, fifty-three thousand four hundred dollars; extension of pier numbered two, fifty-nine thousand dollars; storehouse for naval supplies (to cost not more than two hundred and twenty-four thousand six hundred and forty dollars, for which contract is hereby authorized), seventy-five thousand dollars; workshop and boiler house for ordnance, to extend, forty-two thousand dollars; equipment for railroad, ten thousand dollars; sewers, eight thousand five hundred dollars; roadway and retaining wall at yard entrance, twenty-five thousand dollars; heating apparatus for building numbered eight, four thousand eight hundred dollars; railroad-track scales, three thousand four hundred dollars; extension of sea wall, eleven thousand dollars;

League Island, Pa.

parapet in front of officers' quarters, three thousand dollars; electric elevators, seven thousand two hundred and fifty dollars; outbuildings and fences, officers' quarters, two thousand dollars; garbage-incinerating plant, eight thousand dollars; in all, navy-yard, League Island, six hundred and ninety-five thousand two hundred and thirty dollars.

District of Columbia.

NAVY-YARD, WASHINGTON, DISTRICT OF COLUMBIA: Paving, twenty-five thousand dollars; underground conduit system, to complete, twenty-two thousand dollars; electric-light plant, to extend, twenty thousand dollars; miscellaneous shop for ordnance, eighty-six thousand three hundred dollars; seamen gunners' shop, forty thousand dollars; alterations and new roof, ordnance boiler house, forty-two thousand six hundred dollars; fireproof storage for fuses, acids, paints, and so forth, nine thousand dollars; extension and remodeling of forge shop, seventy-three thousand three hundred and ten dollars; in all, navy-yard, Washington, three hundred and eighteen thousand two hundred and ten dollars.

Norfolk, Va.

NAVY-YARD, NORFOLK, VIRGINIA: Concrete and granite dry dock, to continue, three hundred thousand dollars; paving and grading, to continue, fifteen thousand dollars; sewers, five thousand dollars; quay wall for fitting-out basin, to continue, seventy-five thousand dollars, to be immediately available; mooring slips at Saint Helena, forty thousand dollars; locomotive crane track, renewing, fifteen thousand dollars; railroad tracks, ten thousand dollars; alterations in plumbers' shop, building numbered nine, ten thousand dollars; machinery and tools for yards and docks, two thousand dollars; railroad rolling stock, three thousand dollars; telephone system, one thousand dollars; pattern shop and storehouse, thirty thousand dollars; bridge between buildings numbered thirty-two and thirty-three, seven hundred and sixty dollars; fireproof shed for painting and storage of canvass, five thousand dollars; shops and storehouse for equipment, eighty thousand dollars; anchor park, two thousand five hundred dollars; in all, navy-yard, Norfolk, Virginia, five hundred and ninety-four thousand two hundred and sixty dollars.

Key West, Fla.

NAVAL STATION, KEY WEST, FLORIDA: Storehouse for supplies and accounts, sixty thousand dollars; storehouse for oils, turpentine, and so forth, five thousand dollars; smith shop, for steam engineering, eight thousand dollars; elevated tank for storing fresh water, six thousand dollars; filling, grading, and fencing, ten thousand dollars; quay wall, fifty thousand dollars; fire-protection system, five thousand dollars; in all, naval station, Key West, one hundred and forty-four thousand dollars.

Mare Island, Cal.

NAVY-YARD, MARE ISLAND, CALIFORNIA: Joiner shop for construction and repair to complete, fifty thousand dollars; to continue quay wall, fifty thousand dollars; to continue dredging, fifty thousand dollars; paving, twenty-five thousand dollars; sewers and closets, five thousand dollars; storage shed for yards and docks, extension, five thousand dollars; storehouse for supplies and accounts, extension, forty thousand dollars; extension and renewal of railroad, five thousand dollars; offices for yards and docks, two thousand dollars; fire-protection system, forty-two thousand dollars; floor for building numbered fifty-two, five thousand dollars; improvements to forty-ton crane, three thousand dollars; drill room at receiving ship, nine thousand dollars; fence at northern end of yard, three thousand five hundred dollars; shelter roof for boats, improvements to, three thousand one hundred dollars; laboratory in building numbered fifty-one, one thousand five hundred dollars; new floor for building numbered fifty-three, two thousand dollars; improvements to building numbered sixty-nine, one thousand and fifty dollars; improvements to building numbered seventy-one, three thousand eight hundred and sixty dollars; testing room for construction and repair,

six hundred and fifty dollars; pumping and fire boat, twenty-five thousand dollars; in all, navy-yard, Mare Island, three hundred and thirty-one thousand six hundred and sixty dollars.

NAVAL STATION, PUGET SOUND, WASHINGTON: Sewers, extensions, four thousand dollars; to continue grading, twenty thousand dollars; coal shed and appliances, seventy-five thousand dollars; sick quarters, seven thousand dollars; carpenter and joiner shop for yards and docks, ten thousand dollars; machinery for carpenter and joiner shop, three thousand dollars; extension of dry dock boiler plant, twenty thousand dollars; stable and tool shed, six thousand five hundred dollars; fire-protection system, ten thousand dollars; electric-light plant, extensions, five thousand dollars; telephone system, extensions, three thousand dollars; railroad and equipment, extensions, two thousand dollars; clearing and stumping, five thousand dollars; roadway about dry dock, six thousand dollars; dolphins, one thousand dollars; new skylight for construction and repair shop, four thousand dollars; joiner shop for construction and repair, seventy thousand dollars; water-closets and wash room for steam engineering, two thousand dollars; floor for steam-engineering shop, ten thousand dollars; storehouse for high explosives, ordnance, five thousand dollars; wharf crane for ordnance, one thousand five hundred dollars; quarters for gunner, three thousand dollars; in all, naval station, Puget Sound, Washington, two hundred and seventy-three thousand dollars.

Puget Sound, Wash.

NAVAL STATION, SAN JUAN, PORTO RICO: Coaling facilities, extensions, forty thousand dollars.

San Juan, Porto Rico.

NAVY-YARD, PENSACOLA, FLORIDA: Motor for building numbered nine, one thousand five hundred dollars; extension of permanent wharf, fifteen thousand dollars; coal-storage plant, increase, twenty-five thousand dollars; in all, navy-yard, Pensacola, forty-one thousand five hundred dollars.

Pensacola, Fla.

NAVAL STATION, ALGIERS, LOUISIANA: Shops and offices for equipment, eighty thousand dollars; coal-storage plant, one hundred and fifty thousand dollars; for purchase of land, one hundred thousand dollars; in all, naval station, Algiers, three hundred and thirty thousand dollars: *Provided*, That the Secretary of the Navy may, if he deems it for the best interests of the United States, proceed and acquire title to the land herein authorized to be purchased by condemnation thereof, by judicial proceedings to be commenced in the appropriate circuit court of the United States, which court shall, for the purpose of ascertaining the true value of the said land and buildings, appoint three commissioners, who shall be competent and disinterested appraisers, and all the proceedings for the condemnation aforesaid shall be in accordance, except as herein provided, with the Act of Congress of August first, eighteen hundred and eighty-eight, entitled "An Act to authorize condemnation of land for sites of public buildings, and for other purposes."

Algiers, La.

Purchase of land.

*Provido*.  
—condemnation.

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DREDGING, DRY TORTUGAS, FLORIDA: Dredging channel, one hundred thousand dollars.

Dry Tortugas, Fla.

FOUR DRY DOCKS: Toward completion of dry docks at navy-yards: Portsmouth, New Hampshire; Boston, Massachusetts; League Island, Pennsylvania, and Mare Island, California, one million dollars.

Four dry docks.

NAVAL STATION, HAWAII: Machine shop, fifty thousand dollars; smithery and foundry, twenty-five thousand dollars; commandant's house and stables, fifteen thousand dollars; extending office building, three thousand dollars; cottage for watchman, two thousand five hundred dollars; grading and fencing, ten thousand dollars; ten-ton wharf crane, eight hundred dollars; water-pipe system, one thousand dollars; in all, naval station, Hawaii, one hundred and seven thousand three hundred dollars.

Hawaii, naval station.

Tutuila, naval station.

**NAVAL STATION, TUTUILA:** Coal-storage plant, extensions, two hundred thousand dollars; grading, twenty-five thousand dollars; in all, naval station, Tutuila, two hundred and twenty-five thousand dollars.

Charleston, S. C., naval station. Dry dock authorized.

**NAVAL STATION, CHARLESTON, SOUTH CAROLINA:** Dry dock, authorized by Act of June seventh, nineteen hundred, which shall be of concrete and stone, to cost not more than one million two hundred and fifty thousand dollars, for which contract is hereby authorized, one hundred and fifty thousand dollars; and all appropriations for public works at the naval station, Port Royal, made prior to the Act of June seventh, nineteen hundred, which have not been expended are hereby authorized to be expended for the transfer of such station to and the construction of public works at the naval station, Charleston, South Carolina, in the discretion of the Secretary of the Navy.

Appropriations for Port Royal available for: transfer of station, etc.

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, six million seven hundred and seventy-five thousand and ten dollars.

Employment of additional draftsmen, etc.

The Secretary of the Navy may employ and pay out of appropriations for "Public Works, Navy-Yards, and Stations," such additional expert aids, draftsmen writers, and copyists as may be necessary for the preparation of plans and specifications.

Inquiry, etc., on establishing naval stations in Porto Rico.

The Secretary of the Navy is hereby directed to have the coast and the waters of the island of Porto Rico examined into and to report to the next Congress upon the advisability of establishing a United States naval station on said coast; the most suitable place for the same, considering, among other things, the topographical and strategic situation of this island with reference to the United States and the proposed Nicaragua Canal, and the estimated immediate cost of the same.

—Philippine Islands.

The Secretary of the Navy is hereby directed to have the coast and the waters of the Philippine Islands examined into and to report to the next Congress upon the advisability of establishing a United States naval station on said coast and the most suitable place for the same.

Blythe Island, Ga. Boundary line to be established, etc.

For establishing and marking the boundary line of the property of the Government on Blythe Island, in the State of Georgia, to lay out a rifle range upon the same, and construct a boat landing, two thousand dollars; and the Secretary of the Navy is hereby directed to report to the next Congress as to the condition and extent of any Government property at said Blythe Island, Georgia; whether the title to the same is good, and whether it is adapted to the necessary wants of the Navy Department.

—report on.

Bureau of Navigation.

**PUBLIC WORKS—BUREAU OF NAVIGATION.**

Naval Academy. Buildings and improvements.

**NAVAL ACADEMY:** Buildings and grounds, Naval Academy: Toward the construction of buildings, and for other necessary improvements, at the Naval Academy, Annapolis, Maryland, as authorized by the Act of Congress approved June seventh, nineteen hundred, and in accordance with the plans approved by the Secretary of the Navy, nineteen hundred, three million dollars.

*Act*, p. 696.

Appraisers.

*Provided*, That the Secretary of the Navy may, if he deems it for the best interests of the United States, proceed and acquire title to the land and buildings authorized to be purchased under the Act of Congress approved June seventh, nineteen hundred, by condemnation thereof by judicial proceedings to be commenced in the appropriate circuit court of the United States, which court shall, for the purpose of ascertaining the true value of the said land and buildings, appoint three commissioners, who shall be competent and disinterested appraisers, and all the proceedings for the condemnation aforesaid shall be in

accordance, except as herein provided, with the Act of Congress of August first, eighteen hundred and eighty-eight, entitled "An Act to authorize condemnation of land for sites of public buildings, and for other purposes."

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NAVAL TRAINING STATION, CALIFORNIA (BUILDINGS): Swimming tank, four thousand five hundred dollars; revetting main road, one thousand five hundred dollars; in all, six thousand dollars.

Naval training stations, California.

NAVAL TRAINING STATION, RHODE ISLAND (BUILDINGS): Extending and completing breakwater and sea wall, and filling in in front of new barracks, to be immediately available, nineteen thousand five hundred dollars; making roads and sidewalks, and paving approaches to new barracks, four thousand seven hundred dollars; coal shed and coal-handling appliances, three thousand five hundred dollars; reclaiming bay at south end of island, building sea wall, and repairing sea wall, and repairing and extending wharf, seven thousand nine hundred dollars; for erection of a house and necessary appurtenances over swimming tank, now under construction for apprentices, to be immediately available, three thousand five hundred dollars; for extending capacity of storehouse to include fireproof oil rooms fitted with steel storage tanks, and to outfit building with lighting, plumbing, and heating systems and fireproof shelving, partitions, and lockers, to be immediately available, nine thousand eight hundred and seventy dollars; reclaiming two stagnant water basins and leveling bank near the hospital, three thousand two hundred dollars; in all, naval training station, Rhode Island, fifty-two thousand one hundred and seventy dollars.

Rhode Island.

In all, "Public Works, Bureau of Navigation," three million fifty-eight thousand one hundred and seventy dollars.

PUBLIC WORKS—BUREAU OF ORDNANCE.

Bureau of Ordnance.

NAVAL MAGAZINE, IONA ISLAND, NEW YORK: For additional buildings, extension of railroad to northwestern end of island, grading, sea wall, and general improvements, one hundred thousand dollars.

Naval magazines, etc. Iona Island, N. Y.

Naval magazine, Dover, New Jersey: Improvements at the naval magazine, Dover, New Jersey, including a fixed-ammunition house, a shell house, clearing and grading land, road building, and general improvements, including a compressed-air plant and air locomotive, sixty-five thousand dollars.

Dover, N. J.

Naval magazine, Fort Mifflin, Pennsylvania: For one magazine and one shell house at the naval magazine, Fort Mifflin, Pennsylvania, with track connections, lightning conductors, and the necessary appurtenances, fifty-six thousand dollars.

Fort Mifflin, Pa.

Naval magazine, Norfolk, Virginia: For improvements at the naval magazine, Saint Juliens Creek, near Norfolk, Virginia, namely: Shell house, store or issuing house, wharf, derrick, lightning conductors, cistern, railroad extension, grading, concreting, and other necessary objects to properly complete the work, sixty thousand five hundred dollars.

Norfolk, Va.

Naval torpedo station, Newport, Rhode Island: One administration building for use in instruction of classes of enlisted men and officers, to contain offices, lecture rooms, overhauling room, and storeroom for torpedoes, to be immediately available, twenty-five thousand dollars; in all, naval torpedo station, Newport, Rhode Island, twenty-five thousand dollars.

Newport, R. I.

Naval proving ground, Indian Head, Maryland: One building for chronograph and record office, four thousand dollars; one building for surgeon's office and dispensary, and equipment of same, seven thousand six hundred dollars; in all, naval proving ground, Indian Head, eleven thousand six hundred dollars.

Indian Head, Md.

In all, public works, Bureau of Ordnance, three hundred and eighteen thousand one hundred dollars.

## Naval Observatory.

## NAVAL OBSERVATORY.

Grounds, etc.

**NAVAL OBSERVATORY:** For grounds and roads: Continuing grading, extending roads and paths, clearing and improving grounds, ten thousand dollars; for the purchase of lands lying within the Observatory circle, as established by the joint resolution of August first, eighteen hundred and ninety-four, one hundred and forty-nine thousand five hundred and seventy-one dollars and eight cents; and the Secretary of the Navy is authorized to sell, at such time and in such manner as may be most advantageous, but at prices not less than those fixed in eighteen hundred and ninety-four, by the board of appraisers of which John W. Ross was chairman, such lands of the Naval Observatory reservation as are situated without the limits of said circle.

Purchase of lands within circle, etc.

—without: sale.

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Board of visitors authorized.

For the expenses of the board of visitors to the Naval Observatory, two thousand dollars. There shall be appointed by the President, by and with the advice and consent of the Senate, from persons not officers of the United States a board of six visitors to the Naval Observatory, four to be astronomers of high professional standing and two to be eminent citizens of the United States. Appointments to this board shall be made for periods of three years, but provision shall be made by initial appointments for shorter terms so that two members shall retire in each year. Members of this board shall serve without compensation, but the Secretary of the Navy shall pay the actual expenses necessarily incurred by members of the board in the discharge of such duties as are assigned to them by the Secretary of the Navy or are otherwise imposed upon them. The board of visitors shall make an annual visitation to the Observatory at a date to be determined by the Secretary of the Navy, and may make such other visitations not exceeding two in number annually by the full board or by a duly appointed committee as may be deemed needful or expedient by a majority of the board. The board of visitors shall report to the Secretary of the Navy at least once in each year the result of its examinations of the Naval Observatory as respects the condition of buildings, instruments, and apparatus, and the efficiency with which its scientific work is prosecuted, and shall also report as respects the expenditures in the administration of the Observatory. The board of visitors shall prepare and submit to the Secretary of the Navy regulations prescribing the scope of the astronomical and other researches of the Observatory and the duties of its staff with reference thereto. When an appointment or detail is to be made to the office of astronomical director, director of the Nautical Almanac, astronomer, or assistant astronomer, the board of visitors may recommend to the Secretary of the Navy a suitable person to fill such office, but such recommendation shall be determined only by a majority vote of the members present at a regularly called meeting of the board held in the city of Washington. The Superintendent of the Naval Observatory shall be, until further legislation by Congress, a line officer of the Navy of a rank not below that of captain.

—appointments, etc.

—expenses.

—annual visit.

—report.

—regulations, etc.

Rank of Superintendent of Naval Observatory prescribed.

Bureau of Medicine and Surgery.

## BUREAU OF MEDICINE AND SURGERY.

Surgeons' necessities.

**MEDICAL DEPARTMENT:** For surgeons' necessities 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.

Hospital fund.

**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.

Contingent expenses.

**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, for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, and all other necessary contingent expenses, thirty-five 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, NEWPORT, RHODE ISLAND:** Filling pond, grading grounds, and additional appropriation for addition to naval hospital at naval-training station, Newport, Rhode Island, twenty thousand dollars, to be immediately available.

Repairs.

Naval hospital,  
Newport, R. I.

SUPPLIES AND ACCOUNTS.

**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, three million two hundred and fifty thousand dollars.

Bureau of Supplies  
and Accounts.

Provisions.

**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, telephones, tolls, ferriages, yeoman's stores, safes, newspapers, ice, transportation of stores purchased under the naval-supply fund, and other incidental expenses, two hundred thousand dollars.

Contingent expenses.

**CIVIL ESTABLISHMENT, BUREAU OF SUPPLIES AND ACCOUNTS:** Navy-yard, Portsmouth, New Hampshire: In general storehouses: Two book-keepers, 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

Civil establishment.

Civil establish-  
ment—Continued.

dollars; one shipping and receiving clerk, at one thousand dollars; in all, five thousand eight hundred and forty dollars.

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; one bookkeeper, at one thousand two hundred dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; in all, five thousand two hundred and thirty-four dollars and fifty cents.

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 storeman, 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; one bookkeeper, at one thousand two hundred dollars; one bill clerk, at one thousand dollars; one receiving 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, seven thousand one hundred and thirty-seven dollars and twenty-five cents.

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.

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 station, Newport, Rhode Island: In general storehouse: One clerk, at one thousand two hundred dollars. In general storehouse (torpedo station): One clerk, at one thousand two hundred dollars; in all, two thousand four hundred dollars.

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.



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.

Civil establishment—Continued.

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; one receiving clerk, at one thousand two hundred dollars; one shipping clerk, at one thousand dollars; one assistant clerk, at one thousand dollars; two storemen, at nine hundred dollars each; in all, fifteen thousand eight hundred dollars.

In all, civil establishment, Bureau of Supplies and Accounts, ninety-three thousand eight hundred and forty-nine dollars and twenty-eight cents; and no other fund appropriated by this Act shall be used in payment for such service.

BUREAU OF CONSTRUCTION AND REPAIR.

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, professional magazines, plans, stationery, and instruments for drafting room, seven 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.

Bureau of Construction and Repair.

Preservation, repairs, etc., of vessels.

*Proviso.*  
—limit wooden vessels.

The Secretary of the Navy is hereby directed to have the coast and the waters of the Philippine Islands examined into and to report to the next Congress upon the advisability of establishing a United States naval station on said coast and the most suitable place for the same.

Philippine Islands. Inquiry as to establishing naval station in.

IMPROVEMENT OF CONSTRUCTION PLANTS: Repairs to and improvement of plant at navy-yard, Portsmouth, New Hampshire, fifty thousand dollars.

Improvement of construction plants.

Construction plant, navy-yard, Boston, Massachusetts: Repair to and improvement of construction plant at navy-yard, Boston, Massachusetts, fifty thousand dollars.

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.

Construction plant, navy-yard, League Island, Pennsylvania: Repairs to and improvement of construction plant at navy-yard, League Island, Pennsylvania, fifty thousand dollars.

Construction plant, navy-yard, Norfolk, Virginia: Repairs to and improvement of construction plant at navy-yard, Norfolk, Virginia, fifty thousand dollars.

Construction plant, navy-yard, Pensacola, Florida: Repairs to and improvement of construction plant at navy-yard, Pensacola, Florida, fifteen thousand dollars.

Repairs to and improvement of construction plant at navy-yard, Mare Island, California, fifty thousand dollars.

Construction plant, naval station, Puget Sound, Washington: Repairs to and improvement of construction plant at Puget Sound Naval Station, Washington, thirty thousand dollars.

Construction plant, naval station, Algiers, Louisiana: Construction plant at naval station, Algiers, Louisiana, fifteen thousand dollars.

Civil establishment.

**CIVIL ESTABLISHMENT, BUREAU OF CONSTRUCTION AND REPAIR:** Navy-yard, Portsmouth, New Hampshire: 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.

Navy-yard, Boston, Massachusetts: 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.

Navy-yard, New York, New York: 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.

Navy-yard, League Island, Pennsylvania: 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.

Navy-yard, Washington, District of Columbia: One clerk to naval constructor, at one thousand four hundred dollars.

Navy-yard, Norfolk, Virginia: 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.

Navy-yard, Pensacola, Florida: One writer, at one thousand and seventeen dollars and twenty-five cents.

Naval station, Port Royal, South Carolina: One clerk to naval constructor, at one thousand four hundred dollars.

Navy-yard, Mare Island, California: 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.

Puget Sound Naval Station, Washington: One clerk to naval constructor, one thousand four hundred dollars.

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 ENGINEERING.

Machinery.

**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, two million one hundred and twenty 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.

*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, one million one hundred and ten 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, three million two hundred and forty-five thousand dollars.

CONTINGENT, BUREAU OF STEAM ENGINEERING: For contingencies, drawing materials, and instruments for the drafting room, one thousand dollars.

Contingent expenses.

MACHINERY PLANT: Navy-yard, League Island Pennsylvania: To equip the entire new system of steam engineering shops, being constructed under appropriation made to the Bureau of Yards and Docks, for building and repairing modern marine machinery, including the power plant and necessary machine tools, cranes, and appliances for handling work, to cost not more than two hundred and thirty thousand dollars, one hundred thousand dollars.

Machinery plants, navy-yards.

MACHINERY PLANT: Navy-yard, Mare Island, California: To equip the entire new system of steam engineering shops being constructed under appropriation made to the Bureau of Yards and Docks, for building and repairing modern marine machinery, including the power plant and necessary machine tools, cranes, and appliances for handling work, to cost not more than one hundred and eighty thousand dollars, one hundred thousand dollars.

CIVIL ESTABLISHMENT, BUREAU OF STEAM ENGINEERING: Navy-yard, Portsmouth, New Hampshire: 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.

Navy-yard, Boston, Massachusetts: One clerk to department, one thousand four hundred dollars;

Navy-yard, New York, New York: One clerk to department, at one thousand four hundred dollars; one writer, at one thousand dollars; one messenger, at six hundred dollars; in all, three thousand dollars;

Navy-yard, League Island, Pennsylvania: One clerk to department, at one thousand two hundred dollars;

Navy-yard, Norfolk, Virginia: One clerk to department, at one thousand three hundred dollars; one messenger, at six hundred dollars; in all, one thousand nine hundred dollars;

Navy-yard, Pensacola, Florida: One writer, at one thousand dollars;

Navy-yard, Mare Island, California: One clerk to department, at one thousand four hundred dollars; one writer, at one thousand dollars; one messenger, at six hundred dollars; in all, three thousand dollars;

Naval station, Port Royal, South Carolina: One clerk to department, one thousand two hundred dollars;

Naval station, Puget Sound, Washington: One clerk to department, one thousand two hundred dollars;

Navy-yard, Washington, District of Columbia: One clerk to department, one thousand two hundred dollars;

In all, civil establishment, Bureau of Steam Engineering, sixteen thousand nine hundred dollars; and no other fund appropriated by this Act shall be used in payment for such service.

NAVAL ACADEMY.

Naval Academy.

PAY OF PROFESSORS AND OTHERS, NAVAL ACADEMY: One professor of mathematics, one of chemistry, one of physics, and one of English, at two thousand five hundred dollars each; four professors, namely,

Pay of professors, etc.

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 coxswain, 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-five thousand one hundred and ninety-one dollars.

Watchmen, mechanics, etc.

**PAY OF WATCHMEN, MECHANICS, AND OTHERS, NAVAL ACADEMY:** Captain of the watch and weigher, at two dollars and fifty cents per diem; five watchmen, at two dollars each per diem; foreman of steam heating works of the Academy, at five dollars per diem; labor at power house, for masons, carpenters, and other mechanics and laborers; and for care of buildings, grounds, wharves, and boats, thirty-eight thousand four hundred and twelve dollars and forty-five cents; in all, forty-four thousand seven hundred and ninety-nine dollars and ninety-five cents.

Employees, steam engineering.

**PAY OF STEAM EMPLOYEES, NAVAL ACADEMY:** Pay of mechanics and others in department of steam engineering, seven thousand eight hundred and twenty-four dollars and fifty cents.

Additional training. Vol. 22, p. 285.

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. For the purchase or construction of catboats for the special instruction of cadets, one thousand five hundred dollars; in all, four thousand five hundred dollars.

Repairs.

**REPAIRS, NAVAL ACADEMY:** Necessary repairs of public buildings, wharves, and walls inclosing the grounds of the Naval Academy, improvements, repairs, furniture and fixtures, and temporary quarters and recitation rooms for cadets, fifty-one thousand dollars, to be immediately available.

Fuel and lights.

**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 and bandsmen's quarters, twenty thousand dollars.

Contingent expenses.

**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.

Whenever, in view of the vacancies in the grade of ensign on July thirtieth of any year unfilled by graduates of the Naval Academy, the Secretary of the Navy shall so recommend, the President may appoint to that grade, as of July thirtieth, from among the boatswains, gunners, or warrant machinists, not exceeding six in any one calendar year. No person shall be so appointed who is over thirty-five years of age; who has served less than six years as a warrant officer; who is not recommended by a commanding officer under whom he has served; nor until he shall have passed such competitive examination as may be prescribed by the Navy Department.

Warrant officers eligible to grade of ensign.

—qualifications.

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.

Pay of officers on the retired list: For three colonels, three lieutenant-colonels, one adjutant and inspector, two quartermasters, four majors, nine captains, three first lieutenants, and three second lieutenants, sixty-three thousand four hundred and twenty dollars.

Retired list.

Pay of noncommissioned officers, musicians, and privates, as prescribed by law, and the number of enlisted men 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.

Enlisted men.

Pay and allowance of retired enlisted men: For one sergeant-major, two drum-majors, two gunnery-sergeants, six first-class musicians, fourteen first sergeants, twenty-six sergeants, five corporals, one drummer, two fifers, and forty-eight privates, and for those who may be retired during the year, thirty-seven thousand dollars.

—retired.

Undrawn clothing: For payment to discharged soldiers for clothing undrawn, thirty thousand dollars.

Undrawn clothing.

Mileage: For mileage of officers traveling under orders without troops, sixteen thousand dollars.

Mileage.

For commutation of quarters to officers on duty without troops where there are no public quarters, eight thousand dollars.

Commutation of quarters.

In all, for pay of Marine Corps, one million six hundred and eighty-three thousand eight hundred and sixty-eight dollars.

**PAY OF CIVIL FORCE:** In the office of the brigadier-general commandant: One chief clerk, at one thousand five hundred and forty dollars and eighty cents; one clerk, at one thousand two hundred dollars; one messenger, at nine hundred and seventy-one dollars and twenty-eight cents;

Civil force. Pay.

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; one clerk, at one thousand two hundred dollars;

In the office of the assistant paymaster: One clerk, at one thousand four hundred dollars;

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;

In the office of the assistant adjutant and inspector: One clerk, at one thousand two hundred dollars;

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;

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;

Amount.

In all, for pay of civil force, twenty-two thousand six 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: *Provided, however,* That when it is impracticable or the expense is found greater to supply marines serving on shore duty in the island possessions and on foreign stations with the army ration, such marines may be allowed the navy ration or commutation therefor.

*Proviso.*  
Navy ration for marines, foreign service, when necessary.

Clothing.

**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.

Fuel.

**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.

Military stores.

**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, purchase and repair of tents and field ovens, purchase and repair of instruments for 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.

**TRANSPORTATION AND RECRUITING, MARINE CORPS:** For transportation of troops, including ferriage, and the expense of the recruiting service, seventy 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; Breerton, 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.

For rent of building used for manufacture of clothing, storing of supplies, and office of assistant quartermaster, Philadelphia, Pennsylvania, four thousand dollars. Rent, Philadelphia, Pa.

**FORAGE, MARINE CORPS:** For forage in kind for horses of the quartermasters' department, and the authorized number of officers' horses, six thousand dollars. Forage.

**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. Hire of quarters.

**CONTINGENT, MARINE CORPS:** For freight, tolls, cartage, advertising, washing of bed sacks, mattress covers, pillowcases, 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, employment of civilian labor, repair of gas and water fixtures, office and barracks furniture, camp and garrison equipage and implements, mess utensils for enlisted men, such as bowls, plates, spoons, knives, and forks, tin cups, pans, and pots, and so forth; packing boxes, wrapping paper, oilcloth, crash, rope, twine, quarantine fees, 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. Contingent expenses.

Construction of buildings.

Construction of marine barracks on the land attached to the Naval Academy, Annapolis, Maryland, seventy-five thousand dollars.

Construction of commanding officer's and junior officers' quarters on the land attached to the Naval Academy, Annapolis, Maryland, ten thousand dollars.

Construction of fireproof building for offices, headquarters Marine Corps, Washington, District of Columbia, fifty thousand dollars.

Construction of a marine barracks and officers' quarters at the naval station, Algiers, Louisiana, fifteen thousand dollars.

Construction of a boiler house, lavatory, and connecting bridge, installation of steam heat, and addition of a third story over two wings of marine barracks, navy-yard, Brooklyn, New York, twenty-eight thousand dollars.

In all, public works, Marine Corps, one hundred and seventy-eight thousand dollars.

That hereafter the enlistments into the Marine Corps shall be for a period of not less than four years.

Increase of the Navy.

#### INCREASE OF THE NAVY.

Plans for two battle ships and two armored cruisers authorized.

That, for the purpose of further increasing the naval establishment of the United States, in accordance with the latest improvements in the construction of ships and the production of armor and armament therefor, the Secretary of the Navy is hereby directed to prepare the plans and specifications of two seagoing battle ships and two armored cruisers, carrying the most suitable armor and armament for vessels of their class, and to submit to Congress a general description of such battle ships and cruisers on the first Monday in December next; and said Secretary, in preparing said plans and description, shall review and further consider the questions whether said ships should be sheathed or unsheathed; what should be the weight and extent of the armor therefor; what should be the form and location of the turrets; whether any changes should be made in the number and kind of guns of the various sizes heretofore constituting the armament of similar ships; what, if any, torpedo tubes should be built into large ships; to what extent electricity should be used for auxiliary purposes, and all other questions which have arisen and are now pending among naval architects and ordnance experts concerning the construction of battle ships and cruisers under modern conditions; and said Secretary shall, to such an extent as he may deem expedient, report to Congress in connection with said description his opinion upon the foregoing questions; and the Secretary of the Navy is hereby authorized to exercise his discretion as to the sheathing and coppering of naval vessels herein and heretofore authorized to be built.

—scope, etc., of plans.

—report.

Discretion in Secretary as to sheathing, etc., vessels already authorized, etc.

Iowa Iron Works, Dubuque, Iowa. Remission of time penalty on "Ericsson" authorized.

That the Secretary of the Navy is hereby authorized and directed to remit to the Iowa Iron Works, of Dubuque, Iowa, the time penalties exacted by the Navy Department under the contract with said company for the construction of the torpedo boat Ericsson, the Government having suffered no damage by the delay in the construction, and a sum sufficient for that purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, not exceeding, however, the sum of seventeen thousand two hundred and twenty-five dollars.

Construction and machinery.

**CONSTRUCTION AND MACHINERY:** On account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized, twenty-one million dollars.

Armor and armament. Vol. 29, p. 379. Vol. 30, pp. 389, etc. *Ante*, p. 707.

**ARMOR AND ARMAMENT:** Toward the armament and armor of domestic manufacture for the vessels authorized by the Act of June tenth, eighteen hundred and ninety-six; 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 the Act of June seventh, nineteen hundred, four million dollars.

**EQUIPMENT:** Toward the completion of the equipment outfit of the new vessels heretofore authorized, four hundred thousand dollars.

That the President of the United States be, and he is hereby, authorized to establish, and from time to time to modify, as the needs of the service may require, a classification of vessels of the Navy, and to formulate appropriate rules governing assignments to command of vessels and squadrons.

Approved, March 3, 1901.

Equipment.

Classification of vessels authorized and formulation of rules governing assignments to command of vessels and squadrons.

**CHAP. 855.**—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes.

March 3, 1901.

*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 two, namely:

Appropriations for sundry civil expenses.

**UNDER THE TREASURY DEPARTMENT.**

Treasury Department.

**PUBLIC BUILDINGS.**

Public buildings.

For post-office and court-house at Abilene, Texas: For completion of building under present limit, thirty-seven thousand five hundred dollars.

Abilene, Tex.

For court-house and post-office at Altoona, Pennsylvania: For completion of building under present limit, seventy-five thousand dollars.

Altoona, Pa.

For post-office at Annapolis, Maryland: For completion of building under present limit, fifty thousand dollars.

Annapolis, Md.

For post-office at Anniston, Alabama: For continuation of building under present limit, twenty-five thousand dollars.

Anniston, Ala.

For custom-house at Baltimore, Maryland: For continuation of building under present limit, three hundred and fifty thousand dollars.

Baltimore, Md.

For rental of temporary quarters for the accommodation of certain Government officials at Baltimore, Maryland, one thousand eight hundred and fifty dollars.

For post-office and court-house at Baltimore, Maryland: For new boiler plant, twenty-five thousand dollars.

For post-office and subtreasury building at Boston, Massachusetts: To complete the repairs and additions, and for painting and cleaning the walls, fifty thousand dollars.

Boston, Mass.

For post-office at Brooklyn, New York: To provide facilities for loading and unloading mail matter from the post-office working room carried on electric cars throughout the city, ten thousand dollars.

Brooklyn, N. Y.

For post-office and court-house at Beaumont, Texas: For completion of building under present limit, thirty-seven thousand five hundred dollars.

Beaumont, Tex.

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 two, twenty-six thousand eight hundred and six dollars and sixty cents.

Chicago, Ill.

For post-office and court-house at Chicago, Illinois: For continuation of building under present limit, one million dollars.

Cleveland, Ohio.

For post-office, custom-house, and court-house at Cleveland, Ohio: For continuation of building, two hundred thousand dollars.

For rental of quarters at Cleveland, Ohio: For rental of temporary quarters for six months ending June thirtieth, nineteen hundred and two, for the accommodation of Government officials, and for moving furniture, fixtures, safes, and other Government property, and other contingent expenses incidental to such removal, twenty-eight thousand dollars.

Clinton, Iowa.

For post-office at Clinton, Iowa: For completion of building under present limit, fifty thousand dollars.

Creston, Iowa.

For post-office at Creston, Iowa: For completion of building under present limit, twenty-five thousand dollars.

Elizabeth City, N. C.

For court-house and post-office at Elizabeth City, North Carolina: For completion of building under present limit, twenty-five thousand dollars.

Ellis Island, N. Y.

For buildings on Ellis Island, and work in connection with said island necessary to properly complete the immigrant station, one hundred and seventy-five thousand dollars, to be paid from the immigrant fund, which sum is hereby transferred to the appropriation for immigrant station at Ellis Island, New York.

Elmira, N. Y.

For post-office and court-house at Elmira, New York: For continuation of building under present limit, seventy-five thousand dollars.

Fergus Falls, Minn.

For court-house and post-office at Fergus Falls, Minnesota: For completion of building under present limit, thirty-seven thousand five hundred dollars.

Fitchburg, Mass.

For post-office at Fitchburg, Massachusetts: For completion of building under present limit, fifty thousand dollars.

Helena, Mont.

For public building at Helena, Montana: For completion of building under present limit, one hundred and twenty-nine thousand seven hundred and ninety-one dollars and seventy-two cents.

Hot Springs, Ark.

For post-office at Hot Springs, Arkansas: For completion of building under present limit, thirty-nine thousand dollars.

Indianapolis, Ind.

For post-office, court-house, and custom-house at Indianapolis, Indiana: For continuation of building under present limit, two hundred and fifty thousand dollars.

For rental of temporary quarters for the accommodation of certain Government officials at Indianapolis, Indiana, sixteen thousand dollars.

Joplin, Mo.

For post-office and court-house at Joplin, Missouri: For completion of building under present limit, twenty-five thousand dollars.

Kansas City, Kans.

For post-office at Kansas City, Kansas: For completion of building under present limit, fifty thousand dollars.

Lawrence, Mass.

For post-office at Lawrence, Massachusetts: For purchase of site and completion of building under present limit, fifty thousand dollars.

Leadville, Colo.

For post-office at Leadville, Colorado: For completion of building under present limit, twenty-five thousand dollars.

Los Angeles, Cal.

For court-house and post-office at Los Angeles, California: For completion of addition to present building under present limit, one hundred and fifty thousand dollars.

For rental of temporary quarters for the accommodation of certain Government officials at Los Angeles, California, eight thousand five hundred dollars.

Lockport, N. Y.

For post-office at Lockport, New York: For completion of building under present limit, twenty-five thousand dollars.

Macon, Ga.

For rental of quarters at Macon, Georgia: For rental of temporary quarters for the accommodation of certain Government officials, six thousand dollars.

New Iberia, La.

For post-office at New Iberia, Louisiana: For completion of building under present limit, twenty-five thousand dollars.

New York, N. Y.

For custom-house at New York, New York: For continuation of buildings under present limit, five hundred thousand dollars.

For rent of old custom-house at New York, New York: For rental of temporary quarters for the accommodation of certain Government officials, from August twenty-eighth, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, one hundred and nine thousand eight hundred and forty-seven dollars and twelve cents; from July first, nineteen hundred, to June thirtieth, nineteen hundred and one, one hundred and thirty thousand six hundred dollars; from July first, nineteen hundred and one, to June thirtieth, nineteen hundred and two, one hundred and thirty thousand six hundred dollars; in all, three hundred and seventy-one thousand and forty-seven dollars and twelve cents.

Rent, old custom-house.

For custom-house and post-office at New Orleans, Louisiana: For new boilers and heating apparatus, and for new electric elevators and work incident thereto, sixty thousand dollars.

New Orleans, La.

For necessary alterations in the Newport, Rhode Island, post-office, and to provide additional space for the money-order, registry, and stamp divisions, twenty thousand dollars, to be immediately available.

Newport, R. I.

For post-office at Norwich, Connecticut: For completion of building under present limit, fifty thousand dollars.

Norwich, Conn.

For custom-house at Norfolk, Virginia: For alterations and repairs, twenty thousand dollars.

Norfolk, Va.

For post-office at Oakland, California: For completion of building under present limit, one hundred and twenty-five thousand dollars.

Oakland, Cal.

For the completion of the custom-house and post-office building at Newark, New Jersey, by a one-story addition, with basement, heating and ventilating apparatus, as required for carriers' room and storage, according to plans of the Secretary of the Treasury, eighty-five thousand dollars.

Newark, N. J.

For court-house, custom-house, and post-office at Omaha, Nebraska: For completion of the addition to the building under present limit, three hundred and fifty thousand dollars.

Omaha, Nebr.

For post-office at Oskaloosa, Iowa: For completion of building under present limit, twenty-five thousand dollars.

Oskaloosa, Iowa.

For post-office at Rome, New York: For completion of building under present limit, twenty-five thousand dollars.

Rome, N. Y.

For post-office at Salem, Oregon: For completion of building under present limit, twenty-five thousand dollars.

Salem, Oreg.

For court-house and post-office at Salt Lake City, Utah: For continuation of building under present limit, seventy-five thousand dollars.

Salt Lake City, Utah.

For court-house, custom-house, and post-office at Seattle, Washington: For continuation of building under present limit, one hundred thousand dollars.

Seattle, Wash.

For post-office at Stockton, California: For completion of building under present limit, forty thousand nine hundred and fifty dollars.

Stockton, Cal.

For post-office and court-house at San Francisco, California: For completion of building under present limit, one million one hundred and fifty-five thousand and fifty-five dollars and four cents.

San Francisco, Cal.

For court-house, post-office, and custom-house at Tampa, Florida: For completion of building under present limit, one hundred thousand dollars.

Tampa, Fla.

For post-office at Wilkesbarre, Pennsylvania: For purchase of site and completion of building under present limit, seventy-five thousand dollars.

Wilkesbarre, Pa.

For the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, District of Columbia, three hundred thousand dollars, and the Secretary of the Treasury be, and he is hereby, empowered and directed to acquire for and in the name of the United States, for the purpose hereinafter provided, the following-described real estate, with the improvements thereon, known and designated as original lots numbered five, six, seven, and eight, in square one hun-

Corcoran Art Gallery, District of Columbia.  
Purchase authorized.

dred and sixty-seven, in the city of Washington, District of Columbia, and containing seventeen thousand seven hundred and thirty-three square feet, lying and being at the corner of Pennsylvania avenue and Seventeenth street northwest, fronting on Pennsylvania avenue one hundred and six feet and on Seventeenth street one hundred and sixty feet, and being the property of the Corcoran Gallery of Art. Said property to be used by the Court of Claims or for such other purposes as may be determined: *Provided*, That the same can be secured for a sum not exceeding three hundred thousand dollars; and so much of the Act entitled "An Act to provide for the erection of a building for the Department of Justice," approved March third, eighteen hundred and ninety-nine, as provides "that said building shall be constructed so as to provide a court room and necessary accommodations for the Court of Claims," be, and the same is hereby, repealed.

To be used by Court of Claims.

*Proviso.*  
—limit price.  
Repeal.  
Vol. 30, p. 1359.

Treasury buildings.

For Treasury building at Washington, District of Columbia: For repairs to Treasury, Butler, and Winder buildings, eight thousand dollars.

Fire-alarm system.

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.

Public buildings.  
Repairs and preservation.

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, and post-offices, and quarantine stations, and other public buildings and the grounds thereof under the control of the Treasury Department, exclusive of marine hospitals, four hundred 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.

*Proviso.*  
Superintendents.

Heating apparatus.

Heating apparatus for public buildings: For heating, hoisting, and ventilating apparatus, and repairs to the same, for all public buildings, including quarantine stations, and exclusive of marine hospitals, 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, photographic materials, and in duplicating plans required for all public buildings under control of the Treasury Department, four thousand dollars.

St. Paul, Minn.  
Retention of old building directed.  
Vol. 26, p. 763.

Post-office, court-house, and custom-house, Saint Paul, Minnesota: That so much of the provisions of the Act of Congress entitled "An Act for the erection of a public building at Saint Paul, Minnesota," approved February sixteenth, eighteen hundred and ninety-one, as authorized the Secretary of the Treasury, after the completion of the new United States post-office, court-house, and custom-house building, to sell and convey the present property of the United States in said city now occupied as a court-house, custom-house, and post-office, and of the Act of Congress entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes," approved July first, eighteen hundred and ninety-eight, as

Vol. 30, p. 598.

directs the Secretary of the Treasury to cause suitable accommodations to be provided in the new United States post-office, court-house, and custom-house building for all officials of the United States located in said city who are entitled to quarters in public buildings, are hereby repealed; and the Secretary of the Treasury is hereby authorized and directed to retain the custody and control of the property of the United States in said city now occupied as a court-house, custom-house, and post-office, to rearrange and remodel the same as may be necessary for public business, and to assign the space therein to such officials located in said city who are entitled to offices in public buildings as in his judgment shall be proper; and that all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Remodeling, etc.

**MARINE HOSPITALS:** For building for laboratory, Marine-Hospital Service: For the erection of the necessary buildings and quarters for a laboratory for the investigation of infectious and contagious diseases, and matters pertaining to the public health, under the direction of the Supervising Surgeon-General, thirty-five thousand dollars; and the Secretary of the Navy is authorized to transfer to the Secretary of the Treasury, for use as a site for said laboratory, five acres of the reservation now occupied by the Naval Museum of Hygiene.

Marine hospitals.  
Laboratory author-  
ized.

—site.

Books and journals for the use of the Marine-Hospital Bureau may be purchased during the fiscal year nineteen hundred and two at a cost not to exceed five hundred dollars, and paid for from the appropriation for the Marine-Hospital Service.

Books, etc., for Bu-  
reau.

**QUARANTINE STATIONS:** For quarantine station, Reedy Island, Delaware River: For reclamation of ground and additional quarters, twelve thousand dollars; for boarding vessel, fifty thousand dollars; in all, sixty-two thousand dollars.

Quarantine stations.

For quarantine station, Delaware Breakwater, Delaware: For bulk-heading, two thousand five hundred dollars.

Delaware Break-  
water.

For Cape Fear quarantine station: For quarters for detained crews, two thousand dollars.

Cape Fear.

For quarantine station, Savannah, Georgia: For ballast gangway, with tracks and cars and sheds, four thousand five hundred dollars.

Savannah, Ga.

For Columbia River quarantine station: For hospital and lazaretto, for pumping station, and for mooring buoy and anchor, eight thousand five hundred dollars.

Columbia River.

For Port Townsend quarantine station: For boarding vessel, forty thousand dollars.

Port Townsend.

**LIGHT-HOUSES, BEACONS, AND FOG SIGNALS.**

Fort Wadsworth light and fog-signal station, New York: For moving the light and fog signal now at Fort Tompkins to Fort Wadsworth, both in the Narrows, New York Harbor, New York, and establishing a light and fog signal at Fort Wadsworth, New York, twelve thousand nine hundred dollars.

Light-houses, bea-  
cons, and fog signals.

Fort Wadsworth,  
N. Y.  
Removal to, of Fort  
Tompkins light.

Norwalk Harbor lighted beacons, Connecticut: For completing establishment of beacons at Round Beach, Fitchs Point, White Rock Reef, and Grassy Hammock, Norwalk Harbor, Connecticut, four hundred dollars.

Norwalk, Conn.

For a light and fog-signal station on Pecks Ledge, Norwalk Harbor, Connecticut, ten thousand dollars.

For a light on Long Beach day beacon, Norwalk Harbor, Connecticut, two thousand five hundred dollars.

For a beacon light near Grubbs Landing, Delaware River, Delaware, eight thousand dollars.

Grubbs Landing,  
Delaware River.

Tender for the inspector, Third light-house district: For completing tender in accordance with authorized contract, sixty-two thousand five hundred dollars.

Tender, Third dis-  
trict.

- Staten Island, N. Y. Staten Island light-house depot, New York: For continuing the 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.
- Ranges, Delaware River. Port Penn range, Reedy Island range, Finns Point range, Delaware River, New Jersey: For reestablishment of ranges, sixty thousand dollars.
- Hambrook Bar, Choptank River, Md. For the establishment of a beacon light on Hambrook Bar, Choptank River, Maryland, and beacon range lights to guide into the harbor of Cambridge, Maryland, ten thousand dollars.
- Point-no-Point, Md. For the establishment of a light-house and fog signal at Point-no-Point, Chesapeake Bay, Maryland, between Cove Point and Smiths Point, sixty-five thousand dollars.
- Point Royal, N. C. Northwest Point Royal Shoal light-station, North Carolina: For rebuilding this light-house, thirty thousand dollars.
- Cape Fear, N. C. Cape Fear light-station, North Carolina: For completing the first-order light-station at or near the pitch of Cape Fear, North Carolina, thirty-five thousand dollars.
- Tender, Seventh district. Tender for the engineer of the Seventh light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for construction and repair service in the Seventh light-house district, eighty-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.
- Additional temporary draftsmen authorized. Additional temporary draftsmen authorized.
- Sabine Bank, Tex. Sabine Bank light and fog-signal station, Texas: For completing light and fog-signal station on Sabine Bank, in the Gulf of Mexico, off Sabine Pass, forty thousand dollars.
- Tender, Eighth district. Tender for the Eighth light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Eighth light-house district, one hundred and twenty-five thousand dollars.
- Tender, Ninth district. Tender for the inspector Ninth light-house district: The Secretary of the Treasury is hereby authorized to enter into a contract for the construction of a steam tender for buoyage, supply, and inspection, heretofore authorized for the Ninth light-house district, at a total cost not exceeding one hundred and fifteen thousand dollars.
- Tender for the engineer Ninth light-house district: The total cost of said tender, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars.
- Toledo, Ohio. Toledo Harbor light and fog-signal station, Ohio: For completing a light and fog-signal station to mark the outer end of the main channel, entrance to Toledo Harbor, Ohio, fifty-two thousand five hundred dollars.
- Point Dume, Cal. Point Dume, California: For the establishment of a light and fog signal station provided for by the Act approved February twentieth, nineteen hundred and one, sixty-three thousand dollars.
- Tender, Tenth district. Tender for the Tenth light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Tenth light-house district, one hundred and twenty thousand dollars.
- Table Bluff, Cal. Table Bluff light-station, California: To construct a telephone line from the light-house at Table Bluff, California, to connect with the general telephone system at Salmon Creek, Humboldt County, California, one thousand four hundred and eight dollars and forty-four cents.

Relief light vessel for the Twelfth and Thirteenth light-house districts (Pacific coast): For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal; and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the light-house vessel for which appropriation may be made; such draftsmen to be paid from the appropriation for building said vessel; such employment to cease and determine on or before the date when, the plans for such vessel being finished, proposals for building said vessel are invited by advertisement, ninety thousand dollars.

Relief vessel, Twelfth and Thirteenth districts.

Temporary draftsmen.

Admiralty Head, Washington: For the removal and reconstruction of light-house buildings, to make way for new fortifications. To be expended in part payment of the cost, twelve thousand dollars.

Admiralty Head, Wash.

Tender for the Thirteenth light-house district: For the completion of a powerful seagoing tender for the Thirteenth light-house district, twenty thousand dollars.

Tender, Thirteenth district.

Tender for the Sixteenth light-house district: For completing steam tender for the inspector Sixteenth light-house district, thirty thousand dollars.

—Sixteenth district.

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; construction of necessary outbuildings, at a cost not exceeding two hundred dollars at any one light station in any fiscal year; and for all other necessary incidental expenses relating to these various objects, six hundred and fifty-five thousand dollars.

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 six hundred light-house and fog-signal keepers and laborers attending other lights, seven hundred and eighty-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 seventy-five thousand dollars.

Light vessels.

EXPENSES OF BUOYAGE: For expenses of establishing, replacing, 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.

Buoyage.

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 seventy-five thousand dollars.

Fog signals.

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

Lighting of rivers.

Philadelphia and Bordentown, New Jersey; the Elk River, Maryland; York River; 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.

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.

Oil houses.

**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.

*Proviso.*  
—limit cost.

Lights on channels  
of Great Lakes.

**MAINTENANCE OF LIGHTS ON CHANNELS OF GREAT LAKES:** To enable the Secretary of the Treasury, under the supervision of the Light-House Board, by contract or otherwise, to maintain lights necessary for the safe navigation of those channels in the connecting waterways of the Great Lakes which have been constructed or artificially improved by the Government of the United States, where the same can not properly be lighted from the American side, four thousand dollars.

Porto Rico.

**PORTO RICAN LIGHT-HOUSE ESTABLISHMENT:** For maintaining existing aids to navigation and to establish and maintain additional day marks, buoys, and beacon lights where required for Porto Rico and adjacent islands, seventy-five thousand dollars.

Alaska.

**LIGHT-HOUSE AND FOG-SIGNAL STATIONS IN ALASKAN WATERS:** To enable the Secretary of the Treasury to continue to establish, under the direction and supervision of the Light-House Board, light-house and fog-signal stations in Alaskan waters, two hundred thousand dollars.

Life-saving Service

#### LIFE-SAVING SERVICE.

Superintendents.

For salaries of superintendents for the life-saving stations as follows:

For one superintendent for the coasts 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, 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.

For Lyle gun, the beach apparatus used with it, and two surfboats of the latest improved construction for use on the coast at or near Cape Nome, Alaska, two thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Treasury.

Apparatus, Cape Nome, Alaska.

For salaries of two hundred and eighty keepers of life-saving and lifeboat stations and of houses of refuge, two hundred and forty-five thousand one hundred dollars.

Keepers.

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, and at the building erected on the grounds of the Pan-American Exposition, at Buffalo, New York, under authority of the Act of Congress approved March third, eighteen hundred and ninety-nine, for an exhibit of the United States Life-Saving Service, 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 four hundred and seventy-two thousand two hundred and eighty dollars.

Crews.

—Buffalo exposition.

For a Lyle gun and the necessary beach apparatus used in connection with it, together with a suitable boat, all to be placed at or near Port Day, on the Niagara River, at such point as the General Superintendent of the Life-Saving Service may recommend: *Provided*, That bond shall be given by proper individuals living in the neighborhood, conditioned for the care and preservation of the same and their application to the saving of life and property, five hundred and seventy-five dollars.

Commutation of quarters.  
Vol. 22, p. 57.

Apparatus, Port Day, Niagara River.

Proviso.  
Bond.

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.

For expenses of the Revenue-Cutter Service: For pay of captains, lieutenants, captain of engineers, chief engineers, and assistant engi-

Revenue-Cutter Service.  
Salaries and expenses.

neers, 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 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.

Anchorage.  
Vol. 25, p. 151.  
Vol. 30, p. 1081.

Vol. 27, p. 431.

Revenue cutters;  
Pacific coast service.

Vol. 30, p. 1081.

—on Great Lakes.

Vol. 30, p. 1081.

—on St. Marys River,  
Mich.

—at Boston, Mass.

Launch, Gloucester,  
Mass.

Engraving and  
Printing.

salaries.

Proviso.  
Notes of larger denomination.  
Act, p. 45.

Wages.

For the completion of one revenue cutter of the first class, under the direction of the Secretary of the Treasury, for service on the Pacific coast, authorized by sundry civil Act of March third, eighteen hundred and ninety-nine, one hundred and twelve thousand five hundred dollars.

For the completion of one revenue cutter of the first class, under the direction of the Secretary of the Treasury, for service on the Great Lakes, authorized by sundry civil Act of March third, eighteen hundred and ninety-nine, eighty-two thousand five hundred dollars.

For the construction, or purchase, under the direction of the Secretary of the Treasury, of a vessel to be used and equipped as a revenue cutter of the third class for service on the Saint Marys River, Michigan, for the purpose of protecting the revenue and enforcing the rules of navigation on said river, thirty-seven thousand five hundred dollars; and the total cost of said vessel, either by purchase or under a contract, which is hereby authorized therefor, shall not exceed seventy-five thousand dollars.

To enable the Secretary of the Treasury to purchase or build a suitable vessel to be used as a revenue cutter of the third class at Boston, Massachusetts, as provided in the Act approved February fourth, nineteen hundred and one, fifty thousand dollars.

For the purchase or construction of a launch for the customs service at Gloucester, Massachusetts, five thousand dollars.

#### 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, eight hundred and sixty-six thousand six hundred and eighty-three 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.

For wages of plate printers, at piece rates to be fixed by the Secre-

tary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, when employed, eight hundred and ninety-one thousand seven hundred and seventy-six 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 denomination.

For engravers' and printers' materials and other materials, except distinctive paper, and for miscellaneous expenses, two hundred and ninety-five thousand seven hundred and ninety-three dollars.

Materials.

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.

Rent.

COAST AND GEODETIC SURVEY.

Coast and Geodetic Survey.

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.

Expenses survey of seacoasts, etc.

*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 any special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto, thirteen thousand four hundred dollars, to be immediately available and remain available until expended.

International Geodetic Association.

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.

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:

And hereafter the Secretary of the Treasury is authorized to purchase, from the appropriation for the United States Coast and Geodetic Survey, provisions, clothing, and small stores for the enlisted men, and food supplies for field parties working in remote localities, such provisions, clothing, small stores, and food supplies to be sold to the employees of said Survey and the appropriation reimbursed; in all, for field expenses, two hundred and sixty thousand dollars.

Repairs of vessels.

**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.

Pay of officers and men.

**OFFICERS AND MEN, VESSELS, COAST SURVEY:** 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 five assistants, at two thousand five hundred dollars each;  
 For one assistant, two thousand four hundred dollars;  
 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 twenty-three aids, at seven hundred and twenty dollars each;  
 in all, one hundred and twenty-seven thousand two hundred and sixty dollars.

**PAY OF OFFICE FORCE:** For one disbursing agent, two thousand two hundred dollars;

Office force.

For one chief of division of library and archives, one thousand eight hundred dollars;

For clerical force, namely:

For two, at one thousand eight hundred dollars each;  
 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 helpers,

instrument makers, carpenters, engineer, and other skilled laborers, namely:

For two, at one thousand eight hundred dollars each;

For one, at one thousand six hundred dollars;

For nine, 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 folders, 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-five thousand two hundred and forty dollars.

Office expenses.

OFFICE EXPENSES: For the purchase of new instruments, for materials 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, photographing, 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 instruments and supplies when not charged to party expenses, office wagon and horses, heating, lighting, and power, telephone, telegrams, ice, and washing, office furniture, repairs other than for buildings, 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 the discussion and publication of observations, one thousand dollars.

Allowance.

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 hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the Superintendent), 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. That the Secretary of the Smithsonian Institution is directed to report to Congress on the first day of the next regular session an entire account of all appropriations heretofore expended by the Astrophysical Observatory, what results have been reached, and what is the present condition of the work of said observatory.

**NATIONAL MUSEUM:** For cases, furniture, fixtures, and appliances required for the exhibition and safe-keeping of the collections of the National Museum, including salaries or compensation of all necessary employees, twenty thousand dollars.

National Museum.

For expense of heating, lighting, electrical, telegraphic, and telephonic service for the National Museum, including five thousand dollars for electric installation, twenty-three thousand dollars.

For removing old boilers in the National Museum building, and for the purchase and installation of new boilers, including material and labor for necessary alterations and connections, twelve 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 all necessary labor and material, fifteen thousand dollars.

For construction of two galleries in the National Museum building, five thousand dollars.

For rent of workshops and temporary storage quarters for the National Museum, four thousand four hundred 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, the printing and publishing of operations, not exceeding one thousand five hundred copies, and general incidental expenses not otherwise provided for, eighty 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.

Zoological Park.

## 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

Pay of Commissioner, clerks, etc.

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; four 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 six hundred and forty dollars.

Office of accounts.

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 architect and engineer.

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.

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.

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.

Central Station.

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) Station: 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 (Maryland) Station: Custodian, three hundred and sixty dollars. Bryans Point, Md.

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. Wytheville, Va.

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. Put in Bay, Ohio.

Northville (Michigan) Station: Superintendent, one thousand five hundred dollars; foreman, nine hundred and sixty dollars; fish-culturist, nine hundred dollars; skilled laborer, six hundred dollars; three laborers, at five hundred and forty dollars each; in all, five thousand five hundred and eighty dollars. Northville, Mich.

Alpena (Michigan) Station: Foreman, one thousand two hundred dollars; fish-culturist, nine hundred dollars; in all, two thousand one hundred 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, nine hundred dollars; skilled laborer, seven hundred and twenty dollars; one laborer, six hundred dollars; in all, three thousand seven hundred and twenty 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.

Edenton, N. C.

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.

Baker Lake, Wash.

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.

Cold Springs, Ga.

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.

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, 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.

Administration expenses.

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: For maintenance, equipment, and operations of the fish-cultural stations of the Commission, the general propagation of food-fishes and their distribution, including the movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, and temporary labor, one hundred and seventy-five thousand dollars.

Propagation of food-fishes.

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.

Maintenance of vessels.

Manchester (Iowa) Station: For the purchase or construction of a vessel to be used on the Mississippi River for the Manchester (Iowa) Station, five thousand dollars.

Manchester, Iowa.

Green Lake (Maine) Station: For the construction of additional ponds and procurement of increased water supply; for building railway and boathouse for steamer Senator, and for repairs to that vessel; for extension of wharf, repair of main flume, and construction of road from station to county road, four thousand dollars.

Green Lake, Me.

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.

Inquiry, food-fishes.

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.

For the purchase of additional land and water rights and construction of additional ponds at the San Marcos, Texas, station, eight thousand dollars.

San Marcos, Tex.

For the establishment of a fish-hatching and fish-culture station at the town of Tupelo, in the State of Mississippi, twenty thousand dollars.

Tupelo, Miss.

For constructing and equipping a lobster hatchery upon the coast of Maine, including the purchase of land and water rights, authorized by the Act approved February fourth, nineteen hundred and one, ten thousand dollars.

Maine lobster hatchery.  
*Ante*, p. 759.

INTERSTATE COMMERCE COMMISSION.

Interstate Commerce Commission.

For salaries of Commissioners, as provided by the "Act to regulate commerce," thirty-seven thousand five hundred dollars;

Salaries.

For salary of secretary, as provided by the "Act to regulate commerce," three thousand five hundred dollars;

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

Expenses.  
Vol. 24, p. 379.  
Vol. 25, p. 855.  
Vol. 26, p. 743.

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.

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, and reappropriated by Act of June sixth, nineteen hundred, and made available for the fiscal year nineteen hundred and one, is hereby reappropriated and made available for expenses that may be incurred under said Act during the fiscal year nineteen hundred and two.

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 enforce the requirements of the said Act, twenty-five thousand dollars.

Unexpended balance for expenses under "Act concerning carriers engaged in interstate commerce," etc., reappropriated. Vol. 30, pp. 428, 1090, etc.

Enforcement of "Act to promote safety of employees, etc., on railroads," Vol. 27, p. 531.

#### Miscellaneous.

### MISCELLANEOUS OBJECTS UNDER THE TREASURY DEPARTMENT.

Hawaii. Appropriation for paying public debt of. Vol. 30, p. 751.

**PAYMENT OF DEBT OF HAWAII:** To carry into effect the agreement embodied in joint resolution "To provide for annexing the Hawaiian Islands," approved July seventh, eighteen hundred and ninety-eight, as follows:

For payment of the public debt of the Republic of Hawaii lawfully existing at the date of the passage of said resolution, three million two hundred and thirty-five thousand four hundred and twenty-nine dollars and sixty-nine cents; for payment of interest accruing thereon after June fifteenth, nineteen hundred, the date on which the Act to provide a government for the Territory of Hawaii went into effect, until paid, or so much thereof as may be necessary, two hundred and twenty-three thousand nine hundred and fifty-five dollars and forty-eight cents; for payment of commissions and all other expenses incurred in carrying into effect the terms of said resolution, or so much thereof as may be necessary, twenty thousand dollars; in all, three million four hundred and seventy-eight thousand three hundred and eighty-five dollars and seventeen cents, the same to be immediately available.

#### 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: *Provided*, 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 two, for salaries and expenses of agents and surveyors, fees and expenses of gaugers, salaries of storekeepers, and for miscellaneous expenses

*Proviso.* Purchase of books for chemical laboratory.

**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, two hundred thousand dollars.

Contingent expenses.  
Independent Treasury.  
R. S., sec. 3653, p. 719.

**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: *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.

Transporting silver coin.

*Proviso.*  
—condition.

**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.

Recoinage of gold coins.  
R. S., sec. 3512, p. 696.

**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: *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.

Transporting minor coin.

*Proviso.*  
—condition.

**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-one thousand dollars.

United States securities.  
Distinctive paper.

**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, printers' 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, thirty-four 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, two 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 and eighty-six thousand two hundred dollars; and the Secretary of the Treasury

Public buildings.  
Assistant custodians and janitors.

shall so apportion this sum as to prevent a deficiency therein, and hereafter no other fund appropriated shall be used for this service.

Inspector of supplies.

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 furniture.

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.

Furniture and repairs.

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 fifty-six thousand five hundred 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.

Fuel, lights, and water.

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 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 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 public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices under the control of the Treasury Department, inclusive of new buildings, nine hundred and fifteen 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 governments, 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

R. S., sec. 4718, p. 919.

*Proviso.*  
Witnesses.

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."

**COMPENSATION IN LIEU OF MOIETIES:** For compensation in lieu of moieties in certain cases under the customs revenue laws, twenty thousand dollars.

Compensation in lieu of moieties.

**EXPENSES OF LOCAL APPRAISERS' MEETINGS:** For defraying the necessary expenses of local appraisers at annual meetings for the purpose of securing uniformity in the appraisal of dutiable goods at different ports of entry, one thousand two hundred dollars.

Local appraisers' meetings.

**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.

Alaskan seal fisheries.

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.

Food to natives.

For the protection of the salmon fisheries of Alaska under the direction of the Secretary of the Treasury, seven thousand dollars.

Salmon fisheries.

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.

Enforcing award of Paris tribunal. Vol. 28, p. 52.

**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." two hundred thousand dollars, of which sum one thousand dollars per annum shall be paid to the collector of customs at Port Townsend as additional compensation, and one thousand dollars per annum shall be paid to the Commissioner-General of Immigration as additional compensation.

Chinese exclusion.

Vol. 57, p. 25.

Additional compensation to collector, Port Townsend, and Commissioner - General of Immigration.

**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 hereafter nothing in section four of the Act of August fifth, eighteen hundred and eighty-two (Twenty-two Statutes, two hundred and fifty-five), shall be construed to prevent the detailing of one officer employed in the enforcement of the alien contract-labor laws for duty at the Treasury Department at Washington.

Enforcing alien contract-labor laws.

*Proviso.* Detail of officer for Washington.

**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.

**QUARANTINE SERVICE.**

Quarantine service.

For the maintenance and ordinary expenses, including pay of officers and employees of quarantine stations at Delaware Breakwater, Reedy

Maintenance.

Island, Cape Charles and supplemental station, Cape Fear, Savannah, South Atlantic, and Brunswick, Key West, Mullet Key, Gulf, San Diego, San Francisco, Columbia River, Port Townsend, quarantine system of the Hawaiian Islands, and the quarantine system of Porto Rico, three hundred and ten thousand dollars.

#### PREVENTION OF EPIDEMICS.

Prevention of epidemics.

The President of the United States is 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 unexpended balance of the sums appropriated and reappropriated by the sundry civil appropriation Act approved June sixth, nineteen hundred, 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.

*Ante*, p. 612.

#### UNDER THE DEPARTMENT OF THE INTERIOR.

Interior Department.

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, ten thousand dollars.

Electric-light plant.

**ELECTRIC-LIGHT PLANT FOR THE DEPARTMENT OF THE INTERIOR BUILDINGS:** For the establishment of an electric-lighting plant for buildings occupied by offices of Department of the Interior, the Patent Office building, the old Post-Office building, now occupied by the General Land and Indian bureaus, and the Pension Office building, and for improvement in the heating of the Patent Office buildings, including necessary conduits, the laying and construction of which are hereby authorized, seventy-four thousand dollars.

Area, etc., Pension building.  
Reappropriations.

That the appropriation of five thousand dollars made by the sundry civil appropriation Act approved March third, eighteen hundred and ninety-nine, to build an area and sewer from the west entrance of the Pension building and extending along the south side thereof to the eastern entrance, is hereby reappropriated for said objects and made available until the close of the fiscal year nineteen hundred and two.

That the appropriation of seven thousand dollars made by the sundry civil appropriation Act approved June sixth, nineteen hundred, for coal bin for storage of coal, to be built in connection with areaway of the Pension Office building, is hereby continued and made available for the fiscal year nineteen hundred and two for the same purpose.

Capitol.  
Repairs, etc.

**FOR THE CAPITOL:** For work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, and not exceeding fifty dollars for the purchase of technical and necessary books, thirty-seven thousand five hundred and thirty dollars.

For reconstructing and fireproofing the roof of the central portion of the Capitol building, including the restoration in fireproof construction of the ceilings of the Supreme Court room and Statuary Hall; for material and labor and necessary expenses incident thereto, one hundred and fifty-three thousand five hundred dollars, to be immediately available.

—plans authorized for extending central portion of building.

To enable the Architect of the Capitol to prepare and submit to Congress at its next session plans, specifications, and estimates of cost for reconstructing and extending in a fireproof manner the central



portion of the Capitol building; the renovation and decoration of the rotunda; also for the construction of a fireproof building adjacent to the grounds of the Capitol building, to be used for offices, storage and power plant purposes connected with the Capitol building, one thousand five hundred dollars, to be immediately available.

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.

Flags.

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.

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, and engine house, 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.

Lighting.

For repairs and improvements to steam fire engine house and Senate and House stables, and for repairs to and paving of floors and courtyards of same, one thousand five hundred dollars.

Engine house and stables.

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 Capitol, two thousand one hundred and fifty dollars.

Senate; heating, etc.

For the purpose of providing the document rooms of the Senate with fireproof shelving, under the direction of the Architect of the Capitol, twenty-five thousand dollars, to be immediately available.

—shelving, document room.

For repairs to the elevator in the Maltby Building, including new steel guides, car platform, and cage and safety devices, and for labor and material, one thousand five hundred and fifty dollars.

Maltby Building.

For improving the ventilation of the Hall of Representatives and the corridors adjacent thereto, including new floor for the Hall and the installation of new ventilating and heating apparatus, the ventilation of the House restaurant and kitchen, for materials, labor, appliances, and so forth, fifty-one thousand two hundred dollars, to be immediately available.

House of Representatives. Improving ventilation, etc.

For refurnishing the Hall of the House of Representatives, the Speaker's rooms, and the office of Sergeant-at-Arms, and for furniture for the new committee rooms in the old library portion of the building, sixty-one thousand dollars, to be immediately available and to be disbursed by the Clerk of the House of Representatives.

—refurnishing Hall, etc.

For refitting the file room of the House of Representatives with metal fireproof cases, twelve thousand five hundred dollars.

The three foregoing appropriations shall be expended under the direction and supervision of a commission, consisting of three members-elect to the House of Representatives of the Fifty-seventh Congress, to be appointed by the Speaker of the House of Representatives of the Fifty-sixth Congress.

—commission to supervise expenditures.

The Clerk of the House of Representatives, on written notice from any member of the House of Representatives of the Fifty-sixth Congress that he desires to purchase any one of the desks now used in the House, shall withhold such desk from public sale, and shall deliver the same to such member on his payment of an amount equal to the aver-

Purchase of old desks authorized.

age price received at public sale for the remaining desks, and all money so received shall be accounted for and paid into the Treasury of the United States.

Public lands.

EXPENSES OF THE COLLECTION OF REVENUE FROM SALES OF PUBLIC LANDS.

Salaries registers and receivers.

**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, five hundred thousand dollars.

Contingent expenses, land offices.

**CONTINGENT EXPENSES OF LAND OFFICES:** For clerk hire, rent, and other incidental expenses of the district land offices, one hundred and sixty 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.

*Proviso.*  
Authorization of expenditures.

Depositing public moneys.

**EXPENSES OF DEPOSITING PUBLIC MONEYS:** For expenses of depositing money received from the disposal of public lands, two thousand five hundred dollars.

Timber depredations, protecting public lands, and swamp-land claims.

**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 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.

*Proviso.*  
Agents per diem.

Forest reserves.  
Protection, etc., 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, three hundred thousand dollars: *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: *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, etc.

Protection of fish.

Hearings in land entries.

**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, six thousand 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.

Reproducing plats of surveys.

**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.

Examinations of desert lands.

Vol. 28, p. 42.

**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 one, and uncontracted for on June thirtieth, nineteen hundred and one, may be used during the fiscal year nineteen hundred and two for the purposes indicated.

General Land Office. Indexing, etc., recorder's office.

*Proviso.* 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 each while actually employed, at such times and for such periods as the exigencies of the work may demand.

Transcripts of records and plats.

*Proviso.* Copyists.

**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.

**SURVEYING THE PUBLIC LANDS.**

For surveys and resurveys of public lands, three hundred and twenty-five thousand dollars, at rates not exceeding nine dollars per linear mile for standard and meander lines, seven dollars for township, and five dollars for section lines, to be immediately available: *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, lines of reservations, except forest reservations, 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,

Surveying public lands.

Surveys, rates, etc.

*Provisos.* Preferences.

Vol. 25, p. 676.

Vol. 26, pp. 215, 222.

Extra rates for heavily timbered lands.

—exceptional difficulties.

Lands in California, Colorado, Idaho, etc.

Nevada, Oregon, Utah, Washington, Wyoming, the Territories of Arizona and New Mexico, 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. The provisions of section twenty-four hundred and eleven, Revised Statutes of the United States, authorizing allowance for surveys in California and Oregon are hereby extended to all of the above-named States and Territories and district. 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, at such compensation, not exceeding six dollars per day, and such per diem allowance in lieu of subsistence, not exceeding three dollars, while engaged in field examinations, as he may prescribe, in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and 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 by such competent surveyors such 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.

Provisions for compensation by the day instead of the mile in Oregon and California extended to above States.

R. S., sec. 2411, p. 441. Resurveyers.

Confirmed private land claims.

Vol. 26, p. 854.

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.

Abandoned military reservations.

Vol. 23, p. 103.

Casa Grande.

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.

Fort Sherman Reservation, Idaho.

For pay of a custodian of Fort Sherman abandoned military reservation, Idaho, four hundred and eighty dollars.

Yellowstone National Park. Marking boundaries.

For survey of and marking, under the direction of the Secretary of the Interior, the unsurveyed portions of the northern and western boundaries of the Yellowstone National Park, estimated at sixty miles, at not exceeding fifty dollars per mile, three thousand dollars, and for the examination of said survey in the field, three hundred dollars; in all, three thousand three hundred dollars.

Geological Survey.

#### UNITED STATES GEOLOGICAL SURVEY.

Salaries. Director, etc.

OFFICE OF THE DIRECTOR OF THE GEOLOGICAL SURVEY: For Director, six 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 dol-

lars; 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-two thousand three hundred and ninety dollars.

SCIENTIFIC ASSISTANTS OF THE GEOLOGICAL SURVEY: For two geologists, at four thousand dollars each; Scientific assistants.

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.

Hereafter specific estimates shall be annually submitted to Congress for all personal services, including those of a technical or scientific character, necessary to be employed in the office of the Geological Survey at Washington, District of Columbia. Specific estimates for personal services to be submitted annually.

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: Expenses.

For pay of skilled laborers and various temporary employees, sixteen thousand dollars; Laborers.

For topographic surveys in various portions of the United States, including examination of and report on the topography and geology of the territory adjacent to the forty-ninth parallel west of the one hundred and tenth meridian, two hundred and fifty 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, sixty thousand dollars, to be immediately available; Alaska resources.

For paleontologic researches relating to the geology of the United States, ten thousand dollars; Paleontologic researches.

For chemical and physical researches relating to the geology of the United States, twenty thousand dollars; Chemical, etc., researches.

For the preparation of the illustrations of the Geological Survey, sixteen thousand two hundred and eighty dollars; Illustrations.

For the preparation of the report of the mineral resources of the United States, including phosphates, which report shall be published in one octavo volume, and as a distinct publication, the number of copies, printing of separate chapters, and mode of distribution of which shall be the same as of the annual report, fifty thousand dollars; Mineral resources.

For the purchase of necessary books for the library, including directories and professional and scientific periodicals needed for statistical purposes, not to exceed one thousand dollars, and the payment for the transmission of public documents through the Smithsonian exchange, five 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 artesian wells in arid and semiarid sections, and the preparation of Water supply.

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, nine hundred and fifty thousand seven hundred and seventy dollars.

Colorado Cliff Dwelling Association may lease the "Mesa Verde" tract of land, etc.

That the Colorado Cliff Dwelling Association is hereby authorized, with the approval of the Secretary of the Interior, to lease from the Wi-minuchi Ute tribe of Indians, for a period not exceeding ten years, all that tract of land known as the "Mesa Verde," situated in the county of Montezuma in the State of Colorado, said tract of land to be described by metes and bounds, and the lease to include and cover all ruins and prehistoric remains situated therein, and said Colorado Cliff Dwelling Association to have the right to use and occupy said tract of land for the purpose of preserving and controlling said ruins and remains and protecting them from depredations.

#### 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, three million five hundred and sixteen thousand two hundred and ten dollars, to continue available until expended.

Miscellaneous.

#### MISCELLANEOUS OBJECTS.

Yellowstone Park.  
Expenses.

**YELLOWSTONE PARK:** For necessary repairs to the United States commissioners' building in the Yellowstone National Park, and for the erection of a barn in connection therewith, four hundred and fifty dollars.

Yosemite 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.

Sequoia Park.  
Expenses.

**IMPROVEMENT OF THE SEQUOIA NATIONAL PARK:** For the protection of the park and the construction and repair of bridges, fences, and trails and improvement and extension of roads, to be expended under the supervision of the Secretary of the Interior, ten thousand dollars, to be immediately available.

General Grant Park.  
Expenses.

**IMPROVEMENT OF THE GENERAL GRANT NATIONAL PARK:** For protection and improvement of the park, construction of fences and trails and repairing and extension of roads, 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 eighty-two to one hundred and eighty-six, 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.

Supplement to Revised Statutes.

**SUPPLEMENT TO REVISED STATUTES:** To enable the Secretary of the Treasury to pay, when the work shall be completed, for preparing

and editing a Supplement to the Revised Statutes of the United States for the Fifty-sixth Congress, under the Acts of February twenty-seventh, eighteen hundred and ninety-three, and June fourth, eighteen hundred and ninety-seven, one thousand dollars.

Vol. 27, p. 477.  
Vol. 30, p. 30.

**BIENNIAL REGISTER OF THE UNITED STATES:** For preparation of the Official Register of the United States for nineteen hundred and one, including editing, proof reading, and indexing, five thousand dollars.

Biennial Register of the United States.

**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 thirty-eight thousand five 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, and not exceeding one thousand five hundred dollars for actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients.

Government Hospital for the Insane. Expenses.

The Secretary of War may, in his discretion, contract for the care, maintenance, and treatment of the insane of the Army, and inmates of the National Home for Disabled Volunteer Soldiers on the Pacific coast at any State asylum in California, in all cases which he is now authorized by law to cause to be sent to the Government Hospital for the Insane in the District of Columbia.

Secretary of War may contract for care of army insane in California, etc.

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.

To complete the renewal of the plumbing, and for fireproofing lavatory sections of the old building, six thousand dollars, to be immediately available.

For additional electric machinery sufficient to furnish the necessary light for the present group of buildings, ten thousand dollars, to be immediately available.

For additional laundry machinery, three thousand dollars, to be immediately available.

For kitchen furnishings for new kitchen and six-oven range for main kitchen, three thousand dollars, to be immediately available.

For continuing the work of the extension of the hospital sufficient to provide for one thousand patients, as authorized by the sundry civil appropriation Act approved June sixth, nineteen hundred, nine hundred and twenty-five thousand dollars, to be immediately available:

Extension of hospital.

Antc. p. 619.

*Provided,* That the Secretary of the Interior is hereby authorized and directed to exchange a tract of land containing sixty acres, more or less, east of Nichols avenue and south of Congress Heights, for sixty acres, more or less, adjoining the grounds of the Government Hospital for the Insane on the south, to be selected by said Secretary, the exchange to be made acre for acre. And the Secretary of the Interior is further authorized, if in his judgment advisable, to exchange such portion as he may deem equitable of the agricultural land now owned by the Government, or of the farm opposite Alexandria, and known as Godding Croft, for eighty acres, more or less, lying immediately adjoining this said sixty acres and south of the present building

Exchange of lands authorized.

site of the hospital. In case such exchange is made the Secretary is also authorized in his discretion to grant a roadway along the south side of said tract, from Nichols avenue to the river, not exceeding ninety feet in width. Any of the buildings authorized in the sundry civil appropriation Act approved June sixth, nineteen hundred, for the Government Hospital for the Insane may be erected on land now owned or that may be acquired hereunder by the United States for the Government Hospital for the Insane.

New stable.

For construction of a new stable building to be erected on the opposite side of Nichols avenue, adjacent to the other farm buildings, twenty-five thousand dollars, to be immediately available.

Columbia Institution for 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-six thousand five hundred dollars.

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.  
Reindeer for.

**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.

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 entire completion of excavating rock, earth, and other matter from tailrace of the Government water-power dam at the Rock Island Arsenal below the junction of the tailraces of the Moline and Government dams of said power, one hundred and thirty thousand five hundred dollars.

For replanking and repainting the Moline Bridge, two thousand five hundred 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.



FRANKFORD ARSENAL, PHILADELPHIA, PENNSYLVANIA: For new two-story carpenter shop, twenty-five thousand dollars; Frankford Arsenal, Pa.

For new two-story storehouse for factory supplies, fifteen thousand dollars;

For one two-story brick shop for large caliber cartridge plant and additional machinery, fifty-five thousand dollars;

East storehouse: For one Morse improved belt power elevator of two thousand pounds capacity, to operate at a speed of forty feet per minute, also a number two Crane electric motor, and the cutting and framing of hatchways and preparation of pit in cellar, and for renewal of six hundred square feet of flooring in first story, one thousand five hundred and fifty dollars; in all, ninety-six thousand five hundred and fifty dollars.

SCHUYLKILL ARSENAL, PHILADELPHIA, PENNSYLVANIA: For the construction of one fireproof building for storage and other purposes, seventy-five thousand dollars. Schuylkill Arsenal, Pa.

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.

SPRINGFIELD ARSENAL, SPRINGFIELD, MASSACHUSETTS: For general care, repair of quarters, of buildings, and machinery not used for manufacturing purposes, ten thousand dollars. Springfield, Mass.

The unexpended balance of the sum appropriated by the sundry civil appropriation Act approved June sixth, nineteen hundred, for curbing and macadamizing Magazine street, is hereby made available for grading and macadamizing Lincoln street.

TESTING MACHINE, WATERTOWN ARSENAL: For labor and materials in caring for, preserving, and operating the United States testing machine at Watertown Arsenal, including such new tools and appliances as may be required, fifteen thousand dollars. Watertown, Mass.

WATERTOWN ARSENAL, WATERTOWN, MASSACHUSETTS: For moving the old brick two-storied administration building to a new site, and converting it into two sets of noncommissioned officers' quarters, two thousand five hundred dollars;

For barracks for one company of enlisted men, thirty thousand dollars; in all, thirty-two thousand five hundred 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, ninety thousand dollars. Repairs.

BUILDINGS AND GROUNDS IN AND AROUND WASHINGTON.

Washington, D. C.

For the improvement and care of public grounds, as follows: Buildings and grounds.  
 For improvement and maintenance of grounds south of Executive Mansion, four thousand dollars.

For ordinary care of greenhouses and nursery, two thousand dollars. Improvement and care.

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, two thousand five hundred dollars: Reservation No. 17.  
*Provided*, That no part thereof shall be expended upon other than property belonging to the United States. 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, sixteen thousand 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 reve-  
nues.

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.

Of the whole amount appropriated in the legislative, executive, and judicial appropriation Act for the fiscal year nineteen hundred and two, under the title "Public buildings and grounds," the sum of twenty-eight thousand three hundred and ninety dollars shall be paid from the revenues of the District of Columbia and the remainder from the Treasury of the United States.

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.

For improvement, care, and maintenance of grounds of Executive Departments, one thousand dollars.

For improvement and maintenance of Executive Mansion grounds (within iron fence), one thousand dollars.

For taking down, repairing, and resetting the Lincoln statue in front of Court-House, six hundred dollars.

For placing inscriptions on the unmarked statues of Lafayette and Hancock, one hundred dollars.

For construction of a brick building for shops, for carpenter, plumber, blacksmith, painter, and for each and every purpose connected therewith, for the entire system of parks under Office of Public Buildings and Grounds, eight thousand five hundred dollars, to be immediately available.

For construction of a plant house at propagating gardens, two thousand five hundred dollars, to be immediately available.

For the employment of an engineer by the officer in charge of public buildings and grounds, two thousand four hundred dollars.

Executive Man-  
sion.

**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.

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 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.

*Provisos.*  
—maximum per lamp.

—to burn every night, etc.

—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.

That the appropriation of six thousand five hundred dollars for addition to boiler house of the Washington Monument, made by sundry civil Act approved June sixth, nineteen hundred, is hereby also

Addition to boiler house.

*Ante*, p. 623.

made available for the necessary water-pipe connections and for each and every purpose necessary to make said boiler house most effective for the elevator service.

## Military posts.

## MILITARY POSTS.

## Construction.

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 artillery in connection with the adopted project for seacoast defense, and for the purchase of suitable building sites for said barracks and quarters, eight hundred and sixty thousand dollars.

Spokane, Wash.  
Unexpended bal-  
ance made available.  
Vol. 30, pp. 42, 629.

The unexpended balance of the appropriation made by the sundry civil Act approved July first, eighteen hundred and ninety-eight, for continuing construction and improvements at the military post at Spokane, Washington, is hereby reappropriated and made available until the close of the fiscal year nineteen hundred and two, together with such additional sum out of the amount appropriated for construction of buildings at and enlargement of military posts as may in the discretion of the Secretary of War be necessary to be expended for continuing construction and improvements at said military post until the close of the fiscal year nineteen hundred and two.

Fort D. A. Russell,  
Wyo.

For continuing work of rebuilding quarters, and for rebuilding commanding officer's quarters at Fort D. A. Russell, Wyoming, to be expended under the direction of the Secretary of War, thirty-five thousand dollars.

Fort Meade, S. Dak.

For the construction of permanent buildings at Fort Meade, South Dakota, and for other necessary improvements, thirty-five thousand dollars.

Fort MacKenzie,  
Wyo.

For continuing the work of constructing the necessary buildings, quarters, barracks, and stables for the military post of Fort MacKenzie, in the vicinity of Sheridan, Wyoming, thirty-five thousand dollars.

Fort Lincoln, N.  
Dak.

For continuing the work of constructing the necessary buildings, quarters, barracks, and stables for the military post of Fort Lincoln, at Bismarck, North Dakota, thirty-five thousand dollars.

Governor's Island.  
Enlarging, etc.

Toward the enlargement of Governor's Island, two hundred thousand dollars; and for the erection of storehouses and other necessary buildings, in accordance with the plan reported by a board composed of Major-General John R. Brooke, Colonel George L. Gillespie, and Colonel Amos S. Kimball, dated July twenty-first, nineteen hundred, sixty thousand dollars; in all, two hundred and sixty thousand dollars.

Fort Monroe, Va.

FORT MONROE, VIRGINIA: For repair and maintenance of wharf, including all necessary labor and material therefor, painting freight house, cleaning, painting and repairs to ironwork of wharf, and fuel, oil, and supplies for waiting rooms, and water for flushing closets, seven thousand six hundred and twenty-five dollars; wharfinger, nine hundred dollars; laborer, four hundred and twenty dollars; in all, eight thousand nine hundred and forty-five dollars; for one-half of said sum to be supplied by the United States, four thousand four hundred and seventy-two dollars and fifty cents.

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 drainpipe, and catch basins; electric lights for streets; repairs to roads, pavements, walks, and street crossings, three thousand and forty-five dollars; driver for police cart, four hundred and eighty dollars; in all, three thousand five hundred and twenty-five dollars; for one-half of said sum to be supplied by the United States, one thousand seven hundred and sixty-two 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.

IMPROVEMENT OF THE YELLOWSTONE NATIONAL PARK: For the improvement of the Yellowstone National Park, and for the maintenance and repair of existing improvements, to be expended by and under the direction of the Secretary of War, one hundred and thirteen thousand dollars, to be immediately available: *Provided*, That of this amount twenty-five thousand dollars, or so much thereof as may be necessary, may be, in the discretion of the Secretary of War, expended in the Yellowstone and Teton forest reserves east and south of the park.

Yellowstone National Park. Na-

*Proviso.*  
Amount available for Yellowstone and Teton forest reserves, east and south of park.

For the administration and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of the Interior, five thousand dollars.

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, and for the purchase of land already authorized by law; in all, fifty-eight thousand six hundred dollars.

National parks. Chickamauga and Chattanooga.

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 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, eighty 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 and historian; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and tablets giving historical facts, compiled without praise and without censure; maps and surveys; roads, bridges, restoration of earthworks, purchase and transportation of supplies and materials; office and other necessary expenses, one hundred thousand dollars, of which amount the sum of two thousand five hundred 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 for said park.

Vicksburg.

## ENGINEER DEPARTMENT.

Engineer Department.

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:

For works authorized by the river and harbor Act of eighteen hundred and ninety-six, as follows:

Locks, etc., Allegheny River, Pa.

Locks and dams in Allegheny River, Pennsylvania: For continuing construction of locks and dams at Herr Island, above the head of Six-mile Island, and at Springdale, one hundred and twenty-six thousand dollars.

Bayou Plaquemine, La.

Improving Bayou Plaquemine, Louisiana: For completing improvement, two hundred and ten thousand dollars.

Buffalo, N. Y.

Improving harbor at Buffalo, New York: For continuing improvement, four hundred thousand dollars.

Cumberland Sound, Ga. and Fla.

Improving Cumberland Sound, Georgia and Florida: For continuing improvement, two hundred thousand dollars.

Harbor of Refuge, Delaware Bay.

Harbor of refuge, Delaware Bay, Delaware: For continuing construction, two hundred and thirteen thousand dollars.

Duluth, Minn., and Superior, Wis.

Improving harbor at Duluth, Minnesota, and Superior, Wisconsin: For continuing improvement, three hundred and twenty thousand dollars.

Grays Harbor, Wash.

Improving Grays Harbor, Washington: For continuing improvement of harbor and bar entrance, one hundred and thirty-eight thousand two hundred and twenty-five dollars.

Illinois and Mississippi canal.

Illinois and Mississippi Canal: For continuing construction, nine hundred and seventy-five thousand dollars.

Kentucky River, Ky.

Improving Kentucky River, Kentucky: For continuing improvement, one hundred and fifty thousand dollars.

Waterway 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 forty-five thousand dollars.

Portland, Me.

Improving harbor at Portland, Maine: For continuing improvement, twenty-one thousand dollars.

Providence River and Narragansett Bay, R. I.

Improving Providence River and Narragansett Bay, Rhode Island: For continuing improvement, fifty-nine thousand dollars.

San Pedro, Cal.

Improving harbor at San Pedro, California: For continuing construction of breakwater, one hundred and forty-six thousand dollars.

Winyaw Bay, S. C.

Improving Winyaw Bay, South Carolina: For continuing improvement of harbor at Winyaw Bay, five hundred thousand dollars.

Yazoo River, Miss.

Improving Yazoo River, Mississippi: For completing improvement of mouth of Yazoo River and harbor of Vicksburg, five hundred and ten thousand dollars.

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, two thousand dollars.

Boston, Mass.

Improving harbor at Boston, Massachusetts: For completing improvement under project for thirty-foot depth through Broad Sound Channel, one hundred and thirty-three thousand dollars.

Bridgeport, Conn.

Improving harbor at Bridgeport, Connecticut: For continuing improvement, fifty thousand dollars.

Gowanus Bay, N. Y.

Improving channel in Gowanus Bay, New York: For continuing improvement of Bay Ridge and Red Hook channels, one hundred and forty thousand dollars.

Black Warrior River, Ala.

Improving Black Warrior River, Alabama: For completing construction of Lock and Dam Numbered Four, above Tuscaloosa, fifty-three thousand six hundred and seventy-six dollars.

Big Sandy River, W. Va. and Ky.

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, one hundred and forty thousand dollars.

Improving Calumet Harbor, Illinois: For continuing improvement, two hundred and fifty-five thousand dollars.

Improving Congaree River, South Carolina: For continuing improvement from Gervais street bridge, Columbia, to Granby, fifty thousand dollars.

Improving Delaware River, Pennsylvania and New Jersey: For continuing improvement, sixty-one thousand five hundred dollars.

Improving Detroit River, Michigan: For continuing improvement, three hundred and twenty-five thousand dollars.

Improving harbor at Everett, Washington: For continuing improvement, ninety thousand dollars.

Improving Hudson River, New York: For continuing improvement, one hundred thousand dollars.

Improving Mississippi River from the mouth of the Ohio to Minneapolis, Minnesota: For continuing improvement between Saint Paul and Minneapolis, one hundred and fifty-seven thousand dollars.

Improving harbor at New York, New York: For continuing improvement of Ambrose Channel (formerly known as East Channel) across Sandy Hook Bar, one hundred and thirty thousand dollars.

Improving harbor at New Haven, Connecticut: For continuing improvements, fifty thousand dollars.

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, twenty-nine thousand eight hundred and seventy dollars.

Improving Ohio River below Pittsburg, Pennsylvania: For continuing construction of Dams Numbered Thirteen and Eighteen, forty thousand dollars.

Improving Ocmulgee River, Georgia: For continuing improvement, forty thousand dollars.

Improving Patapsco River, Maryland: For continuing improvement of channel to Baltimore, four hundred and seventy-five thousand three hundred and fifty-two dollars.

Improving Potomac River: For improvement below the city of Washington, ninety-eight thousand dollars.

Improving harbor at Saint Joseph, Michigan: For completing improvement, thirty-eight thousand dollars.

Improving Savannah River, Georgia: For continuing improvement between Augusta and Savannah, one hundred thousand dollars.

Improving Tampa Bay, Florida: For continuing improvement of channel from the Gulf of Mexico to Port Tampa, one hundred and twenty-seven thousand dollars.

Improving harbor at Toledo, Ohio: For continuing improvement, eight thousand dollars.

Improving Warrior and Tombigbee rivers, Alabama and Mississippi: For continuing improvement of Warrior River by the construction of the three locks and dams next below Tuscaloosa, two hundred and forty thousand dollars.

Calumet Harbor, Ill.  
 Congaree River, S. C.  
 Delaware River, Pa. and N. J.  
 Detroit River, Mich.  
 Everett, Wash.  
 Hudson River, N. Y.  
 Mississippi River from mouth of Ohio to Minneapolis.  
 New York Harbor, Ambrose Channel.  
 New Haven, Conn.  
 Waterway from Norfolk to Sounds of North Carolina.  
 Ohio River below Pittsburg, Pa.  
 Ocmulgee River, Ga.  
 Patapsco River, Md.  
 Potomac River.  
 St. Joseph, Mich.  
 Savannah River, Ga.  
 Tampa Bay, Fla.  
 Toledo, Ohio, harbor.  
 Warrior and Tombigbee rivers, Ala. and Miss.

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.

FOR SUPERINTENDENTS OF NATIONAL CEMETERIES: For pay of seventy-five superintendents of national cemeteries, sixty-one thousand eight hundred and eighty dollars.

National cemeteries.  
 Maintenance.  
 Superintendents.

Headstones for soldiers' 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. 218.

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.*  
Encroachments by railroads forbidden.

Staunton, Va.

For repairing and improving Government roadway from Staunton, Virginia, to the national cemetery, two 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 five hundred dollars.

Miscellaneous.

MISCELLANEOUS OBJECTS, WAR DEPARTMENT.

Bringing home deceased soldiers.

**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 in Alaska and at places outside of the limits of the United States, or who die while on voyage at sea, one hundred thousand dollars.

—civilian employees, Army.

**BRINGING HOME THE REMAINS OF CIVIL EMPLOYEES OF THE ARMY WHO DIE ABROAD AND SOLDIERS WHO DIE ON TRANSPORTS:** 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, Porto Rico, Hawaii, China, Alaska, 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, fifty thousand dollars.

Maps.

**MAPS, WAR DEPARTMENT:** For publication of maps for use of the War Department, inclusive of war maps, five thousand dollars.



**SURVEY OF NORTHERN AND NORTHWESTERN LAKES:** For survey of northern and northwestern lakes, including all necessary expenses of correcting, extending, printing, and issuing charts, and of investigating lake levels, with a view to their regulation, to be available until expended, one hundred thousand dollars.

Survey of northern, etc., lakes.

**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 twenty-five 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; for the erection and equipment of a power house and nurses' home to be erected at Providence Hospital, fifty thousand dollars, to be expended under the direction of the Commissioners of the District of Columbia; in all, sixty-nine 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 pointing up and painting all the interior walls and ceilings of the isolating wards for minor contagious diseases at the Garfield Hospital, one thousand seven hundred and fifty dollars; in all, twenty thousand seven hundred and fifty 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.

**ESTABLISHMENT OF APACHE PRISONERS AT FORT SILL, OKLAHOMA TERRITORY:** For the erection of buildings and repairs to same, purchase of draft animals, and live stock for breeding purposes, farm and household utensils, blacksmith and wheelwright tools, and repairs to same, and all other necessary articles absolutely needed for the support and maintenance of the Apache prisoners of war permanently established at Fort Sill, Oklahoma, under control of the War Department, two thousand five hundred dollars.

Establishing Apache Indians at Fort Sill, Okla.

**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.

California Débris Commission. Vol. 27, p. 507.

**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:

For electric plant and steam steering gear and installing same, and generally overhauling and repairing steam tug Nimrod, four thousand two hundred dollars;

Repairs, tug Nimrod.

In all, seventy-two thousand eight hundred dollars.

**STATUE OF GENERAL JOHN A. LOGAN:** To defray the expenses attending the unveiling of the statue of General John A. Logan, lately

Statue of Gen. John A. Logan. Expenses unveiling.

erected in Iowa circle, in the city of Washington, District of Columbia, one thousand five hundred dollars, or so much thereof as may be necessary, to be expended under the direction of the commission charged with the selection of a site and erection of a pedestal for said statue, to be immediately available.

—of Gen. George B. McClellan. Site and pedestal authorized.

**STATUE OF GENERAL GEORGE B. McCLELLAN:** For the preparation of a site and the erection of a pedestal for a statue of the late Major-General George B. McClellan in the city of Washington, said site to be selected by and said pedestal erected under the supervision of the chairman of the Joint Committee on the Library, the Secretary of War, and the chairman of the McClellan statue committee of the Society of the Army of the Potomac, fifty thousand dollars: *Provided*, That any part of this sum not required for the site and pedestal may be used and expended for the completion of the statue of General McClellan: *And provided further*, That said statue shall not be located in the grounds of the Capitol or Library of Congress.

*Provisos.*  
—balance available for statue.  
—location.

### NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

National Home for Disabled Volunteer Soldiers.  
Dayton, Ohio.

For the support of the National Home for Disabled Volunteer Soldiers, as follows:

**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-one thousand seven hundred and fifty 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 fifty thousand dollars.

Household.

For household, namely: Expenditures for furniture for officer's 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, one hundred and ten thousand dollars.

Hospital.

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;

For transportation, namely: For transportation of members of the Home, two thousand five hundred dollars;

Transportation,

For repairs, namely: Pay of chief engineer, builders, blacksmiths, carpenters, cabinetmakers, coopers, painters, gas fitters, plumbers, tin-smiths, 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 other improvements of a permanent character, sixty-five thousand dollars;

Repairs, etc.

For extension of electric-light plant, ten thousand dollars;

For improvement and general overhauling of hospital, twelve thousand dollars;

For cement walks and crossings, ten thousand dollars;

For one barrack dining room and kitchen combined, and furniture, forty-five thousand 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, six hundred and twenty-eight thousand seven hundred and fifty 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 seven hundred and fifty dollars;

Milwaukee, Wis.

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and twenty-seven thousand five hundred 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, thirty-two thousand 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-five thousand five hundred dollars;

For nurses' quarters and furniture, seven thousand five hundred dollars;

For chaplains' quarters, two thousand five hundred 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-nine thousand seven hundred and fifty dollars.

That the jurisdiction over the places purchased and used for the location of the Branches of the National Home for Disabled Volunteer Soldiers, under and by the authority of an Act of Congress approved March twenty-first, eighteen hundred and sixty-six, in Milwaukee County, State of Wisconsin, and upon which said Branch Home is located, and by authority of an Act of Congress approved July fifth,

Jurisdiction over sites Branch Homes ceded to States.

—Milwaukee County, Wis.

—Leavenworth County, Kans.  
Vol. 14, p. 10, etc.

Proviso.  
Powers Board of  
Managers unim-  
paired.

eighteen hundred and eighty-eight, in the county of Leavenworth, State of Kansas, and upon which said Branch Home is located, is hereby ceded to the respective States in which said Branches are located and relinquished by the United States, and the United States shall claim or exercise no jurisdiction over said places after the passage of this Act: *Provided*, That nothing contained herein shall be construed to impair the powers or rights heretofore conferred upon or exercised by the Board of Managers of the National Home for Disabled Volunteer Soldiers in and on said places.

Togus, Me.

AT THE EASTERN BRANCH AT TOGUS, MAINE: 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 twenty-five thousand 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 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 two hundred dollars;

For new cemetery, two thousand five hundred dollars;

For road, necessary drainage, and excavation, five thousand dollars;

For two boilers, connections, and setting up, to replace old and worn-out boilers, seven thousand five hundred dollars;

For commissary quarters and furniture, six thousand five hundred dollars;

The four preceding sums shall be immediately available;

For farm, including the same objects specified under this head for the Central Branch, thirteen thousand two hundred and fifty dollars;

In all, two hundred and ninety-five thousand four hundred and fifty 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-one thousand dollars;

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and seventy thousand dollars;

For household, including the same objects specified under this head for the Central Branch, sixty-six thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty-five thousand dollars;

For transportation of members of the Home, two thousand seven hundred and fifty dollars;

For repairs, including the same objects specified under this head for the Central Branch, thirty thousand dollars;

For completing repairs to breakwater, six thousand five hundred dollars;

For extension of hospital complete, four thousand dollars;

For farm, including the same objects specified under this head for the Central Branch, nine thousand dollars;

In all, three hundred and fifty-four 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, forty thousand seven hundred dollars;

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and thirty thousand dollars;

For household, including the same objects specified under this head for the Central Branch, sixty-five thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty-seven thousand five hundred dollars;

For transportation of members of the Home, three thousand dollars;

For repairs, including the same objects specified under this head for the Central Branch, forty-three thousand dollars;

For extension of boiler house and plant, six thousand five hundred dollars;

For chaplain's quarters, two thousand five hundred dollars.

For farm, including the same objects specified under this head for the Central Branch, fifteen thousand dollars;

In all, three hundred and forty-three thousand two 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, fifty 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 dollars;

For repairs, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

For addition to hospital dining room and kitchen, and septic tank for hospital sewage, eleven thousand dollars;

For farm, including the same objects specified under this head for the Central Branch, ten thousand dollars;

In all, two hundred and sixty thousand five hundred dollars.

AT THE MARION BRANCH, AT MARION, INDIANA: For current expenses, including the same objects specified under this head for the Central Branch, thirty-two thousand one hundred and fifty 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 of members of the Home, one thousand five hundred 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 appropriations for repairs for any of the Branch Homes shall be used for the construction of any new building; *Proviso.*  
Appropriations for repairs not available for new buildings.

For barrack, dining room, and kitchen (combined), thirty-eight thousand dollars;

For blacksmith's shop, one thousand dollars;

For officers' quarters, five thousand dollars;

For farm, including the same objects specified under this head for the Central Branch, ten thousand dollars;

In all, two hundred and seventy thousand one hundred and fifty dollars.

AT THE DANVILLE BRANCH, DANVILLE, ILLINOIS: For current expenses, including the same objects specified under this head for the Central Branch, twenty-eight thousand seven hundred and fifty dollars; Danville, Ill.

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, fifty-five thousand 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, two thousand five hundred 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, ten thousand dollars;

In all, two hundred and seventy-six thousand two hundred and fifty dollars.

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, three hundred 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, four thousand dollars; inspector-general, two thousand five hundred dollars; 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, ten thousand dollars; messenger service for president's office, one hundred and forty-four dollars; clerical services for managers, three thousand four hundred dollars; agents, one thousand eight hundred dollars; for traveling expenses of the Board of Managers, their officers and employees, fifteen thousand dollars; for outdoor relief, one thousand dollars; for rent, medical examinations, stationery, telegrams, and other incidental expenses, five thousand dollars; in all, fifty-four thousand eight hundred and forty-four dollars.

Amount.

Proviso.  
Auditing accounts.

In all, three million and seventy-three thousand one hundred and forty-four dollars: *Provided*, That the accounts relating to the expenditure of all public moneys appropriated for the support and maintenance of the National Home for Disabled Volunteer Soldiers shall be audited by the Board of Managers of said Home in the same manner as is provided for the accounts of the various Departments of the United States Government, and thereupon immediately transmitted directly to the proper accounting officers of the Treasury Department for final audit and settlement.

Designation of officer to act for treasurer and quartermaster at Branch Homes.

Hereafter the Board of Managers of the National Home for Disabled Volunteer Soldiers may, in their discretion, designate and authorize an officer at each or any of the several Branches of the National Home for Disabled Volunteer Soldiers to perform such duties in connection with the offices of the treasurer and quartermaster at any such Branch as they may direct, and in the necessary absence or inability of either of said officers from any cause whatever to have power to act in their places and perform all of the duties connected with the said respective offices. All officers so designated and authorized to act as provided hereunder shall give bond to the general treasurer of the National Home for Disabled Volunteer Soldiers in such amount as he may require, and to be approved by him, faithfully to account for all public moneys and property which they may receive.

—bond of.

State or Territorial Homes.

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 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.

Vol. 25, p. 450.

*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, and to enable the Secretary of the Treasury to pay to members of the Fourth Arkansas Mounted Infantry, their heirs, or the duly authorized attorney of either, the pay and allowances of such officers and soldiers in accordance with the findings and report made by the referee appointed under the provisions of the Act approved February twenty-seventh, eighteen hundred and ninety-nine, entitled "An Act for the relief of the Fourth Arkansas Mounted Infantry," that may be certified to be due by the accounting officers of the Treasury during the fiscal year nineteen hundred and two, three hundred and twenty-five thousand dollars.

Arrears of pay and bounty.

Vol. 14, p. 322.

Fourth Arkansas Mounted Infantry.

Vol. 30, p. 894.  
Payments to authorized.

For payment of amounts for arrears of pay and allowances on account of service of officers and men of the Army during the war with Spain that may be certified to be due by the accounting officers of the Treasury during the fiscal year nineteen hundred and two, and that are chargeable to the appropriations that have been carried to the surplus fund, two hundred thousand dollars.

Arrears of pay, etc., Spanish war.

UNDER THE DEPARTMENT OF STATE.

Department of State.

**INTERNATIONAL CONFERENCE OF AMERICAN STATES:** The appropriation of twenty-five thousand dollars made in the sundry civil appropriation Act approved June sixth, nineteen hundred, for actual and necessary expenses of delegates to the proposed International Conference of American States, and for necessary clerical assistance, is hereby made available for and during the fiscal year nineteen hundred and two.

International conference of American States.

*Ante*, p. 637.

**UNITED STATES AND CHILEAN CLAIMS COMMISSION:** To carry into effect the convention between the United States and Chile of May twenty-fourth, eighteen hundred and ninety-seven, to revive the convention for the settlement of certain claims of the citizens of either country against the other, signed at Santiago on the seventh day of August, eighteen hundred and ninety-two, twenty-five thousand dollars, or so much thereof as may be necessary, to be immediately available, and to be expended under the direction of the President, in such manner as he shall deem reasonable and proper, for the compensation of the commissioner, the secretary, and the agent on the part of the United States, for the employment of special counsel as assistant to the agent of the United States, and for the contingent expenses of the commission, including the moiety of the compensation of the third commissioner and the taking of testimony on behalf of the United States: *Provided*, That the compensation of the commissioner on the part of the United States shall be five thousand dollars; that of the secretary on the part of the United States, two thousand five hundred dollars; that of the agent of the United States, four thousand dollars, and that of the special counsel, three thousand dollars, and that the ratable deduction on the amount of the sums awarded by the commissioners, not exceeding the rate of five per centum on the sums so awarded, which, in accordance with the provisions of the tenth article of the revived convention of August seventh, eighteen hundred and ninety-

United States and Chilean Claims Commission.  
Appropriation for.

*Prorisos.*  
Salaries of commissioner, etc.

Ratable deduction on awards, etc.

Vol. 27, p. 965.

two, is to be retained in reimbursement of the expenses of the commission, shall be covered into the Treasury: *And provided further*, That out of the money hereby appropriated the Secretary of the Treasury shall credit and reimburse to the appropriation for "Emergencies arising in the diplomatic and consular service, nineteen hundred and one," the total amount withdrawn therefrom, under the President's direction, to meet the expenses of the commission prior to the passage of this Act.

Reimbursement of "Emergency" appropriation on account of payments for prior expenses of commission.

Department of Justice.

### UNDER THE DEPARTMENT OF JUSTICE.

Court-house, District of Columbia.

**COURT-HOUSE, WASHINGTON, DISTRICT OF COLUMBIA:** For annual repairs, as per estimate of the Architect of the Capitol, one thousand dollars.

Fort Leavenworth, Kans., penitentiary.

For continuing construction of the new United States penitentiary at Fort Leavenworth, Kansas, one hundred and fifty thousand dollars, to be available immediately and to remain available until expended.

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-five 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, seven thousand five hundred 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 judges and clerks in the district of Alaska when traveling in the discharge of their official duties, three thousand dollars.

Rent.

**RENT AND INCIDENTAL EXPENSES, TERRITORY OF ALASKA:** For furniture, fuel, books, stationery, and other incidental expenses, for the offices of the marshals, attorneys, and salaried commissioners in the district of Alaska, ten thousand dollars.



**TEMPORARY QUARTERS FOR COURT OF CLAIMS:** For rental of temporary quarters for the Court of Claims, to be expended under the direction of the Attorney-General, ten thousand dollars. —for Court of Claims.

**DEFENSE IN INDIAN DEPREDAATION CLAIMS:** For salaries and expenses in defense of the Indian depredation 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. Defense in Indian depredation claims.

**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.

**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 the twenty-third volume of the Opinions of the Attorney-General in such manner as will, in his judgment, best accomplish the work, 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.

**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.

That the commission authorized by the 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, to revise and codify the criminal and penal laws of the United States, is hereby, directed to revise and codify, in accordance with the terms and provisions of said Act and the Acts supplementary thereto, all laws of the United States of a permanent and general nature in force at the time when the same shall be reported. Revision and codification of laws of a permanent and general nature authorized. Vol. 30, p. 58, etc.

That in performing this duty the said commission shall bring together all statutes and parts of statutes relating to the same subjects, shall omit redundant and obsolete enactments, and shall make such alterations as may be necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text; and may propose and embody in such revision changes in the substance of existing law; but all such changes shall be clearly set forth in an accompanying report, which shall briefly explain the reasons for the same. Changes in existing law authorized.

That the said commission shall arrange such revision under titles, chapters, and sections, or other suitable divisions and subdivisions, with head notes briefly expressive of the matter contained in such division, and with marginal notes so drawn as to point to the contents of the text, and with references to the original text from which each section is compiled, and to the decisions of the courts of the United States explaining or construing the same; and shall provide by an index for an easy reference to every portion of such revision. —report on.

That when the commission have completed such revision in accordance herewith, it shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and codified may be reenacted if Congress shall so determine. Arrangement of chapters, etc.

Reenactment by Congress.

Additional district judges.  
Salaries.

For salaries of the additional district judges of the United States for the northern district of Ohio, the southern district of West Virginia, and the eastern district of Kentucky, at five thousand dollars each, fifteen thousand dollars.

United States courts.

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, including the district court in the Territory of Hawaii; 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 the district court of the United States for Porto Rico; 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:

Marshals.  
—salaries.

—advances to.

For payment of salaries, fees, and expenses of United States marshals and their deputies, one million two hundred thousand 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 and one, 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 and one or prior years.

District attorneys.

*Proviso.*  
Appropriation available for Supreme Court cases.

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, four hundred and ten thousand dollars: *Provided*, That this appropriation, and the like appropriation for the fiscal year nineteen hundred and one, shall be available for the payment, upon approval of the Attorney-General, of expenses of United States district attorneys, or their regular assistants, in connection with services rendered or to be rendered by direction of the Attorney-General within the fiscal years nineteen hundred and one and nineteen hundred and two, respectively, in cases before the Supreme Court of the United States.

United States attorney, D. C.

For fees of United States district attorney for the District of Columbia, twenty-three thousand eight hundred dollars.

Regular assistants to district attorneys.

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 eighty-five thousand dollars.

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.

Clerks' fees.

For fees of clerks, two hundred and forty thousand dollars.

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 and fifty thousand dollars.

Witnesses' fees.

For fees of witnesses, nine hundred and fifty thousand dollars.

Rent of court rooms.

For rent of rooms for the United States courts and judicial officers, one hundred and five thousand dollars: *Provided*, That in lieu of the

*Proviso.*  
Skagway, Alaska.  
Purchase of certain property authorized in lieu of construction of court-house and jail.

construction of a court-house and jail at Skagway, Alaska, as authorized by section thirty-one, chapter one, of the Act of June sixth, nineteen hundred, the property described in House Document Numbered Two hundred and thirty-eight, second session Fifty-sixth Congress, may be purchased by order of the first division of the district court for

*Ante*, p. 333.

Alaska, at an expense not exceeding eight thousand dollars, to be paid as provided in said section thirty-one, after the United States district judge and attorney shall have carefully examined the title to said property and certified the same to be good and sufficient.

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 sixty 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 sixty 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, sixty 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.

**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.

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.

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;

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 thousand dollars;

For fuel, forage, hay, light, water, stationery, purchase of fuel for generating steam, heating apparatus, burning bricks and lime; forage

Bailiffs and criers.  
*Provisos.*  
Actual attendance.  
R. S., sec. 715, p. 136.

Vacation.  
Traveling expenses,  
judges, etc.

Meals for jurors, etc.  
—jury commissioners.

Miscellaneous.

Indian Territory.  
Salaries, etc.

Supplies.

District attorney  
southern district of  
New York.  
R. S., sec. 825, p. 154.

Support of prison-  
ers.

United States penitentiary, Fort Leavenworth, Kans.

Clothing, etc.

Fuel, etc.

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 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 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-five thousand five hundred dollars;

## Hospital.

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;

## Salaries.

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-six thousand four hundred dollars.

## United States penitentiary, Atlanta, Ga.

UNITED STATES PENITENTIARY, ATLANTA, GEORGIA: For support of the United States penitentiary at Atlanta, Georgia, as follows:

## Supplies, etc.

For subsistence, including supplies for prisoners, warden, and deputy warden, tobacco for prisoners; kitchen and dining room furniture and utensils; farm and garden seeds and implements, and for purchase of ice, twenty-five thousand dollars;

## Clothing, etc.

For clothing and transportation, 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, twelve thousand dollars;

## Miscellaneous.

For miscellaneous expenditures, in the discretion of the Attorney-General, for fuel, forage, hay, straw, light, water, stationery, blank books, blank forms, typewriting supplies, 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, water circulation, and drainage; for labor and materials for construction and repair of buildings; for

general supplies, machinery, and tools for use on farm and 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, electrical supplies; for advertising in newspapers; for telegrams, telephone service, notarial and veterinary services; for fees to consulting physicians called to determine mental condition of supposed insane prisoners, and for other services in cases of emergency; and for pay of extra guards when deemed necessary by the Attorney-General, fifteen thousand dollars;

For hospital supplies, including purchase of medicines, surgical instruments, and supplies, and all other articles required for the care and treatment of sick prisoners, and for expenses of interment of deceased prisoners, one thousand five hundred dollars;

For salaries, including pay of officials and employees, as follows: Warden, four thousand dollars; deputy warden, two thousand dollars; assistant deputy warden, or captain of day watch, nine hundred dollars; chaplain, one thousand five hundred dollars; chief clerk, one thousand eight hundred dollars; stenographer and record clerk, one thousand two hundred dollars; physician, one thousand six hundred dollars; engineer and electrician, one thousand two hundred dollars; assistant engineer, nine hundred dollars; captain of night watch, nine hundred dollars; steward and storekeeper, nine hundred dollars; farmer and master of transportation, one thousand dollars; two teamsters, one thousand two hundred dollars; guards (thirty, at seven hundred and twenty dollars each), twenty-one thousand six hundred dollars; in all, forty thousand seven hundred dollars;

In all, ninety-four thousand two hundred dollars.

*Provided*, That said United States penitentiary at Atlanta, Georgia, shall be carried on in accordance with sections four, five, eight, and nine of 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;" *Provided further*, That the Attorney-General is authorized to transfer, in his discretion, to said United States penitentiary at Atlanta, Georgia, such persons now undergoing sentences of confinement, imposed by the United States courts, in other institutions, as can conveniently be accommodated therein: *Provided further*, That convicts in said United States penitentiary at Atlanta, Georgia, may be employed in the manufacture of articles and the production of supplies for said penitentiary; in the manufacture of supplies for the Government that can be manufactured without the use of machinery; in the construction, extension, and repairs of buildings and inclosures of the prison; and in making necessary materials therefor; and in the cultivation and care of the prison grounds and farm.

Hospital.

Salaries.

*Proviso.*  
Provisions for conduct of.  
Vol. 26, p. 839.

Transfer to Atlanta of certain prisoners.

—limit of employment of convict labor.

UNDER LEGISLATIVE.

SENATE: For compensation of officers, clerks, messengers, and others in the service of the Senate, namely, for ten clerks to Senators who are not chairmen of committees, at the rate of one thousand five hundred dollars per annum, seven thousand five hundred dollars.

For furniture for the new committee rooms of the Senate in the old library portion of the Capitol, twenty-one thousand dollars.

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,

Legislative.

Senate.  
Clerks to Senators.

Furniture, new committee rooms.

Statement of appropriations.

or reduced, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills passed during the second 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.

Chester H. Rowell.  
Payment to.

For the payment to Chester H. Rowell for the manuscript, together with a complete index, of a Digest of all the Contested Election Cases in the House of Representatives from the First to the Fifty-sixth Congress, inclusive, and for the proof reading and supervising the printing of the same, three thousand five hundred dollars.

Botanic Garden.  
Repairs, etc.

**BOTANIC GARDEN:** For reconstructing roofs of plant house numbered five and propagating houses numbered one and two, south side of Maryland avenue, with cast-iron sills and wrought-iron rafters and purlins, and reconstructing roofs of west side of plant house numbered one and east side of plant house numbered two, south side of Maryland avenue, erecting new soil sheds with tin roof, 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.

Employees, for additional rooms allotted to House, in old library space.

**UNDER ARCHITECT OF THE CAPITOL:** For the following, who shall be under the supervision and direction of the Architect of the Capitol and be appointed with the approval of the Speaker, for service in connection with the additional rooms allotted to the House in the old library space, from March fourth, nineteen hundred and one, to June thirtieth, nineteen hundred and two, inclusive, namely: One laborer to care for toilet rooms, at the rate of seven hundred and twenty dollars per annum; and two elevator conductors, at the rate of one thousand one hundred dollars per annum each; in all, three thousand eight hundred and seventy-seven dollars and twelve cents.

Statue of Rochambeau.  
Purchase of replica of, etc.

**STATUE OF ROCHAMBEAU:** For the purchase by the Joint Committee on the Library of a replica of the bronze statue of Rochambeau by Ferdinand Hamar, and pedestal for the same, seven thousand five hundred dollars.

### 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 costs 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 million six hundred and fifty-eight thousand dollars; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely:

Amount.

Allotment.

For printing and binding for Congress, including the proceedings and debates, and for rents, two million eight hundred and thirty thousand five 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.

For the State Department, thirty 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 and fifty thousand dollars.

For the War Department, two hundred and twenty-four 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.

The unexpended balance of the appropriation of twenty thousand dollars for publication of the Official Records of the War of the Rebellion by the Record and Pension Office is hereby reappropriated and made available during the fiscal year nineteen hundred and two.

For the Navy Department, one hundred and twenty-seven thousand dollars, including not exceeding twelve thousand dollars for the Hydrographic Office, and not exceeding seven thousand dollars, to be immediately available, for publication of the International Code of Signals and copies of said International Code of Signals may be sold to the public at cost of printing, including cost of composition, presswork, folding, paper, binding, engraving, and electrotyping.

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, fifteen thousand dollars; and said sum shall complete all engravings and illustrations for said report, and no deficiency shall be made in this appropriation, and said report shall be confined to four volumes.

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 fifty thousand dollars.

For the Department of Agriculture, including twenty thousand dollars for the Weather Bureau, one hundred and thirty thousand dollars.

For the Department of Labor, eight thousand dollars.

For the Supreme Court of the United States, ten thousand dollars; and the printing for the Supreme Court 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.

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.

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,

Agricultural report.  
Vol. 28 p. 612.

Division of appropriation.

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.

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.

Webster statue.  
Proceedings on reception of; report ordered printed, etc.

That there be printed and bound one thousand six hundred copies of the proceedings in connection with the reception of the Webster statue on January eighteenth, nineteen hundred, in the form prescribed by law for eulogies, of which one hundred shall be for the use of the donor of the statue, three hundred delivered to the Senators and Representatives of the States of New Hampshire and Massachusetts, four hundred for the use of the Senate, and eight hundred for the use of the House of Representatives, and that the Public Printer be, and he is hereby, directed to procure a photogravure of the said statue, and photogravures of each of the two bronze panels, and of the unveiling, for insertion in said volumes.

Appropriation for new building.

For completion of construction of a fire-proof 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, one million three hundred and four thousand dollars, which shall be immediately available.

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 two, and all laws or parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

Arid lands.  
When time limit for reclamation, etc., by States begins to run.  
Vol. 28, p. 422.

SEC. 3. That section four of the Act of August eighteenth, eighteen hundred and ninety-four, entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," is hereby amended so that the ten years' period within which any State shall cause the lands applied for under said Act to be irrigated and reclaimed, as provided in said section as amended by the Act of June eleventh, eighteen hundred and ninety-six, shall begin to run from the date of approval by the Secretary of the Interior of the State's application for the segregation of such lands; and if the State fails within said ten years to cause the whole or any part of the lands so segregated to be so irrigated and reclaimed, the Secretary of the Interior may, in his discretion, continue said segregation for a period of not exceeding five years, or may, in his discretion, restore such lands to the public domain.

Vol. 29, p. 434.

—failure to reclaim, etc.  
—restoration to public domain.

Hot Springs, Ark.  
Determination of value of certain condemned buildings destroyed by fire authorized.

SEC. 4. That the Secretary of the Interior be, and is hereby, authorized and directed to determine the value of certain condemned buildings formerly located on Hot Springs Mountain Reservation, and on the east side of Valley street, in the city of Hot Springs, in the State of Arkansas, which buildings were condemned by the Hot Springs Commission, and proof of value taken by said commission, under authority of law, and which were destroyed by fire on the night of the fifth day of March, eighteen hundred and seventy-seven, before said commission had issued certificates for the value thereof, as they were authorized and directed, and did afterwards do for buildings similarly



situated, but not burned. That the value of each building so condemned and burned shall be determined by the Secretary from the petitions and evidence filed before said commission by the owners or occupiers thereof, by order of said commission, and now on file in the Interior Department, or such other evidence as the claimants may file, and after such investigation as he may think proper.

SEC. 5. That a sum of money sufficient to pay for such investigation and the claims so ascertained and fixed by the Secretary of the Interior be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated; and the Secretary of the Interior is hereby authorized and directed to pay to such person or persons, claimants, their executors, administrators, the sum or sums of money equal to the values so as aforesaid found by him. —payment of values to claimants.

SEC. 6. That the Secretary of the Interior is required to report to Congress the results of his action under the foregoing sections. —report.

Approved, March 3, 1901.

**CHAP. 854.**—An Act To establish a code of law for the District of Columbia.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following is hereby enacted and declared to be a code of law for the District of Columbia, to go into effect and operation from and after the first day of January, in the year of our Lord nineteen hundred and two.

District of Columbia.  
Code of law established.

2. *And be it further enacted,* That in the interpretation and construction of said code the following rules shall be observed, namely:

Rules of interpretation.

First. Words importing the singular number shall be held to include the plural, and vice versa, except where such construction would be unreasonable.

Second. Words importing the masculine gender shall be held to include all genders, except where such construction would be absurd or unreasonable.

Third. The word "person" shall be held to apply to partnerships and corporations, unless such construction would be unreasonable, and the reference to any officer shall include any person authorized by law to perform the duties of his office, unless the context shows that such words were intended to be used in a more limited sense.

Fourth. Wherever the word "executor" is used it shall include "administrator," and vice versa, unless such application of the term would be unreasonable.

Fifth. Wherever an oath is required an affirmation in judicial form, if made by a person conscientiously scrupulous about taking an oath, shall be deemed a sufficient compliance.

Sixth. The words "insane person" and "lunatic" shall include every idiot, non compos, lunatic, and insane person.

CHAPTER ONE.

LAWS REMAINING IN FORCE.

SECTION 1. The common law, all British statutes in force in Maryland on the twenty-seventh day of February, eighteen hundred and one, the principles of equity and admiralty, all general acts of Congress not locally inapplicable in the District of Columbia, and all acts of Congress by their terms applicable to the District of Columbia and to other places under the jurisdiction of the United States, in force at the date of the passage of this act shall remain in force except in so far as the same are inconsistent with, or are replaced by, some provision of this code. Laws remaining in force.

## THE JUDICIARY.

The judiciary.

SEC. 2. The judicial power in the District shall continue as at present to be vested in—

—inferior courts.

First. Inferior courts, namely, justices of the peace and the police court; and

—superior courts.

Second. Superior courts, namely, the supreme court of the District of Columbia, the court of appeals of the District of Columbia, and the Supreme Court of the United States.

## SUBCHAPTER ONE.

Justices of the peace.

## JUSTICES OF THE PEACE.

Appointment.

SEC. 3. APPOINTMENT AND QUALIFICATIONS.—There shall be ten justices of the peace in the District, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for a term of four years, unless sooner removed as provided by law: *Provided*, That no person shall be appointed to said office unless he shall have been a bona fide resident of said District for the continuous period of at least five years immediately preceding his appointment, and shall either have held the office of justice of the peace in said District for a period of at least two years or shall have been engaged in the actual practice of law before the supreme court of the District for a period of at least five years prior to his appointment. Each of said justices before entering upon the duties of his office shall take an oath for the faithful and impartial performance of the duties of his office, and shall give bond in such form, in such penalty, and with such surety or sureties as may be prescribed by the supreme court of the District. And said supreme court shall divide the said District into ten subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office for the transaction of business, and may change the boundaries of such subdistricts and the localities of the offices of the justices therein from time to time as the volume and convenience of the business may require.

Subdistricts, division of District into, etc.

Justice to sit only where office is located.

*Provisos.*  
—certain temporary assignments excepted.

suits to be brought in subdistrict of resident.

*Proviso.*  
—suits against two or more corporations.

SEC. 4. SUBDISTRICTS.—No justice of the peace shall sit for the trial of causes in any subdistrict other than the one in which his office is situated: *Provided*, That in case the office of any justice of the peace shall become vacant by death or otherwise, the said supreme court, or any justice thereof, may designate one of the other justices to preside temporarily in that subdistrict until the vacancy shall be filled: *And provided further*, That if any justice of the peace shall be disqualified to act by reason of interest, illness, or other cause, any other justice of the peace of the District, on the written request of the justice so disqualified, may preside in his absence, or, if no such written request be made, such justice as may be designated by the said supreme court, or one of the justices thereof, shall preside.

SEC. 5. No resident of the District shall be sued in any subdistrict other than the one in which he resides, and no nonresident of the District having a place of business therein shall be sued in any subdistrict other than the one in which such place of business is situated: *Provided*, That where two or more persons are sued together the suit may be brought in the subdistrict in which any one of the defendants resides. When a corporation is a defendant, its place of business shall be deemed its residence for the purpose of this section, and if it shall have in the District more than one place of business the suit may be brought in the subdistrict in which any one of its places of business is situated.

Should a suit be brought against any party or corporation in any district in which he or it does not reside or hold business, and a plea

to the jurisdiction on this account be filed by said defendant, the party or corporation interposing such plea shall disclose under oath the district in which he or it should have been sued; and the justice, upon sustaining such plea, shall certify the cause for trial to the justice sitting in the district where suit should have been instituted; and should no such plea be filed before trial the justice shall be deemed to have had full jurisdiction. In any suit brought before a justice of the peace the defendant, his agent or attorney, may have the cause removed to the next nearest justice, upon filing an affidavit with the justice issuing the writ, on the return day or day of trial of the action, that he does not believe said justice will give him a fair and impartial trial.

SEC. 6. SALARY.—Each of said justices of the peace shall receive an annual salary of three thousand dollars, and the further sum of two hundred and fifty dollars annually for rent, stationery, and other expenses, to be paid monthly by the District of Columbia; and he shall render monthly accounts to the auditor of the District of Columbia of all moneys received by him for fees, and shall pay over such fees to the collector of said District and take his receipt in duplicate therefor, and file one of them with said auditor and retain the other in his office, and the money so collected shall be disposed of by said collector as other moneys belonging to the said District are.

Salary, etc.

SEC. 7. JURY TRIALS.—Trial by jury before justices of the peace is hereby abolished.

Jury trials.

SEC. 8. RULES AND FEES.—The supreme court of the District of Columbia in general term shall make rules regulating the practice and pleading before justices of the peace, and in relation to appeals from their judgments, not inconsistent with law, and may alter and amend the same from time to time, and shall also fix the fees to be charged by said justices of the peace, and alter them from time to time as justice may require: *Provided*, That in all cases of concurrent jurisdiction the defendant may remove the case for trial into the supreme court of the District by a writ of certiorari (to be awarded by said court or one of the justices thereof upon a petition under oath, the form and substance whereof shall be prescribed by said court).

Supreme court District of Columbia to make rules, etc.  
Fees.

*Proviso.*  
Removal to supreme court District of Columbia, where jurisdiction concurrent.

SEC. 9. JURISDICTION.—The said justices of the place shall have jurisdiction in all civil cases in which the amount claimed to be due for debt or damages arising out of contracts, express or implied, or damages for wrongs or injuries to persons or property, does not exceed three hundred dollars, including all proceedings by attachment or in replevin where the amount claimed or the value of the property involved does not exceed said sum, except in cases involving the title to real estate, actions to recover damages for assault or assault and battery, or for malicious prosecution, or actions against justices of the peace or other officers for official misconduct, or actions for slander or libel, or actions on promises to marry; and said jurisdiction shall be exclusive when the amount claimed for debt or damages or the value of personal property claimed does not exceed fifty dollars, and concurrent with the said supreme court when it exceeds fifty dollars.

Jurisdiction.

—exclusive.

—concurrent.

SEC. 10. TRESPASS.—The said jurisdiction of justices of the peace shall extend to cases of trespass upon or injury to real estate: *Provided*, That if the defendant shall file with the justice an affidavit that he claims title or acts under a person claiming title to the real estate, setting forth the nature of his title, the justice shall take no further cognizance of the case.

—to include trespass, etc.

*Proviso.*  
—qualification.

SEC. 11. NONRESIDENTS.—Nonresidents shall not commence a suit before a justice of the peace without first giving security for costs.

Nonresidents to give security for costs.

SEC. 12. JUDGMENTS.—It shall be lawful for any justice of the peace, in all cases within his jurisdiction, to try, hear, and determine the matter in controversy between the parties upon their allegations and proofs, and to give judgment according to law; and all judgments for money

Judgments.

rendered by them shall bear interest from their date until paid or satisfied, unless by the terms of the judgment interest runs from an earlier date.

Replevin.

SEC. 13. REPLEVIN.—A justice of the peace shall have authority to issue a writ of replevin whenever a plaintiff shall file with him a declaration in replevin, in the following or an equivalent form, to wit:

—form.

“The plaintiff sues the defendant for wrongfully taking and detaining (or wrongfully detaining) his, said plaintiff’s, goods and chattels, to wit (here describe them), of the value of ——— dollars. And the plaintiff claims that the same may be taken and delivered to him, or, if they are eligned, that he may have judgment for their value and all mesne profits and damages, which he estimates at ——— dollars, besides costs.” And at the same time said plaintiff, his agent, or attorney shall file an affidavit stating, first, that, according to affiant’s information and belief, the plaintiff is entitled to recover possession of the chattels described in the declaration; secondly, that the defendant has seized and detains or detains the same; thirdly, that said chattels were not subject to such seizure or detention, and were not taken under any writ of replevin; fourthly, that said chattels are not of the value of more than three hundred dollars; and at the same time the plaintiff shall enter into an undertaking, with surety approved by said justice, submitting to the jurisdiction of the court, to abide by and perform the judgment of said justice’s court or of the supreme court of the District of Columbia.

Officer’s return.

SEC. 14. OFFICER’S RETURN.—If the officer’s return of the writ of replevin be that he has served the defendant with copies of the declaration, affidavit, and summons, but that he could not get possession of the goods and chattels sued for, the plaintiff may prosecute the action for the value of the goods and damages for the detention, not to exceed in all three hundred dollars, or he may renew the writ, in order to get possession of the goods and chattels themselves.

Publication.

SEC. 15. PUBLICATION.—If the officer’s return be that he has taken possession of the goods and chattels sued for, but that the defendant is not to be found, the said justice may order that the defendant appear to the action by some fixed day, and cause notice of such order to be given by publication in some newspaper of said District at least three times, the first publication to be at least twenty days before the day fixed for the defendant’s appearance; and if the defendant fails to appear, the court may proceed, as in case of default after personal service, to render judgment for the property in favor of the plaintiff.

Pleas.

SEC. 16. PLEAS.—If the defendant appears, he may plead not guilty, in which case all matters of defense may be given in evidence, or he may plead specially.

Marshal to retain property, etc.

SEC. 17. MARSHAL TO RETAIN PROPERTY.—Property taken by the marshal under a writ of replevin, issued by a justice of the peace, shall be retained by him for three days, exclusive of Sundays and legal holidays, before delivering the same to the plaintiff, in order that the defendant or other persons claiming an interest therein may present objections to the said justice to the sufficiency of the security on the undertaking or the jurisdiction of said justice, and if the said justice shall deem said undertaking insufficient, such property may be directed to be retained by the marshal for a further short time, to be designated by said justice, until an undertaking to be approved by him shall be filed, in default of which the marshal shall return the property to the person from whom it was taken; or if it shall be made to appear to the said justice that the property is of the value of over three hundred dollars he shall quash the writ of replevin and direct the property to be returned to the party out of whose possession it was taken.

Damages for plaintiff.

SEC. 18. DAMAGES FOR PLAINTIFF.—Whether the defendant plead and the issue joined be found against him, or his plea be held bad, or

he make default after personal service, the plaintiff's damages shall be the full value of the goods, not to exceed three hundred dollars, if eloiigned by the defendant, and damages for the detention thereof, and judgment shall be given accordingly.

SEC. 19. JUDGMENT FOR DEFENDANT.—If the issue be found for the defendant, or the plaintiff shall dismiss or fail to prosecute his suit, the judgment shall be that the goods, if delivered to the plaintiff, be returned to the defendant, with damages for their detention, or, on failure, that the defendant recover from the plaintiff and his surety the damages sustained by him, to be assessed by the justice. Judgment for defendant.

SEC. 20. FORCIBLE ENTRY AND DETAINER.—Whenever any person shall forcibly enter and detain any building or inclosed real property, or shall unlawfully, but without force, enter and unlawfully and forcibly detain the same, or whenever any tenant shall unlawfully detain possession of the property leased to him, after his tenancy therein has expired, or any mortgagor or grantor in a mortgage or deed of trust to secure a debt, shall unlawfully detain the possession of the real property conveyed, after a sale thereof under such deed of trust or a foreclosure of the mortgage, or any person claiming under such mortgagor or grantor, after the date of the mortgage or deed of trust, shall so detain the same, or a judgment debtor or any person claiming under him, since the date of the judgment, shall so detain possession of real property, after a sale thereof under an execution issued on such judgment, it shall be lawful for any justice of the peace, on complaint under oath by the person aggrieved by said unlawful detention, to issue a summons to the party complained of to appear and show cause why judgment should not be given against him for the restitution of the possession. Forcible entry and detainer.

SEC. 21. SUMMONS.—The summons shall be served seven days, exclusive of Sundays and legal holidays, before the day fixed for the trial of the action. If the defendant has left the District of Columbia, or can not be found, said summons may be served by delivering a copy thereof to the tenant, or by leaving the same with some person above the age of sixteen years residing on or in possession of the premises sought to be recovered, and if no one be in actual possession of said premises, or residing thereon, by posting a copy of said summons on the premises where it may be conveniently read. —issue of summons.

SEC. 22. JUDGMENT.—If upon the trial it appears that the plaintiff is entitled to the possession of the premises, judgment and execution for the possession shall be awarded in his favor, with costs; if the plaintiff becomes nonsuit or fails to prove his right to the possession, the defendant shall have judgment and execution for his costs. —service, etc.

SEC. 23. PLEA OF TITLE.—If upon the trial the defendant pleads title to the premises, in himself or in another under whom he claims, setting forth the nature of said title, under oath, and shall enter into an undertaking, with sufficient surety, to be approved by the justice, to pay all intervening damages and costs and reasonable intervening rent for the premises, the justice shall certify the proceedings to the supreme court of the District of Columbia, and the same shall be further continued in said court according to its rules. Judgment.

SEC. 24. JUDGMENT NOT A BAR.—A judgment, either before the justice or in the supreme court, upon appeal in this proceeding, shall not be a bar to any after action brought by either party or conclude any question of title between them, where title is not pleaded by the defendant as aforesaid. Plea of title.

SEC. 25. WITNESSES.—Justices of the peace shall have power to compel the attendance of witnesses from any part of the District of Columbia by attachment and to punish them for disobedience, as well as to punish anyone for disorder or contempt committed in their presence, by fine not exceeding ten dollars or imprisonment not exceeding ten days. Judgment not a bar.

Witnesses.

Nonresident witnesses.

Commission to take testimony of.

*Provido.*  
—when to issue.

Death of justice.

Satisfaction of judgment.

Docketing judgment in supreme court.

Appeal.

Undertaking.

Practice.

Claimant of property levied on.

—notice to marshal of claim.

—trials, etc.

**SEC. 26. NONRESIDENT WITNESSES.**—Where the testimony of nonresident witnesses is required by either party the justice may, upon motion designating the names of such witnesses, appoint an examiner to take such testimony, to whom he shall issue a commission; and said testimony shall be taken on written interrogatories and cross-interrogatories, which written interrogatories shall be filed with said justice at least three days before the issue of such commission: *Provided*, That such commission shall not issue unless the party applying therefor file his affidavit, setting forth that he believes that the testimony of said witnesses is material to the issue in said suit and that the motion is not made for the purpose of delay.

**SEC. 27. DEATH OF JUSTICE.**—In case of the death of any justice or the expiration of his commission after judgment rendered by him and before execution is issued thereon, any other justice, upon a copy of said judgment being filed with him, may issue execution thereon, which shall be returned to the justice issuing the same.

**SEC. 28. SATISFACTION OF JUDGMENT.**—No judgment or execution shall be recorded as satisfied without the receipt of the plaintiff or his attorney annexed thereto.

**SEC. 29. DOCKETING JUDGMENT IN SUPREME COURT.**—After recovering a judgment for twenty dollars or more, exclusive of costs, before a justice of the peace, the judgment creditor may, when execution is returned "No personal property found whereon to levy," file in the clerk's office of the supreme court of the District a certified copy of said judgment, which shall be docketed in the docket of law causes in said office in the same manner as appeals from justices are there docketed; and when it is docketed the force and effect of the judgment for all purposes shall be the same as to lien and execution as if it had been a judgment of the said supreme court.

**SEC. 30. APPEAL.**—Where the debt or demand or the value of personal property claimed exceeds five dollars, and in actions for the recovery of possession of real estate, as aforesaid, either party who may think himself aggrieved by the judgment or other final order of a justice of the peace may appeal to the supreme court of the District; such appeal to be prayed within six days after the entering of the judgment.

**SEC. 31. UNDERTAKING.**—No appeal shall be allowed unless the appellant, with sufficient surety, approved by the justice, shall enter into an undertaking to satisfy and pay whatever final judgment may be recovered in the appellate court, and agree that such judgment may be entered against principal and sureties. Such undertaking must be given within six days, exclusive of Sundays and legal holidays, after the entry of judgment. And where said undertaking has been given the justice shall immediately file the original papers, and a copy of his docket entries, in the office of the clerk of the supreme court, and notify the appellant thereof.

**SEC. 32. PRACTICE.**—The practice and forms of proceeding in trials before justices and in trials of appeals from justices, so far as not herein directed, shall be governed by the rules of said supreme court.

**SEC. 33. CLAIMANT OF PROPERTY LEVIED ON.**—When personal property taken on execution issued by a justice of the peace is claimed by a person other than the defendant therein, or is claimed by the defendant to be property exempt from execution, and such claimant shall give notice, in writing, to the marshal of his claim, or the defendant shall give notice, in writing, that the property is exempt, the marshal shall notify the plaintiff of such claim and return said notice to the justice who issued the execution, and a trial of said right of property, or said question of exemption, shall be had before said justice.

**SEC. 34.** The case made by such claim shall be entered on the justice's docket as an action by the claimant or the defendant against the

plaintiff and tried in the same manner as other cases before justices of the peace.

SEC. 35. In case the property shall appear to belong to the claimant or to be exempt from execution, judgment shall be entered against the plaintiff in the execution for costs, and the property levied upon shall be released. If the property shall not appear to belong to the claimant or to be exempt, as aforesaid, judgment shall be entered against said claimant or the defendant, as the case may be, for costs, including additional costs occasioned by the delay in the execution of the writ. An appeal may be taken from the judgment, as in other cases, provided the same is prayed within four days after the entering of the judgment and an appeal bond is given within six days, exclusive of Sundays and legal holidays, thereafter.

—judgment for claimant.

—against.

—appeal.

SEC. 36. In case of an appeal the marshal shall retain the property unless the claimant or the defendant in the execution or his agent shall enter into an undertaking, with sufficient surety, to be approved by the justice, for the delivery of such property to the marshal, if the judgment of the court shall be against the party entering into such undertaking; and said undertaking shall be returned to said supreme court, and it may give judgment thereon.

—marshal to retain property, etc.

SEC. 37. Nothing herein contained shall prevent a claimant other than the defendant from bringing an action of replevin against the officer levying upon the property claimed as aforesaid.

Replevin against officer levying, etc.

SEC. 38. DOCKET.—Each justice of the peace is required to keep a docket, in which he shall enter from day to day concurrently with the respective proceedings—

Docket entries.

First. The title of each action.

Second. The date of the writ issued and the time of its return, the fact of affidavits being filed, with the name of any affiant.

Third. The appearance of the parties.

Fourth. The nature of the pleadings in brief.

Fifth. The names of witnesses sworn, and at whose request.

Sixth. The judgment of the justice and the items of cost.

Seventh. The appeal, if one is taken, by which party taken, the undertaking and the time of giving the same.

Eighth. The satisfaction of the judgment and the date thereof.

And it shall be his duty to furnish a copy of any judgment rendered by him when required by either party to the action. If he shall omit to keep such docket or be guilty of any other negligence or omission whereby the plaintiff, having obtained a judgment before him, shall lose his debt, the justice shall pay and satisfy to the plaintiff the debt, interest, and costs so lost, to be recovered in an action of debt against said justice and his surety or sureties, with any additional interest that may have accrued.

Copy of judgment to be furnished.

Penalty for negligence, etc.

SEC. 39. DEATH OR RESIGNATION.—It is hereby made the duty of every justice of the peace, upon his resignation or removal from office or the expiration of his commission, and that of his executors or administrators in case of his death, to deliver to the clerk of the supreme court of the District all dockets and all original papers in cases not yet closed, which said justice may have had; and any person neglecting to comply with this requirement shall forfeit to the United States the sum of five hundred dollars, to be recovered as other penalties are recovered.

Death or resignation.

SEC. 40. REMOVAL FROM OFFICE.—The supreme court of the District shall have power to remove justices of the peace from office, after due notice and an opportunity given them to be heard in their defense, for incompetency, habitual drunkenness, corruption, or other misconduct in office.

Removal from office.

SEC. 41. PROCESS, SERVICE OF.—The office of constable is hereby abolished, and all process issued by a justice of the peace shall be

Process, service of.

served by the United States marshal for the District of Columbia, or, if he is disqualified, by the coroner, and the fees for such service shall be as prescribed by rule of the supreme court of the District of Columbia.

#### SUPERSEDEAS.

Supersedeas.

On all judgments rendered by a justice of the peace, except as hereinafter provided, stay of execution may be had upon good and sufficient security being entered by a person who may be at the time the owner of sufficient real property located in the District, above all liabilities and exemptions, to secure the debt, costs, and interest.

Stay of execution.

In such cases stay of execution shall be entered as follows:

For the sum of five dollars, and not exceeding twenty dollars, one month.

For all sums over twenty dollars, and not exceeding forty dollars, two months.

For all sums over forty dollars, and not exceeding seventy-five dollars, four months.

For all sums exceeding seventy-five dollars, six months.

There shall be no stay of execution on any judgment for the wages of a servant or common laborer, nor upon any judgment for a less sum than five dollars.

#### SUBCHAPTER TWO.

#### THE POLICE COURT.

Police court.

Constitution.

SEC. 42. CONSTITUTION.—There shall continue to be a police court in the District, as at present, consisting of two judges learned in the law, appointed by the President, by and with the advice and consent of the Senate, for the term of six years, who shall each receive a salary of three thousand dollars per annum. The said judges shall hold separate sessions and may carry on the business of said court separately and simultaneously, and are empowered to make rules for the apportionment of the business between them, and the acts of each of the said judges respecting the business of said court shall be deemed and taken to be the acts of the said court. Each judge, when appointed, shall take the oath prescribed for judges of the courts of the United States.

Powers of judges,  
oath, etc.

Jurisdiction.

SEC. 43. JURISDICTION.—The said court shall have original jurisdiction concurrently with the supreme court of the District, except where otherwise expressly herein provided, of all crimes and offenses committed in the said District not capital or otherwise infamous and not punishable by imprisonment in the penitentiary, except libel, conspiracy, and violation of the post-office and pension laws of the United States; and also of all offenses against municipal ordinances and regulations in force in the District of Columbia. The said court shall also have power to examine and commit or hold to bail, either for trial or further examination, in all cases, whether cognizable therein or in the supreme court of the District.

Informations.

Trial by jury.

SEC. 44. That prosecutions in the police court shall be on information by the proper prosecuting officer. In all prosecutions within the jurisdiction of said court in which, according to the Constitution of the United States, the accused would be entitled to a jury trial, the trial shall be by jury, unless the accused shall in open court expressly waive such trial by jury and request to be tried by the judge, in which case the trial shall be by such judge, and the judgment and sentence shall have the same force and effect in all respects as if the same had been entered and pronounced upon the verdict of a jury.

—by the court.

In all cases where the accused would not by force of the Constitu-



tion of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be fifty dollars or more, or imprisonment as punishment for the offense may be thirty days or more, the accused shall demand a trial by jury, in which case the trial shall be by jury. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year.

SEC. 45. JURY.—The jury for service in said court shall consist of twelve men, who shall have the legal qualifications necessary for jurors in the supreme court of the District, and shall receive a like compensation for their services, and such jurors shall be drawn and selected under and in pursuance of the laws concerning the drawing and selection of jurors for service in said court. The term of service of jurors drawn for service in said police court shall be for three successive monthly terms of said court and, in any case on trial at the expiration of such time, until a verdict shall have been rendered or the jury shall be discharged. The said jury terms shall begin on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year, and shall terminate, subject to the foregoing provisions, on the last Saturday of each of said jury terms. When at any term of said court it shall happen that in a pending trial no verdict shall be found, nor the jury otherwise discharged before the next succeeding term of the court, the court shall proceed with the trial by the same jury, as if said term had not commenced.

SEC. 46. At least ten days before the term of service of said jurors shall begin, as herein provided for, such jurors shall be drawn as hereinbefore directed, and at least twenty-six names so drawn shall be certified by the clerk of the supreme court of said District to the said police court for service as jurors for the then ensuing term. Deficiencies in any panel of any such jury may be filled according to the law applicable to jurors in said supreme court, and for this purpose either judge of said police court shall possess all the powers of a judge of said supreme court and of said court sitting as a special term. No person shall be eligible for service on a jury in said police court for more than one jury term in any period of twelve consecutive months, but no verdict shall be set aside on such ground unless objection shall be made before the trial begins. Service on such jury shall not render any person exempt, ineligible, or disqualified for service as a juror in said supreme court, except during his term of actual service in said police court. The marshal of said District, by himself or deputy, shall have charge of said jury, and may appoint a deputy for that purpose, who shall be paid three dollars a day while so employed.

SEC. 47. JUDGMENT TO BE FINAL.—In all cases tried before said court the judgment of the court shall be final, except as hereinafter provided.

SEC. 48. POWERS.—The said court shall have power to issue process for the arrest of persons against whom information may be filed or complaint under oath made and to compel the attendance of witnesses; to punish contempts by fine not exceeding twenty dollars and imprisonment for not more than forty-eight hours, or either, and to enforce any of its judgments by fine or imprisonment, or both, and to make such rules and regulations as may be deemed necessary and proper for conducting business in said court. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year.

That every person charged with an offense triable in the police court of the District of Columbia may give security for his appearance

Jury.  
—qualifications, etc.  
—term of service.

Drawing of names, etc.

Eligibility.

Marshal to have charge of jury.

Judgment to be final.

Powers.

Security for appearance for trial.

—bond.  
—money.  
  
—property in when  
forfeited.

for trial or for further hearing, either by giving bond to the satisfaction of the court or by depositing money as collateral security with the appropriate officer at the said police court or the station keeper of the police precinct within which such person may be apprehended. And whenever any sum of money shall be deposited as collateral security as hereby provided it shall remain, in contemplation of law, the property of the person depositing it until duly forfeited by the court; and when forfeited it shall be, in contemplation of law, the property of the United States of America or of the District of Columbia, according as the charge against the person depositing it is instituted on behalf of the said United States or of the said District; and every person receiving any sum of money deposited as hereby provided shall be deemed in law the agent of the person depositing the same or of the said United States or the said District, as the case may be, for all purposes of properly preserving and accounting for such money. And all fines payable and paid under judgment of the said police court shall, upon their payment, immediately become, in contemplation of law, the property of the said United States or the said District, according to the charge upon which such fine may be adjudged; and the person receiving any such fine shall be deemed in law the agent of the said United States or the said District as aforesaid, as the case may be; and any person, being an agent as hereinbefore contemplated and defined, who shall wrongfully convert to his own use any money received by him as hereinbefore provided shall be deemed guilty of embezzlement, and upon conviction thereof be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding five years, or both: *Provided*, That nothing herein contained shall affect the ultimate rights under existing law of the Washington Humane Society, or the policemen's fund (by whatever name the same may be called or known), or the firemen's relief fund, of the District of Columbia, in or to any fines or forfeitures paid and collected in the said police court.

—in fines.

—penalty for conversion.

*Proviso.*  
Rights of Washington Humane Society et al. to fines unaffected.

Seal.

SEC. 49. SEAL.—The said court shall have a seal, and each of the judges shall have power to take the acknowledgment of deeds and to administer oaths and affirmations to public officers.

Terms.

SEC. 50. TERMS.—The said court shall hold a term on the first Monday of every month, and continue the same from day to day as long as it may be necessary for the transaction of its business.

Disability of judge

SEC. 51. DISABILITY OF JUDGE.—In cases of sickness, absence, or disability of either of the judges of said court, any one of the justices of the supreme court aforesaid may designate one of the justices of the peace to discharge the duties of said police judge until such disability be removed. The justice so designated shall take the same oath prescribed for the judge of the police court, and shall receive the sum of ten dollars per day for the time that he shall serve, to be paid in the same manner as the salary of the judge of the police court.

Clerk.

SEC. 52. CLERK.—The court shall have power to appoint a clerk, at a salary of two thousand dollars per annum, who shall hold his office at the pleasure of the court, and he shall give bond with surety and take the oath of office prescribed by law for clerks of the district courts of the United States, and said clerk shall charge no fee for any service rendered by him.

Deputies.

SEC. 53. DEPUTIES.—The said clerk may appoint four deputies, with the approval of the court, if the business of the court requires it, to be paid, each, such compensation as may be allowed by the court, not exceeding one thousand five hundred dollars per annum as to two of such deputies and twelve hundred dollars as to the other two.

Clerk, etc., may administer oaths.

SEC. 54. The said clerk and deputy clerks shall have power to administer oaths and affirmations.

Bailiffs.

SEC. 55. BAILIFFS AND OTHER OFFICERS.—The said court may appoint not exceeding three bailiffs, who shall receive for their services nine

hundred and thirty-nine dollars each per annum, on the certificate of service by the court. Said bailiffs may act as deputies to the marshal for service of process issued by the court. The said court may also appoint a doorkeeper at a salary of five hundred and forty dollars per annum, an engineer at a salary of nine hundred dollars per annum, and a janitor at a salary of four hundred and fifty dollars per annum.

SEC. 56. SALARIES, HOW PAID.—The salaries of the judges, clerk, deputy clerks, bailiffs, deputy marshal, doorkeeper, engineer, and janitor of the said court shall be paid as other salaries of the District of Columbia, from appropriations made by Congress as provided in the Act of June eleventh, eighteen hundred and seventy-eight.

Salaries, how paid.

SEC. 57. EXECUTIONS AND FORFEITED RECOGNIZANCES.—The said court shall have power to issue execution on all forfeited recognizances, upon motion of the proper prosecuting officer, and all writs of fieri facias or other writs of execution on judgments issued by said court shall be directed to and executed by the marshal of the District.

Executions and forfeited recognizances.

SEC. 58. Fines to be paid to the clerk of the police court: All fines, penalties, costs and forfeitures imposed or taxed by the police court shall be paid to the clerk of said court, either with or without process or on process ordered by the court. The clerk of the police court shall, on the first secular day of each week, deposit with the collector of taxes the total amount of all fines, penalties, costs and forfeitures collected by him during the week next preceding the date of such deposit, to be covered into the Treasury to the credit of the District of Columbia, subject to the requirements of the provision of the Act of June eleventh, eighteen hundred and ninety-six, to meet any deficiency in the police fund or the firemen's relief fund. The said clerk shall render an itemized statement of each deposit aforesaid upon such forms and in such manner as shall be prescribed by the auditor of the District of Columbia.

Application of mon-  
eys collected.

Vol. 29, p. 404.

SEC. 59. ACCOUNTS, HOW AUDITED.—It shall be the duty of the auditor of the District of Columbia, and he is hereby required, to audit the accounts of the clerk of the police court at the end of every quarter and to make prompt report thereof in writing to the Commissioners of the District of Columbia. In order to enable the auditor of the District to perform the duty hereby imposed upon him, he shall have free access to all books, papers, and records of the said court.

Accounts, how aud-  
ited.

### SUBCHAPTER THREE.

## SUPREME COURT OF THE DISTRICT OF COLUMBIA.

SEC. 60. CONSTITUTION.—The supreme court of the District shall continue as at present constituted, and consist of a chief justice and five associate justices, appointed by the President of the United States, by and with the advice and consent of the Senate, and holding their offices during good behavior. The chief justice and each associate justice shall receive a salary of five thousand dollars per annum, which amounts shall be paid in monthly installments, out of the Treasury of the United States, and one-half thereof shall be charged against the revenues of the District of Columbia.

Supreme court of  
the District of Colum-  
bia.

Constitution.

Salaries.

SEC. 61. JURISDICTION.—The said court shall possess the same powers and exercise the same jurisdiction as the circuit and district courts of the United States, and shall be deemed a court of the United States, and shall also have and exercise all the jurisdiction possessed and exercised by the supreme court of the District of Columbia at the date of the passage of this code.

Jurisdiction.

SEC. 62. POWERS OF JUSTICES.—The justices of said court, in addition to the powers and jurisdiction possessed and exercised by them as such, shall severally possess the powers and exercise the jurisdiction pos-

Powers of justices.

sessed and exercised by the judges of the circuit and district courts of the United States.

Terms.  
—general.  
—special.

SEC. 63. TERMS.—The said court shall hold a general term and special terms. The general term shall be held by at least three justices and each special term by a single justice.

SEC. 64. The special terms of said court shall be known, respectively, as the circuit court, the equity court, the criminal court, the probate court, and the district court of the United States.

Powers of court in general term.

SEC. 65. The general term of said court shall be open at all times for the transaction of business; and said court, by orders passed in general term, may regulate the periods of holding the special terms, fix the number of said terms, and alter the same from time to time, as public convenience may require; may direct as many terms of any of the special terms to be held at the same time as the public business may make necessary; may assign the several justices, from time to time, to the respective special terms; may provide by rule of court for the transfer from time to time, as the occasion shall require, of a jury summoned to any one special term to any other special term having cognizance of jury trials, and for the filling of vacancies arising in such transferred jury; may establish rules of practice in said special terms not inconsistent with the laws of the United States; may appoint a clerk, an auditor, a crier, and a messenger for each court in special term, and all other officers of the court necessary for the due administration of justice, with the exception of all officers and employees in any manner connected with the probate term, and also United States commissioners; may hear charges of misconduct against any justice of the peace, and remove them from office for cause shown; may admit persons to the bar of said court and dismiss them from the same, and may pass all other orders not inconsistent with existing laws which may be necessary to the effective administration of justice in said court, but said court shall not hear any cause in general term.

Acts of special terms deemed acts of supreme court.

SEC. 66. All causes in said court shall be heard and determined in special term. And the several terms are declared to be terms of the supreme court, and the judgments, decrees, sentences, orders, proceedings, and acts of said several terms shall be deemed judgments, decrees, sentences, orders, proceedings, and acts of the supreme court.

Certification of cause from one justice to another for trial.

SEC. 67. By mutual consent and arrangement between justices, civil causes may be certified by any justice holding a circuit court to any justice holding a criminal court for trial in the latter; and, by similar arrangement, any cause may be certified by any justice to another justice, to be heard or tried by the latter, except that a criminal case can only be certified for trial from one criminal court to another criminal court. In the absence of any justice assigned to a special term, such special term may be presided over and its business conducted by any other justice.

Writs.

SEC. 68. WRITS.—The said supreme court may, in its appropriate special terms, issue writs of quo warranto, mandamus, prohibition, seire facias, certiorari, injunction, prohibitory and mandatory, ne exeat, and all other writs known in common law and equity practice that may be necessary to the effective exercise of its jurisdiction. Any justice of said court may issue writs of habeas corpus, to inquire into the cause of detention or to discharge on giving bail.

Circuit court.

SEC. 69. CIRCUIT COURT.—All common-law civil causes shall be tried and determined in the circuit court, except as herein provided.

Trial by court.

SEC. 70. TRIAL BY COURT.—Issues of fact in civil causes may be tried and determined by the court without the intervention of a jury whenever the parties or their attorneys of record file with the clerk a stipulation in writing waiving a jury. The finding of the court upon the facts, which may be either general or special, shall have the same effect as the verdict of a jury.

SEC. 71. In such case an exception may be taken to any ruling of the court during the hearing and to such finding on the ground that the evidence was insufficient in law to justify it, and may be stated in a bill of exceptions as in case of a jury trial. —exceptions.

SEC. 72. SPECIAL PANEL.—In all cases called for trial in said court in which either party shall desire a struck jury the clerk shall prepare a list of twenty jurors from the jurors in attendance and furnish the same to each of the parties, and it shall be lawful for each party or his counsel to strike off four persons from said list, and the remaining persons shall thereupon be impaneled and sworn as the petit jury in said cause; and if either party or his counsel shall neglect or refuse to strike off from said list the number of persons hereby directed, the clerk may strike off such names, and the remaining twelve jurors shall be sworn and impaneled as aforesaid. Or, instead of the proceeding aforesaid, if it shall not be insisted upon by either party, it shall be lawful for either party to furnish to the clerk a list of the jurors, not exceeding four in number, whom he wishes to be omitted from the panel sworn in the cause, and the clerk in making up said panel shall omit the jurors objected to as aforesaid: *Provided*, That nothing herein contained shall be construed to take away the right of any person to challenge the array or polls of any panel returned, according to existing law. Special panel. *Proviso.* —right to challenge array or polls unaffected.

SEC. 73. BILL OF EXCEPTIONS.—If, upon a trial of a cause before a jury, an exception be taken, it may be reduced to writing at the time, or it may be entered on the minutes of the justice and afterwards settled in such a manner as may be provided by the rules of the court and stated in a bill of exceptions, with so much of the substance of the evidence as may be material to the questions to be raised, and such bill of exceptions need not be sealed, and shall be considered a part of the record in case of an appeal from the final judgment rendered in the case. Bill of exceptions.

SEC. 74. APPEALS FROM JUSTICES OF THE PEACE.—All appeals from a justice of the peace shall be heard and determined in the circuit court. Appeals from justices of the peace. —where heard.

SEC. 75. In every case of an appeal from a justice of the peace, as soon as the appellant shall have made the deposit for costs required by law, or the rules of the supreme court, or obtained leave from one of the justices or from the court to prosecute his appeal without a deposit, the clerk shall docket the cause, according to its title, for trial before the justice in the said circuit court, and shall issue a summons for the appellee to appear in said court on or before the tenth day, exclusive of Sundays and legal holidays, after the service of said summons. Docketing cause by appellant.

SEC. 76. If the appellant shall fail to prosecute his appeal by making the deposit or obtaining the leave aforesaid within ten days after the approval of the appeal bond, the appellee may, upon making the deposit for costs, have the case docketed and move for affirmance of the judgment of the justice, or he may have a trial of the case upon its merits. —by appellee.

SEC. 77. If the first summons for the appellee be returned “not to be found,” a second summons of the same kind and tenor shall be issued. Summons.

SEC. 78. If the appellee shall appear, in obedience to either summons, the case shall stand for trial in such order as the rules of said supreme court shall direct. Appearance of appellee.

SEC. 79. If the appellee shall fail to appear, although duly summoned, or two successive writs of summons shall be returned “not to be found,” and the appellee shall not appear, the case may then be heard and determined as if he had regularly appeared. —failure to appear.

SEC. 80. On such appeal the circuit court shall, in a summary way, hear the case de novo upon the proofs and allegations of the parties, and determine the same according to law and the equity and right of the matter; but either party may demand a trial by jury. Hearing de novo on appeal.

Dismissal of appeal because not prayed to term next after judgment, etc.

SEC. 81. No appeal from the judgment of any justice of the peace to the supreme court shall be dismissed because the same had not been prayed to the term next after the rendition of such judgment, unless the court shall be satisfied that the defendant had notice of such judgment at least ten days before the sitting of court.

No further appeal, etc.

SEC. 82. In no case appealed from a justice of the peace shall there be any further appeal from the judgment of the circuit court.

Criminal court.

SEC. 83. THE CRIMINAL COURT.—The trial of crimes and misdemeanors committed in the District of Columbia shall be in the supreme court of the District of Columbia holding a special term as a criminal court, except such misdemeanors as are within the jurisdiction of the police court, as to which said court shall have concurrent jurisdiction with said police court. In all trials in said special term exceptions may be taken by the accused to the rulings of the presiding justice and presented in bills of exceptions in the same manner as in the trial of civil cases, subject to provisions herein elsewhere contained.

Exceptions.

District court.

SEC. 84. THE DISTRICT COURT.—The said district court shall have and exercise the same powers and jurisdiction as the other district courts of the United States, and such further special jurisdiction as may from time to time be conferred by Congress, and of all proceedings instituted in exercise of the right of eminent domain.

Equity court.

SEC. 85. EQUITY COURT.—The equity court shall have jurisdiction of all causes heretofore cognizable in equity and of all petitions for divorce, except where the relief sought is hereby authorized to be given by the probate court only, and shall have the special powers hereinafter provided. And the practice in said court shall be according to the established course of equity and procedure and the rules established by the said supreme court of the District not inconsistent with law.

Dower.

SEC. 86. DOWER.—Whenever any person or persons shall hold real estate, by descent or purchase, in the whole of which a widow is entitled to dower, either the widow or any person entitled to said property or an undivided share therein may apply to said court to have the widow's dower therein assigned; and thereupon the court shall appoint three commissioners to lay off and assign said dower, if practicable, the report of said commissioners to be subject to ratification by the court. In all cases of partition between two or more joint tenants or tenants in common of real estate, in the whole of which a widow is entitled to dower, the said dower shall be laid off and assigned, in like manner, before said partition shall be decreed. When an estate of which a woman is dowable is entire, and the dower can not be set off thereout by metes and bounds, it may be assigned by the court as of a third part of the net rents, issues, and profits thereof.

Widow of tenant in common, etc.

SEC. 87. Whenever the widow of any tenant in common of real estate shall be entitled to dower in his undivided share of said property, and a partition shall be decreed between his heirs or devisees and the other tenants in common, the said dower shall attach to and may, in like manner, be assigned and laid out in the shares assigned in severalty to the said heirs or devisees, and the shares of the other tenants in common shall be assigned to them, respectively, in severalty, free from such dower.

Right of wife to attach on partition, etc.

SEC. 88. Whenever an application is made to the court to decree a partition of real estate between tenants in common, it shall not be necessary to make the wife of any of such persons a party to the proceedings, but her right of dower shall attach to whatever part of such property may be assigned in severalty to her husband, and the other parts thereof shall be assigned free of said right of dower.

Assignment of dower on sale of land without widow's consent, etc.

SEC. 89. Whenever a decree is rendered for the sale of land, in the whole of which a widow is entitled to dower, if she will not consent to a sale of the same free of her dower, the court may, if it appears

advantageous to the parties, cause her dower to be laid off and assigned as aforesaid. If she will consent in writing to the sale of the property free from her dower, the court shall order the same to be sold free of her dower, and shall allow her, in commutation of her dower, such portion of the net proceeds of sale as may be just and equitable, not exceeding one-sixth nor less than one-twentieth, according to the age, health, and condition of the widow.

SEC. 90. Whenever real property is decreed to be sold for the purpose of division of the proceeds between tenants in common because the said property is incapable of being divided between them in specie, the court may decree a sale of the property free and discharged from any right of dower by the wife of any of the parties in his undivided share.

Division of proceeds of sale between tenants in common, etc.

SEC. 91. INFANTS AND PERSONS NON COMPOS MENTIS.—If any infant or person non compos mentis be entitled to any real or personal estate in the District which shall be liable to any mortgage, trust, or lien, or in any way charged with the payment of money, the court shall have the same power to decree in such case as if the infant were of full age or such person non compos mentis were of sound mind.

Infants and persons non compos mentis.

SEC. 92. Where an infant or person non compos mentis is entitled to any real or personal estate in the District bound by any executory contract entered into by the person or persons from whom said infant or person non compos mentis has derived title, or where an infant or person non compos mentis claims any right or interest in such property under and in virtue of any such contract, the court in either case shall have the same power to decree the execution of such contract or to pass any just and proper decree that the court would have if the parties were of full age and sound mind.

—power of court to decree.

SEC. 93. PARTITION.—The court may decree a partition of any lands, tenements, or hereditaments on the bill or petition of any tenant in common, claiming by descent or purchase, or of any joint tenant or coparcener who was such at the date of this code; or if it appear that said lands, tenements, or hereditaments can not be divided without loss or injury to the parties interested, the court may decree a sale thereof and a division of the money arising from such sale among the parties, according to their respective rights; and this section shall apply to cases where all the parties are of full age, to cases where all the parties are infants, to cases where some of the parties are of full age and some infants, to cases where some or all of the parties are non compos mentis, and to cases where all or any of the parties are nonresidents; and any party, whether of full age, infant, or non compos mentis, may file a bill under this section, an infant by his guardian or prochein ami and a person non compos mentis by his committee; and if any contract has been made for the sale of the lands, tenements, or hereditaments by any person or persons interested therein jointly or in common with any infant, idiot, or person non compos mentis, for and in behalf of all the persons so interested, which the court, upon a hearing and examination of all the circumstances, shall consider to be for the interest and advantage both of such infant, idiot, or person non compos mentis and of the other person or persons interested therein to be confirmed, the court may confirm such contract and order a deed to be executed according to the same; and all sales and deeds made in pursuance of such order shall be sufficient in law to transfer the estate and interest of such infant, idiot, or person non compos mentis in such lands, tenements, or hereditaments: *Provided*, That if the parties entitled as heirs at law to the real estate of an intestate can not agree upon a partition thereof, or any of said parties be a minor, or the courts shall be of opinion that said estate can not be divided without loss or injury to the parties interested, before any sale shall be made thereof, the oldest son, child, or person entitled, if of age, shall have the election to take the whole estate and pay to the others their just proportions

Partition.

—sale.

—scope of section.

Who may file bill.

Contracts for sale of property held jointly with infants, etc.

*Proviso.*  
Heirs at law unable to agree on partition, etc.

of the value in money; and if the oldest child or person entitled refuses to take the estate and pay to the others money for their proportions, then the next oldest child or person entitled, being of age, shall have the same election, and so on to the youngest child or person entitled; and if all refuse, then the property shall be sold as aforesaid; and in every case of partition any tenant in common who may have received the rents and profits of the property to his own use or may have had the exclusive possession and enjoyment of the property may be required to account to his cotenants for their respective shares of said rents and profits, or, as the case may be, for the value of the use and occupation of their undivided shares of the property; and any amounts found due on said accounting may be charged against the share of the party owing the same in the property or its proceeds in case of sale.

Trustee to sell.

SEC. 94. TRUSTEE TO SELL.—If any person shall die having devised real estate to be sold for the payment of debts or other purposes without having appointed a trustee to sell or convey the property, or if the person so appointed shall neglect or refuse to execute the trust, or shall die before the execution of such trust, the said court shall have authority, on the application of any person interested, to appoint a trustee to sell and convey said property and apply the proceeds of sale to the purposes intended. And in all cases where a trustee shall be appointed by last will and testament to execute any trust, and any person interested in the execution of such trust shall make it appear that it is necessary for the safety of those interested therein that the trustee should give bond and security for the due execution of the trust, the said court may order and direct that such bond be given by the trustee by a day named, and on failure of the trustee to give such bond, with security to be approved by the court as directed, the court may displace such trustee and appoint another in his stead, who shall give such bond; and such bond shall be given to the United States and may be sued on for the use of any person interested.

Bond of trustee.

SEC. 95. MORTGAGES.—In all cases of application to said court to foreclose any mortgage or deed of trust, the said court shall have authority, instead of decreeing that the mortgagor be foreclosed and barred from redeeming the mortgaged property, to order and decree that said property be sold and the proceeds be brought into court to be applied to the payment of the debt secured by said mortgage; and if, upon a sale of the whole mortgaged property, the net proceeds shall be insufficient to pay the mortgage debt, the court may enter a decree in personam against the mortgagor or other party to the suit who is liable for the payment of the mortgage debt for the residue of said debt remaining unsatisfied after applying to said debt the proceeds of such sale: *Provided*, That the complainant would be entitled to maintain an action at law or suit in equity for said residue; which decree shall have the same effect and be enforced by execution in the same manner as a judgment at law. And in suits to enforce a vendor's lien on real estate for unpaid purchase money similar relief may be given by a decree of sale and a decree in personam for the unsatisfied residue of the purchase money due.

Mortgages.  
—court may decree sale and that proceeds be brought into court, etc.

—where proceeds insufficient decree in personam for residue of debt.

*Proviso.*  
—qualification.

—to apply also to enforce vendor's lien.

Debts of a decedent.  
—sale of real estate to pay, etc.

SEC. 96. DEBTS OF A DECEDENT.—When any person shall die leaving any real estate in possession, remainder, or reversion, and not leaving personal estate sufficient to pay his debts, the said court, on any suit instituted by any of his creditors, may decree that all the real estate left by such person, or so much thereof as may be necessary, shall be sold to pay his debts; and this section shall apply to cases where the heirs or devisees are residents or nonresidents, are of full age or infants, are of sound mind or non compos mentis, and also to cases where the deceased left no heirs or it is not known whether he left heirs or devisees or the heirs or devisees be unknown; and if



there be no known heirs the attorney of the United States for the District of Columbia shall be notified of said suit and appear thereto.

SEC. 97. SALE OF CONTINGENT INTERESTS.—Where real estate is limited to one or more for life, with a contingent limitation over to such issue of one or more of the tenants for life as shall be living at the death of their parent or parents, and the deed or will does not prohibit a sale, said court may, on the application of the tenants for life, and if the court shall be of opinion that it is expedient to do so, order a sale of such estate and decree to the purchaser an absolute and complete title in fee simple.

Sale of contingent interests.

SEC. 98. Any application for such sale shall be by bill, verified by the oath of the party or parties, in which all the facts shall be distinctly set forth upon the existence of which it is claimed that such sale should be decreed, which facts shall be proved by competent testimony. All of the issue embraced in the limitation who are in existence at the time of the application shall be made parties defendant, together with all who would take the estate in case the limitation over should never vest; and minors of the age of fourteen years or more shall answer in proper person under oath, as well as by guardian ad litem, and all evidence shall be taken upon notice to the parties and the guardian ad litem.

—procedure.

SEC. 99. The proceeds of sale of said real estate shall be held under the control and subject to the order of the court, and shall be invested under its order and supervision upon real and personal security, and the same shall, to all intents and purposes, be deemed real estate and stand in the place of the real estate from the sale of which they are derived, and as such be subject to the limitations of the deed or will.

—disposition of proceeds.

SEC. 100. Wherever one or more persons shall be entitled to an estate for life or years, or a base or qualified fee simple, or any other limited or conditional estate in lands, and any other person or persons shall be entitled to a remainder or remainders, vested or contingent, or an interest by way of executory devise in the same lands, on application of any of the parties in interest the court may, if all the parties in being are made parties to the proceeding, decree a sale or lease of the property, if it shall appear to be to the interest of all concerned, and shall direct the investment of the proceeds so as to inure in like manner as provided by the original grant to the use of the same parties who would be entitled to the land sold or leased; and all such decrees, if all the persons are parties who would be entitled if the contingency had happened at the date of the decree, shall bind all persons, whether in being or not, who claim or may claim any interest in said land under any of the parties to said decree, or under any person from whom any of the parties to such decree claim, or from or under or by the original deed or will by which such particular, limited, or conditional estate, with remainders or executory devises, were created.

Decree of sale and investment of proceeds for benefit of all parties in limited, etc., estates.

SEC. 101. WHEN DECREE SHALL HAVE EFFECT OF CONVEYANCE.—In all cases where a decree shall be made for a conveyance, release, or acquittance, and the party against whom such decree shall pass shall neglect or refuse to comply therewith, such decree shall stand, be considered and taken, in all courts of law and equity, to have the same operation and effect as if the conveyance, release, or acquittance had been executed conformably to such decree.

When decree shall have effect of conveyance.

SEC. 102. PROCESS AGAINST INFANTS.—Whenever an infant is a party defendant in any equity suit, the subpoena issued in said suit shall be served upon him personally, if within the District, and said infant shall be produced in court unless, for cause shown, the court shall dispense with his appearance, and a guardian ad litem shall be appointed to answer the bill and defend the suit for him, the said infant having the right to select his guardian ad litem if of the age of fourteen years or older.

Process against infants.

Secreting infant.

SEC. 103. If any person shall secrete an infant against whom process has issued, so as to prevent the service of such process, or shall prevent his appearance in court as aforesaid, such person shall be liable to attachment and punishment as for contempt; or if any infant shall secrete himself or evade the service of process, he may be proceeded against as if he were a nonresident.

Persons non compos mentis.

SEC. 104. PERSONS NON COMPOS MENTIS.—If a person non compos mentis be a party defendant in any equity suit, the subpoena shall be served upon him, if within the District, and upon his committee, if there be one within the District, and if there be no such committee and the court shall be satisfied as to the condition of said party, it may appoint a guardian ad litem to answer and defend for him.

Nonresidents. Substituting publication for personal service.

SEC. 105. NONRESIDENTS.—Publication may be substituted for personal service of process upon any defendant who can not be found and who is shown by affidavit to be a nonresident, or to have been absent from the District for at least six months, or against the unknown heirs or devisees of deceased persons, in suits for partition, divorce, by attachment, foreclosure of mortgages and deeds of trust, the establishment of title to real estate by possession, the enforcement of mechanics' liens, and all other liens against real or personal property within the District, and in all actions at law and in equity which have for their immediate object the enforcement or establishment of any lawful right, claim, or demand to or against any real or personal property within the jurisdiction of the court.

—when allowed.

SEC. 106. No order for the substitution of publication for personal service shall be made until a summons for the defendant shall have been issued and returned "Not to be found," and the nonresidence of the defendant or his absence for at least six months shall be proved by affidavit to the satisfaction of the court.

Order of publication.

SEC. 107. The order of publication shall be in the following or an equivalent form:

In the supreme court of the District of Columbia.

A B, complainant, }  
                          versus            } In ..... No. ....  
C D, defendant.        }

The object of this suit is to (state it briefly).

On motion of the complainant, it is this .... day of ...., A. D. ...., ordered that the defendant cause his appearance to be entered herein on or before the fortieth day, exclusive of Sundays and legal holidays, occurring after the day of the first publication of this order; otherwise the cause will be proceeded with as in cause of default.

E F, Justice.

Publication.

—mailing copy to party.

SEC. 108. Every such order shall be published at least once a week for three successive weeks, or oftener, or for such further time as may be specially ordered; and no order or decree shall be passed against said absent or nonresident defendant upon proof of notice by such publication unless the complainant, plaintiff, his agent, or solicitor or attorney shall file in the cause an affidavit showing that at least twenty days before applying for such order or decree be mailed, postpaid, a copy of said advertisement, directed to the party therein ordered to appear, at his last known place of residence, or that he has been unable to ascertain the last place of residence of said party after diligent effort to ascertain the same. On failure of the defendant to appear in obedience to said notice within the time named therein, a decree or judgment by default may be entered at the next rule day thereafter: *Provided*, That if the said absent or nonresident defendant be an infant,

Judgment by default.

*Proriso.* Where defendant an infant.

the court shall appoint a guardian as litem to answer and defend for him.

SEC. 109. If the court shall be satisfied that said absent or nonresident defendant is non compos mentis, notice may be given to him by publication as aforesaid, and upon his failure to appear such decree or judgment may be passed as the circumstances of the case may require: *Provided*, That no decree or judgment shall be passed unless the case is fully proved; and the court shall assign a solicitor or attorney to represent such nonresident defendant, and such solicitor or attorney shall be paid by the complainant or out of the estate of the defendant, at the discretion of the court.

—or non compos mentis.

*Proviso.*  
—case to be fully proved; attorney to represent, etc.

SEC. 110. UNKNOWN HEIRS.—Upon allegation under oath, and proof satisfactory to the court, that it is unknown whether one who, if living, would be a proper party to any judicial proceeding is living or dead, such party may be proceeded against as if he were living, and with like effect, provided no representative of or claimant under such person shall intervene in the suit before final determination thereof, after notice by publication as in the case of nonresident parties. If such person be dead, and it is unknown whether he died testate or left heirs, or his heirs and devisees be unknown, such unknown persons may be described as the heirs or devisees of the person who, if living, would be the proper party, and notice shall be given by publication to such persons according to such description, and the same proceedings shall be had against them as are had against nonresident defendants, except that said notice shall be published at least twice a month for such period as the court may order, which period shall not be less than three months without good cause shown, and which notice shall require said parties to appear on or before the first rule day occurring after the expiration of such prescribed period, and no decree shall be passed against said parties unless the court shall be satisfied that due diligence has been used to ascertain such unknown heirs.

Unknown heirs.

—where dead.

—proceedings, etc.

SEC. 111. ADVERSE POSSESSION.—When title to any real estate in the District of Columbia shall have become vested in any person or persons by adverse possession, the holder thereof may file a bill in the supreme court of the District of Columbia to have such title perfected, in which bill it shall be sufficient to allege that the complainant holds the title to such real estate, and that the same has vested in him, or in himself and in those under whom he claims, by adverse possession; and in such action it shall not be necessary to make any person a party defendant except such persons as may appear to have a claim or title adverse to that of the plaintiff. Upon the trial of such cause, proof of the facts showing title in the plaintiff by adverse possession shall entitle him to a decree of the court declaring his title by adverse possession, and a copy of such decree may be entered of record in the office of the recorder of deeds for said District. In any such action if process shall be returned not to be found, notice by publication may be substituted as in case of nonresident defendants. If in any case it shall be unknown whether one who, if living, would be an adverse party is living or dead, or in the case of a decedent, whether he died testate or left heirs, or his heirs or devisees are unknown, the cause may be proceeded with under the provisions of section one hundred and nine: *Provided*, That the rights of infants or others under legal disability shall be saved for a period of two years after the removal of their disabilities: *Provided, however*, That the entire period during which such rights shall be preserved shall not exceed twenty-two years from the time such rights accrued, either in said claimant or in the person or persons under whom he claims.

Adverse possession.  
Perfection of title.

*Provisos.*  
—preservation of rights of infants.  
—limit of time.

SEC. 112. CORPORATIONS.—In a suit against a corporation, whether foreign or domestic, if process can not be served, such corporation may be proceeded against as a nonresident defendant, by notice by publication.

Corporations.

Enforcement of decrees.  
—attachment.

SEC. 113. ENFORCEMENT OF DECREES.—The said court may, for the purpose of executing a decree, or to compel obedience to the same, issue an attachment against the person of the defendant, and may order an immediate sequestration of his real and personal estate, or such part thereof as may be necessary to satisfy the decree, or may issue a fieri facias and attachment by way of execution against his lands, tenements, chattels, and credits, or other incorporeal property, to satisfy the decree; or the court may, by order and injunction, cause the possession of the estate and effects whereof the possession or a sale is decreed to be delivered to the complainant, or otherwise, according to the tenor and import of the decree and as the nature of the case may require; and in case of sequestration may order payment and satisfaction to be made out of the estate and effects so sequestrated, according to the true intent and meaning of the decree; and in case any defendant shall be arrested and brought into court upon any process of contempt issued to compel the performance of any decree, the court may, upon motion, order such defendant to stand committed, or may order his estate and effects to be sequestrated and payment made, as above directed, or possession of his estate and effects to be delivered by order and injunction as above directed, until such decree or order shall be fully performed and executed, according to the tenor and true meaning thereof, and the contempt cleared; but where the decree only directs the payment of money no defendant shall be imprisoned except in those cases especially provided for.

—injunction.

—commitment.

Interlocutory orders.

SEC. 114. All interlocutory orders may be enforced by such process as might be had upon a final judgment or decree to the like effect, and the payment of costs adjudged to any party may be enforced in like manner.

Decree for delivery of chattels.

SEC. 115. An order or decree for the delivery of chattels may be enforced by the same writs as are used in the action of replevin at common law, as well as those heretofore used for its enforcement in equity practice.

Probate court.

—jurisdiction.

SEC. 116. PROBATE COURT.—The special term of said supreme court, heretofore known as the orphans' court, shall be designated the probate court, and the justice holding said court shall have and exercise all the powers and jurisdiction by law held and exercised by the orphans' court of Washington County, District of Columbia, prior to the twenty-first day of June, anno Domini eighteen hundred and seventy.

—plenary as to wills, etc.

SEC. 117. That in addition to the jurisdiction conferred in the preceding section, plenary jurisdiction is hereby given to the said court holding the said special term to hear and determine all questions relating to the execution and to the validity of any and all wills devising any real estate within the District of Columbia, and of any and all wills and testaments properly presented for probate therein, and to admit the same to probate and record in said special term; and neither the execution nor the validity of any such will or testament so admitted to probate and record shall be impeached or examined collaterally, but the same shall be in all respects and as to all persons res judicata, subject, nevertheless, to the provisions hereinafter contained.

Sessions of court.

SEC. 118. The said court shall hold weekly sessions on such days as it may appoint and on as many days as may be necessary for the dispatch of its business.

Powers defined.

SEC. 119. POWERS.—It shall have full power and authority to take the proof of wills of either personal or real estate and admit the same to probate and record, and for cause to revoke the probate thereof; to grant and, for any of the causes hereinafter mentioned, to revoke letters testamentary, letters of administration, letters ad colligendum, and letters of guardianship, and to appoint a successor in the place of anyone whose letters have been revoked; to hear, examine, and decree

upon all accounts, claims, and demands existing between executors and administrators and legatees, or persons entitled to a distributive share of an intestate estate, or between wards and their guardians; to enforce the distribution of estates by executors and administrators, and the payment or delivery by guardians of money or property belonging to their wards, and, concurrently with the equity court, to direct the sale of real estate of decedents for the payment of their debts and the application of the proceeds thereof: *Provided*, That the jurisdiction of the said probate court shall not be exclusive of the jurisdiction of the said equity court to entertain suits by legatees or next of kin against executors or administrators, or by wards against their guardians for an accounting; and, except in cases provided for in section numbered one hundred and forty-four, any settlement of accounts in said probate court shall only be prima facie evidence as to the correctness of said accounts in any such suits, or in suits by creditors against executors or administrators, or against heirs or devisees, to subject the real estate of decedents to the payments of their debts.

*Proviso.*  
—qualification of jurisdiction, etc.

SEC. 120. CLERK.—The register of wills of the District of Columbia shall be, and hereby is, authorized, empowered, and directed to act as clerk of the said probate term, to keep and certify its records and generally, with respect to said term, to exercise all the powers and perform all the duties which might otherwise be properly exercised or performed by the clerk of the supreme court of the District of Columbia.

Clerk.  
—register of wills to act.

SEC. 121. The said register of wills may receive inventories and accounts of sales, examine vouchers, and state accounts of executors, administrators, collectors, and guardians, subject to final passage or rejection of same by the court; may take probate of claims against the estates of deceased persons that are proper to be brought before him, and pass any claims not exceeding three hundred dollars; may take the probate of wills and accept the bonds of executors, administrators, collectors, and guardians, subject to approval by the court. It shall be his duty to make full and fair entries of the proceedings of said court, and also to make a fair record in a strong bound book or books of all wills proved before him or said court, and of all other matters by law directed to be recorded in said court, and to lodge every original paper filed with him in such place of safety as the court may appoint. He shall make out and issue every summons, process, and order of the court, and in every respect act under its control and direction in reference to matters coming within the jurisdiction of said court. He shall be, and hereby is, authorized to appoint a deputy, who may, in his absence, do and perform any and all the acts necessary in the administration of his office and the certification of the records of said court which he himself is authorized to do; also to appoint and fix the number and the compensation of the employees of said probate court and office of register of wills: *Provided*, That any expenditures incurred by him in so doing shall not be a charge upon the public treasury, but shall, together with his own compensation, be paid out of the revenues of the office of register of wills.

—powers, etc., of register of wills.

—deputy.

—employees.

—expenditures.

SEC. 122. CONCEALMENT OF ASSETS BY STRANGERS.—If an executor, administrator, or collector shall believe that any person conceals any part of his decedent's estate, he may file a petition in said court alleging such concealment, and the court may compel an answer thereto on oath; and if satisfied, upon an examination of the whole case, that the party charged has concealed any part of the estate of the deceased, the court may order the delivery thereof to the executor, administrator, or collector, and may enforce obedience to such order in the same manner in which orders of said court may be enforced, as hereinafter provided.

Concealment of assets by strangers.

SEC. 123. INVESTMENT OF FUNDS.—The said court may, in its discretion, order an executor, administrator, collector, or guardian, whom

Investment of funds.

it may have appointed, to bring into court or invest in securities, to be approved by the court, any money or funds received by such executor, administrator, collector, or guardian; and if said party shall not, within a reasonable time, to be fixed by the court, comply with the order, his letters may be revoked.

Concealment by executor or administrator.

SEC. 124. CONCEALMENT BY EXECUTOR OR ADMINISTRATOR.—If any person interested in any decedent's estate shall by petition allege that the executor, administrator, or collector has concealed or has in his hands and has omitted to return in the inventory or list of debts any part of his decedent's assets, and the court shall finally adjudge and decree in favor of the allegations of the petition, in whole or in part, it shall order an additional inventory or list of debts, as the case may be, to be returned by the executor, administrator, or collector, and appraisement to be made accordingly, to comprehend the assets omitted, and the court may compel obedience to said order, and, if the same is not complied with, revoke the letters testamentary or of administration or of collection and order the bond of the executor, administrator, or collector to be put in suit.

Joint executors. Complaint of negligence of coexecutor, etc.

SEC. 125. JOINT EXECUTORS.—If any joint executor, administrator, or collector shall apprehend that he is likely to suffer by the negligence or misconduct in the administration or the improper use or misapplication of the assets of the estate by any coexecutor, coadministrator, or cocollector, he may make complaint to said court; and if said complaint shall be adjudged well founded, the court shall have authority, in its discretion, to revoke the powers and authority of the executor, administrator, or collector so complained of and to compel the delivery and surrender to the remaining executor, administrator, or collector of the assets and all books, papers, and evidences of debt of the estate that may be in the possession or control of the person so dismissed from the administration; and the remaining executors, administrators, or collectors shall be entitled to recover, in an action on the case, for any loss or damage they may suffer through the executor, administrator, or collector whose powers shall have been revoked as aforesaid.

—revocation of authority to act, etc.

SEC. 126. ENFORCEMENT OF DUTY.—The court shall have power to order any executor, administrator, collector, or guardian who appears to be in default in respect to the rendering of any inventory or account or the fulfillment of any duty in said court to be summoned to appear therein and fulfill his duty in the premises, on pain of revocation of his letters testamentary or of administration or collection or of guardianship; and on his appearing the court may pass such order as may be just, and upon his failure to appear, after having been duly summoned, may revoke his letters and make such further order and other appointment as justice may require.

—enforcement of duty.

Revocation of letters. Accounting, etc.

SEC. 127. REVOCATION OF LETTERS.—Whenever said court shall revoke letters testamentary or of administration or of collection or of guardianship, it shall be the duty of the party whose letters may be revoked to render forthwith an account of his administration or guardianship up to the period of the rendition of said account and to deliver and turn over to the person appointed in his place all the estate, money and effects remaining in his hands that were received and held by him by virtue of his appointment so revoked; and all moneys in the hands of an executor, administrator, or collector realized by him by the sale of the specific property shall be considered unadministered assets and be turned over in like manner; and the court may compel the performance of said duty in the manner hereinafter mentioned, and may direct the bond of said executor, administrator, or collector whose letters may be revoked to be put in suit for the use of the new administrator or collector appointed in his place.

SEC. 128. COUNTER SECURITY.—If any surety of an executor or administrator shall apprehend himself to be in danger of suffering from the suretyship, he may apply to the probate court, and the said court may call upon the party to give counter security, to be approved by the court; and if the party so called on shall not, within a fixed reasonable time, give counter security, the court may order the property remaining in the hands of such executor or administrator to be delivered up to such surety, and the court may enforce the delivery by proper process; and an inventory of the property delivered to such surety shall be returned without delay, and the property contained in such inventory shall be by the said surety sold, distributed, and delivered up, as the case may require, under the immediate order of the court, as if such surety were executor or administrator; but inasmuch as it would be inconvenient to creditors and others interested in the estate, if there should be a double administration, the executor or administrator shall go on to discharge his trust, unless the court revoke his letters for some just cause, as hereinbefore directed, and he shall be answerable for the property in the same manner as if it were not on his default as aforesaid delivered to the surety; and he shall be entitled to sue the said surety and recover damages in case he shall suffer from the misconduct of such surety, in diminishing any part of the property, without obtaining an allowance for the same from the court; and the said surety shall bring into court, to be deposited with the register of wills, the money arising from the sale of any property as aforesaid, to be applied according to the meaning of this code.

Counter security.

—failure to give.

—inventory, etc.

SEC. 129. ENFORCEMENT OF JUDGMENTS, AND SO FORTH.—The said court, in addition to the powers hereinafter specially conferred, shall have power to enforce its judgments, orders, and decrees in like manner as orders and decrees may be enforced in the equity court.

Enforcement of judgments, etc.

SEC. 130. CITATION.—Upon the filing of a petition for probate of a will a citation shall be issued to all persons who would be entitled to or interested in the estate of the testator in case such will had not been executed to appear in said court on a day named, not earlier than ten days, exclusive of Sundays, after the filing of said petition, and show cause why the prayer of the petition should not be granted. If said citation shall appear from the return thereof to have been served upon all said persons at least five days before the day named as aforesaid, the said court shall proceed, if no caveat be filed, to take the proofs of the execution of said will. But if any of the parties interested, as aforesaid, as heirs, next of kin, or otherwise, shall be returned "Not to be found," the said court shall cause not less than thirty days' notice of the application of such probate to be published once in each of three successive weeks in some newspaper of general circulation in said District, and may order such other publication as the case may require, and shall cause a copy of such publication to be mailed to the last known post-office address of each of the parties so returned not to be found. If the parties in interest, or any of them, be unknown, upon statement of that fact in the petition under oath, they may be described therein, and in the notice by publication, as the unknown heirs and next of kin of the decedent, with like effect as if known and specifically named in the petition, notice, and proceedings.

Citation.

Publication.

Probate.

SEC. 131. PROBATE.—On the day appointed as aforesaid, or such subsequent day as the court may appoint, due proof of such publication and mailing being made, the court shall proceed to take proof of the will. All the witnesses to such will who are within the District and competent to testify must be produced and examined, or the absence of any of them satisfactorily accounted for.

SEC. 132. ATTESTING WITNESSES.—In case the will contains a devise of real estate, and any attesting witness thereto residing in the District

Attesting witnesses.

is unable, from sickness, age, or other cause, to attend court, the register of wills may, with such will, attend upon said witness and take his testimony. If the testimony of resident attesting witnesses or witness to such will shall have been taken, and any other such witness to said will shall reside out of the District or be temporarily absent therefrom, but within the United States, it shall be sufficient to prove the signature of such witness so out of the District.

If the sole witnesses to such will shall be out of said District as aforesaid, or if one or more should be within the United States and one or more be in some foreign country, then it shall be sufficient to take the testimony of any one or all within the United States, as the court may determine, and to prove the signatures of those whose testimony is not required to be taken.

If all such witnesses shall be out of the United States, then it will be sufficient to take the testimony of such of them as the court may require, and to prove the signature or signatures of the others.

The testimony of such witnesses out of the District to be taken hereunder shall be under a commission issued by the court to one or more competent persons, and in such case the original will or codicil shall accompany the commission and be exhibited to the witnesses.

No notice need be given of the time and place of taking such testimony, unless in a case in which probate is opposed.

**SEC. 133. WHO MAY APPEAR.**—Any person, although not cited, who may be interested in sustaining or defeating the will may appear and support or oppose the application to admit the same to probate.

**SEC. 134. ADMISSION TO PROBATE.**—If, upon hearing the proofs submitted, the court shall be of opinion that the will was duly executed and the testator was competent to execute the same, and no caveat shall be filed against the admission of the same to probate, the court shall decree that the said will be admitted to probate and record.

**SEC. 135.** If all parties interested adversely to the will shall waive the notice aforesaid and consent that the will be admitted to probate and record, it may be so admitted to probate and record without the proceedings directed as aforesaid: *Provided*, That in no case shall any will or testament be admitted to probate and record save upon formal proof of its proper execution.

**SEC. 136. CAVEAT.**—If, upon or prior to the hearing of the application to admit the will to probate, any party in interest shall file a caveat in opposition, duly verified, and setting forth facts inconsistent with the validity of the will, the said will shall not be admitted to probate until the issues raised by said caveat shall be determined, as hereinafter directed.

**SEC. 137.** If, upon the hearing of the application to admit a will to probate, the court shall decree that the same be admitted to probate, any person in interest may file a caveat to said will and pray that the probate thereof may be revoked at any time within three months after such decree, if it be a will of personal property, and as far as it is a will of personal property; and if it be a will of real estate, and as far as it is such will of real estate, any person interested actually served with process or personally appearing in such proceedings may file such caveat within one year after such decree; any person interested who at said time was returned "Not to be found" and was proceeded against by publication may file such caveat within two years after such decree; and any person interested who at the time of said decree is within the age of twenty-one years may file such caveat within one year after he becomes of age.

**SEC. 138. INFANTS INTERESTED.**—Whenever it shall appear that any party interested as aforesaid is under age, or non compos, the court shall appoint a guardian ad litem to represent said party at the hearing

Where proof of signature sufficient.

Commission to take testimony.

—notice.

Who may appear.

Admission to probate.

Probate by consent.

*Provisio.*  
—proof of execution required.

Caveat.

—time for filing.

Infants interested.



of the application to admit the will to probate, and with authority to file a caveat, as he may be advised, in behalf of said party.

SEC. 139. **PLENARY PROCEEDINGS.**—The court may, in all cases of controversy therein, direct a plenary proceeding to be had, by bill or petition, to which there shall be answer under oath, which may be compelled by the usual process, and all the depositions shall be taken down in writing and filed; or, if either party shall require it, the court shall direct an issue to be made up to be tried by a jury.

Plenary proceed-  
ings.

SEC. 140. **TRIAL OF ISSUES AS TO WILLS.**—Whenever any caveat shall be filed issues shall be framed under the direction of the court for trial by jury: *Provided*, That in all cases in which all persons interested are sui juris and before the court the issues may be tried and determined by the court, without a jury, upon the written consent of all such parties. If they are to be tried by a jury they shall be triable in said probate court; and at least ten days prior to the time of trial all of the heirs at law or next of kin of the decedent, or both together, as the case may require, and all persons claiming under the will shall be each served with a copy of said issues and a notification of the time and place of the trial thereof. If any one of them be an infant or of unsound mind he shall have a guardian ad litem appointed for him by the court before such trial shall proceed. If, as to any party in interest, the notification shall be returned “Not to be found,” the court shall assign a new day for such trial, and shall order publication, at least twice a week for a period of not less than four weeks, of a copy of the issues and notification of trial, in some newspaper of general circulation in the District, and may order such further publication as the case may require. And the supreme court of the District of Columbia may from time to time prescribe and revise rules and regulations for service personally upon such party outside of the District of Columbia of a copy of such issues and notification. Personal service on absent parties shall not be essential to the jurisdiction of the court. Before the time of trial the justice holding said court shall direct twenty-four jurors to be drawn for service in said court, having the qualifications prescribed by law, in the manner provided by law for the drawing of jurors to serve in the circuit court. The proceeding for impaneling a jury for the trial of said issues shall be the same as if they were being tried in the said circuit court. In all cases in which such issues shall be tried the verdict of the jury and the judgment of the court thereupon shall, subject to proceedings in error and to such revision as the common law provides, be res judicata as to all persons; nor shall the validity of such judgment be impeached or examined collaterally. When a jury is sworn for such trial the other jurors who have been summoned, but not sworn for such trial, shall be discharged and their names returned to the jury box. Any jury so sworn may also be employed in the trial of other issues pending in said court not relating to wills, and also, if the parties interested shall consent, in the trial of issues relating to wills other than those for the trial of which they were specifically summoned. Any jury summoned for service in any of the circuit or criminal courts of the District may, with the concurrence of the justice presiding in said court, be used for the trial of issues in the probate court.

Trial of issues as to  
wills.

*Proviso.*  
—without a jury.

—by a jury.

Service.

Jurors, etc.

SEC. 141. **RE-PROBATE OF WILLS AFFECTING REAL ESTATE.**—That the foregoing sections shall not apply to wills and testaments offered for probate prior to the eighth day of June, anno Domini eighteen hundred and ninety-eight, and in cases of intestacy shall apply only to the estates of such persons as shall have died after said date and shall hereafter die: *Provided*, That any person interested under any will filed in the office of the register of wills for the District of Columbia prior to said date may offer the same for probate as a will of real

Sections not appli-  
cable to wills probated  
before June 8, 1898,  
etc.

*Proviso.*  
Re-probate of wills  
affecting real estate.

estate, whereupon such proceedings shall be had as by this code are authorized in regard to wills offered for probate after said date.

Trial of other issues.

SEC. 142. TRIAL OF OTHER ISSUES.—The trial of other issues, pending in said court, than such as relate to the execution or validity of wills shall also be had in said court; and no person shall be required to serve as a juror more than twenty secular days in any one year, except in a trial pending and not determined when said term of twenty days expires; and such length of service shall exempt him from further service in the supreme court of the District for one year from the commencement of said service.

For the trial of issues not relating to wills the justice holding said court shall have authority to fix the time of trial and determine the notice thereof to be given.

Costs.

SEC. 143. COSTS.—The said court shall have authority to render judgment for costs against the unsuccessful party in any trial conducted in said court and to issue execution therefor.

Depositions, judgment, and appeal.

SEC. 144. DEPOSITIONS, JUDGMENT, AND APPEAL.—The said court shall have authority to issue commissions to take the testimony of non-resident witnesses, and such depositions, as well as depositions de bene esse, taken according to law, may be read at the trial of any issue in said court. On the trial of any such issue exceptions may be taken to the rulings of the court, and the said court may set aside the verdict and grant a new trial for the same causes and in the same manner as in case of a trial in the circuit court. Unless the same be reversed, any final order or decree admitting a will to probate shall be conclusive evidence of the validity of such will in any collateral proceeding in which such will may be brought into question, and a transcript of the record of such will, and of the decree admitting the same to probate, shall be sufficient proof thereof.

Arbitration.

SEC. 145. ARBITRATION.—The said court shall have power, with the consent in writing of both parties, to arbitrate between a complainant and an executor or administrator, or between an executor or administrator and a person against whom the estate represented by him has a claim, or, with like consent, may refer the matter in dispute to an arbitrator. If reserved by the parties in their submission, exception as to matters of law may be filed to the award of such arbitrator, and the court may confirm or overrule the award, and said award, when confirmed, shall be conclusive between the parties.

Sale of real estate to pay debts and legacies.

SEC. 146. SALE OF REAL ESTATE.—The said court shall have plenary authority to administer also the real estate situated in the District of Columbia of decedents so far as may be necessary for the payment of debts and legacies, and to distribute among those entitled thereto any surplus proceeds of any sale of real estate made in the course of such administration, and the bonds hereafter executed of all executors and administrators shall be responsible for the proceeds of sale of all real estate sold by them under the order of the said justice for such purposes of administration: *Provided, however,* That no such sale shall be made unless the same be required for the purposes of paying debts and such legacies as are chargeable upon the real estate, nor until the auditor of the court shall have ascertained and reported a deficiency of personal assets for such purposes; and such report shall be subject to exception.

Proviso.—qualifications.

No sale if bond given, etc.

SEC. 147. An order for the sale of the real estate shall not be granted if any of the persons interested in the estate shall give bond to the United States, with security to be approved by said court, conditioned to pay all the debts or legacies, or both, as the case may be, that shall eventually be found due, and the costs of administration.

Surplus after sale deemed real estate; distribution.

SEC. 148. If the said court shall be satisfied, upon a report of the auditor, that it is necessary to sell said real estate, or part thereof, it

shall authorize the same, or so much thereof as may be necessary for the payment of the debts or legacies, or both, to be sold by the executor or administrator, on such terms as the court may direct. Any surplus of the proceeds of such sale, after payment of debts and legacies and costs of administration, shall be deemed real estate, and shall be distributed among the heirs or devisees as the right may appear.

SEC. 149. WIDOW'S DOWER.—Where there shall be a widow entitled to dower in the real estate of the decedent, the court, before authorizing a sale of said real estate, shall issue a commission to one or more suitable persons to set off and assign her dower out of such estate, and her dower shall be assigned to her; or, if the court shall find the widow's dower can not be set off without injury to the property, if she shall consent thereto by her answer to the petition, the real estate may be sold free of her dower, and she shall receive out of the proceeds a commutation of her dower according to the practice in equity.

Widow's dower.

SEC. 150. GUARDIANS.—The said court shall have power to appoint a guardian or guardians to any infant orphan entitled to any property, real, personal, or mixed, within the District, or whose person and residence may be within the District, except where such orphan may have a testamentary guardian.

Guardians.

SEC. 151. BOND.—The court shall require of guardians so appointed, and of testamentary guardians, unless it be otherwise directed by the will appointing them, bond, with sufficient security, conditioned for the due discharge of their duties.

Bond of.

SEC. 152. When any infant whose father or mother may be living shall, by gift or otherwise, be entitled to any property, the court may require the father or mother, as guardian, to give bond and security to account for the property, and on his or her failure or refusal so to do may appoint another person guardian, who shall give bond as in other cases.

—of father or mother of infant.

SEC. 153. The court may at any time require any guardian to give bond or additional bond, when the interests of the infant require it, and on his failure or refusal so to do may revoke his appointment and appoint another guardian in his place, and require the estate of the infant to be forthwith delivered to the newly appointed guardian, and may direct him to bring suit upon the bond of his predecessor.

Additional bond.

SEC. 154. COUNTER SECURITY.—If any surety of a guardian shall by petition set forth that he apprehends himself to be in danger of loss in consequence of his suretyship, and shall pray the court that he may be relieved, the court, after summoning the guardian to answer said petition, may require him to give counter security to indemnify his original surety or to deliver his ward's estate into the hands of the surety or of some other person; in either of which cases the court shall require sufficient security to be given by the person into whose hands said estate shall be delivered, and make such other order as may seem just.

Counter security.

SEC. 155. ELECTION OF GUARDIAN.—Every orphan or other infant to whom said court is authorized to appoint a guardian shall be entitled, on arriving at the age of fourteen years, notwithstanding any appointment of guardian before made by the court, to elect a guardian for himself; but such guardian must be approved by the court and shall be required to give bond as in other cases, and be subject to the control of the court as other guardians are.

Election of guardian.

SEC. 156. SALE OR EXCHANGE OF INFANT'S REAL ESTATE.—Whenever the guardian or, in case of his refusal to act, a next friend of any infant shall deem that the interests of the ward will be promoted by a sale of his freehold or leasehold estate in lands, for the purpose of reinvesting the proceeds in other property, or by an exchange of his said property for other property, he may file a bill in said court, verified

Sale or exchange of infant's real estate.—filing of bill.

by his oath, setting forth all the estate of said infant, real and personal, and all the facts which, in his opinion, tend to show whether the infant's interest will be promoted by said sale or exchange or not.

—answer, etc.

SEC. 157. The infant, together with those who would succeed to the estate if he were dead, shall be made parties defendant; and it shall be the duty of the court to appoint some fit and disinterested person to be guardian ad litem for the infant, who shall answer the bill under oath. The infant also, if above the age of fourteen, shall answer the bill in proper person, under oath.

—proof, etc.

SEC. 158. Every fact material to determine the propriety of such sale or exchange shall be clearly proved by disinterested witnesses, whose testimony shall be taken in writing in the presence of the guardian ad litem or upon interrogatories agreed upon by him.

—decree of sale.

SEC. 159. If the court shall be satisfied from the evidence that the interests of the infant require a sale or exchange, as prayed, and the rights of others will not be violated thereby, such sale or exchange may be decreed, and the costs of the suit shall be paid out of the infant's estate; otherwise they shall be paid by the complainant.

—disposition of proceeds, etc.

SEC. 160. Any such sale may be made upon such terms as to cash and credit as the court may direct, and a lien shall be retained on the property sold for the purchase money; and the proceeds of such sale shall be invested for the infant's benefit in other real estate or in such other manner as the court may direct; and if the infant, after any such sale, shall die intestate or under twenty-one years of age, the proceeds of such sale, or so much thereof as may remain at his death, if not reinvested in other real estate, shall be considered as real estate, and shall pass accordingly to such persons as would have been entitled to the estate if it had not been sold.

Court not bound to require equality in quantity of estate, etc.

SEC. 161. In decreeing an exchange of the infant's estate for other property the court shall not be bound to require equality or sameness in the quantity or character of the estate or interest, and the court may appoint trustees to execute the deeds necessary to carry such exchange into effect.

Sale of particular estate or remainder.

SEC. 162. SALE OF PARTICULAR ESTATE OR REMAINDER.—Where an infant is entitled to a particular estate, as for life or years, and another person is entitled to an estate in remainder or reversion in the same property, or such other person is entitled to the particular estate and the infant is entitled in remainder or reversion or by way of executory devise, the court shall have the same power to decree a sale or exchange as aforesaid, having reference solely to the interests of the infant: *Provided*, The other person so interested will consent to such sale or exchange and execute the conveyances necessary to carry the same into effect. And the court shall direct the annual income from the fund or property acquired by such sale or exchange to be applied according to the interests of the respective parties. And in case of the death of said infant under twenty-one years of age the proceeds of any such sale not invested in real estate shall be deemed real estate and pass to those who would be entitled if the property had not been sold.

*Proviso.*

—consent to sale, etc.

Lease of infant's estate.

SEC. 163. LEASE OF INFANT'S ESTATE.—In cases where it shall appear to the court, by proof taken in a similar proceeding to that provided for in the foregoing sections, that it will be to the advantage of the infant that his real estate shall be demised, the said court shall have the power to decree that the same be so demised for a term of years not to exceed the minority of the infant, yielding such rents and on such terms and conditions as the court may direct: *Provided*, That where the infant is entitled only to a part of the estate, as tenant of the particular estate, or remainder-man, or otherwise, all the other owners of the other interests assent to the passing of such decree.

*Proviso.*  
Consent to decree, etc.

Mortgage of infant's estate.

SEC. 164. MORTGAGE OF INFANT'S ESTATE.—In cases where it shall appear to the court by proof, as provided in the foregoing section, that it would be for the benefit and advantage of the infant to raise

money by mortgage to improve his real property or to pay off charges, liens, or incumbrances thereon, the court may, on the application of the guardian or of the infant by next friend, decree a conveyance of said property, by mortgage or deed of trust, to be executed by the guardian, on such terms as may seem to the court expedient; and this section shall apply to cases where the infant holds jointly or in common with other persons of full age or holds a portion of the estate, as a particular estate, for life or years or in remainder or reversion: *Provided*, That the other owners interested, all being of full age, will consent to such decree and unite in said mortgage or deed of trust.

*Proviso.*  
Consent to decree.

SEC. 165. SALE OF INFANT'S PRINCIPAL FOR MAINTENANCE, AND SO FORTH.—Wherever it shall appear, upon the petition of the infant by next friend or of the guardian of an infant, and the appearance and answer of such infant by guardian to be appointed by the court, and proof by depositions of one or more disinterested witnesses, that a sale of the principal of the infant's estate, or of some part thereof, whether real or personal, is necessary for his maintenance or education, regard being had to his condition and prospects in life, the said court may decree such sale on such terms as to it may seem proper.

Sale of infant's principal for maintenance, etc.

SEC. 166. INDIGENT BOYS.—The court shall have power to appoint guardians to indigent boys for the purpose of securing their enlistment in the naval or marine service of the United States, as provided by law, free of all costs on account of such proceeding.

Indigent boys.

SEC. 167. LUNACY PROCEEDINGS.—All writs de lunatico inquirendo shall issue from said probate court, and the justice holding said court shall preside at all inquisitions of lunacy, and, when necessary, may use a jury from either the circuit or criminal court, or may cause a special jury to be summoned for such inquisitions.

Lunacy proceedings.

SEC. 168. ESTATES OF LUNATICS.—The said court shall have full power and authority to superintend and direct the affairs of persons non compos mentis, and to appoint a committee or trustees for such persons, and to make such orders and decrees for the care of their persons and the management and preservation of their estates, including the collection, sale, exchange, and reinvestment of their personal estate, as to the court may seem proper. The court may, upon such terms as under the circumstances of the case it may deem proper, decree the conveyance and release of any right of dower of a person non compos mentis, whether the same be inchoate or otherwise.

Estate of lunatics.

Release of dower of.

SEC. 169. The court shall have the same power in respect of the freehold or leasehold estates of such persons as is provided for in relation to the estates of infants, to be exercised upon the application of the guardian, trustee, or committee of such person; and upon the death of any such person non compos mentis the proceeds of any sale of his estate which may have been invested otherwise than in real estate shall be deemed real estate, and shall descend as the property or estate would if it had not been sold.

Power of court the same as with infants, etc.

SEC. 170. The said court may order any part of the estate of a person non compos mentis, for whom a committee, guardian, or trustee has been appointed, to be sold, when necessary for his maintenance, upon application of said committee, guardian, or trustee, and full proof of the necessity of such sale. Upon the application of any judgment creditor of a person non compos mentis the court may decree a sale of the real or personal estate of such non compos mentis, or such part thereof as may be necessary to pay the claim of such creditor, upon being satisfied that such claim is just and there are no other means of paying the same.

Sale.

SEC. 171. No sales of the property of infants or persons non compos mentis made by authority of the foregoing sections shall be valid and effectual to pass title to the property sold until they have been reported to and ratified by the court.

—ratification of sale necessary.

Drunkards.  
—appointment of committee to manage estate of.

SEC. 172. DRUNKARDS.—Whenever any person residing in said District, and owning any estate, real or personal, situate therein, is unfit from the habitual use of intoxicating liquors to properly manage or control the same, the said court, on the petition of any creditor or relative of such person, or if there be no creditor or relative, upon the petition of any person living in said District, and upon summons being regularly served upon such person so alleged to be unfit to manage or control his property as aforesaid, commanding him to appear and answer such petition, may order a jury to be summoned to ascertain whether such person be an habitual drunkard and unfit from that cause to manage and control his property, and if the jury shall find that such person is an habitual drunkard and unfit to manage or control his property, such finding when confirmed by the court, shall be entered of record in said cause, and it shall be the duty of the court thereupon to appoint some fit person to be committee of the person so declared unfit to manage or control his property as aforesaid.

—bond of committee.

Such committee before entering upon the discharge of his duties shall execute a bond, with surety, to be approved by the said court or one of the justices thereof, to the United States in a penalty equal to the amount of the personal property and the yearly rents to be derived from the real estate of such person, conditioned for the faithful performance of his duties as such committee; and he shall have control of the said estate, real and personal, with power to collect all debts due said drunkard, and to adjust and settle all accounts owing by him, and to sue and be sued in his representative capacity. He shall apply the annual income of the estate of such habitual drunkard to the support of said person, and the maintenance of his family and education of his children; and shall in all other respects perform the same duties and have the same rights as pertain to committees of lunatics and idiots.

—powers, etc.

Restoration to drunkard of his estate, etc.

When any person for whom a committee has been appointed under the provisions of this section shall become competent to manage his property on account of reformation in his habits, he may apply to said court to have said committee discharged and the care and control of his property restored to him; and if it shall appear by the verdict of a jury summoned therefor, or by affidavits, or other evidence to the satisfaction of the court, that said applicant is a fit person to have the care or control of his property, an order shall be entered restoring such person to all the rights and privileges enjoyed before said committee was appointed.

Apprentices.

SEC. 173. APPRENTICES.—The said probate court shall also have authority to approve contracts of apprenticeship, to determine questions between masters and apprentices, and to protect the rights of apprentices, as herein elsewhere provided for.

Clerk of Supreme Court.  
—oath, etc.  
—powers.

SEC. 174. THE CLERK.—The clerk of said supreme court shall take the oath and give bond, with security, in the manner prescribed by law for the clerks of the district courts of the United States. The said clerk shall have power to appoint assistant clerks, at such compensation as may be authorized by the supreme court of the District of Columbia in general term, and may assign any of the assistant clerks in his office to duty in the said general or special terms of the court, except in the probate term. Any of the duties of the clerk may be performed in his name by any of the assistant clerks, and such assistants may sign the name of the clerk to any process, certificate, and other official act required by law or by the practice of the court to be performed by the clerk, and may authenticate said signature by affixing the seal of the court thereto when the seal is necessary to its authentication. In such cases the signature shall be—

Assistant clerk may act, etc.

By \_\_\_\_\_, Clerk.  
By \_\_\_\_\_, Assistant Clerk.

SEC. 175. COSTS.—At the commencement of every suit in said supreme court the plaintiff shall deposit at least ten dollars with the clerk, to be appropriated toward the costs of the suit; and the court is hereby authorized to prescribe rules as to any further costs to be paid by either the plaintiff or defendant during the progress of the case, and as to the collection thereof. Upon the termination of the case any surplus of costs shall be refunded by the clerk.

Costs.

The defendant in any suit instituted by a nonresident of the District of Columbia, or by one who becomes such after the suit is commenced, may, upon notice served on the plaintiff or his attorney, at any time after service of process on the defendant, require the plaintiff to give security for all costs and charges that may be adjudged against him on the final disposition of the cause. But such right of the defendant shall not entitle him to delay in pleading, and his pleading before the giving of such security shall not be deemed a waiver of his right to require such security for costs. In case of noncompliance with the foregoing requirements, within a time to be fixed by the court, judgment of nonsuit or dismissal shall be entered. The security required may be by an undertaking, with security, to be approved by the court, or by a deposit of money in amount to be fixed by the court.

Defendant may require nonresident plaintiff to give security, etc.

A nonresident may, at the commencement of his suit, deposit with the clerk such sum in money as the court shall deem sufficient as security for all costs that may accrue in the cause, which deposit may afterwards be increased on application, in the discretion of the court: *Provided*, That this section shall not apply to proceedings in the probate term, in which all deposits and costs as now required by law, and the orders of said term, shall be paid to the register of wills as heretofore.

—deposit by nonresident as security for costs.

—qualifications.

SEC. 176. POOR SUITORS.—Suits may be prosecuted by poor persons upon the order of the court, or of one of the justices, passed upon satisfactory evidence of inability to make such deposit, without making the deposit prescribed by the preceding section.

Poorsuitors.

SEC. 177. COSTS PAYABLE IMMEDIATELY.—All costs and fees for services rendered by the clerk and the register of wills and chargeable to others than the United States shall be payable immediately after the services are performed, and shall be collected by such rules and regulations, not incompatible with law, as may be prescribed by the court, but shall in no case be paid by the United States. The District of Columbia shall not be required to pay fees to the clerk of the court of appeals of the District, or to the marshal of the District, and shall be entitled to the services of said marshal in the service of all civil process.

Costs payable immediately

The District exempt, etc.

SEC. 178. The clerk shall have power to administer oaths in all cases and also to take the acknowledgment of deeds, and shall receive the same fees for the latter service as other officers authorized to take such acknowledgments.

Fees of clerk for acknowledging deeds, etc.

SEC. 179. SALARY.—The salary and compensation of the clerk shall not exceed the sum of five thousand dollars per annum, and the excess of fees received by him above said salary, after defraying thereout the necessary expenses of his office, shall be paid into the Treasury of the United States.

—salary.

SEC. 180. RETURNS TO TREASURY.—The clerk shall make semiannual returns of the amount of fees received by him to the Secretary of the Treasury. His accounts of his earnings and expenses shall be adjusted by the regular auditor of the court, or by a special auditor to be appointed by the court for the purpose, within thirty days after the first day of January and July in each year; and the auditor shall immediately report his adjustment to the court, with such exceptions thereto as the clerk shall, within four days after such adjustment, take and file with the auditor. The court shall pronounce such decree upon the

—returns to Treasury.

report and exceptions as may seem to it equitable and just, and such decree shall be final and binding on the United States and the clerk.

Accounting.

SEC. 181. ACCOUNTING.—If upon such account a balance be found due from the clerk to the United States, the court shall order payment by the clerk into the Treasury, and enforce its order by execution, process of contempt, or otherwise; and if the clerk refuse to pay the money, shall remove him from office.

SEC. 182. If a balance be found due from the United States to the clerk, the same shall be paid upon presenting to the Treasurer a copy of the decree duly certified. The clerk shall, as in other cases to which the United States is a party, furnish the Solicitor of the Treasury a copy of the decree immediately after it is pronounced.

United States attorney for the District of Columbia.

SEC. 183. UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA.—There shall be an attorney for the United States for the District, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall take the oath and perform all the duties required of district attorneys of the United States.

—may administer oaths, etc.

SEC. 184. The district attorney and every assistant or deputy duly appointed by him is empowered to administer oaths or affirmations to witnesses in criminal cases and in all cases where a justice of the peace is authorized to do so; and if any person to whom such oath or affirmation shall be administered shall willfully and falsely swear or affirm touching any matter or thing material to the point in question whereto he shall be examined, he shall be deemed guilty of perjury, and upon conviction thereof shall be sentenced to suffer imprisonment at hard labor for the first offense for not less than two nor more than ten years, and for the second offense for not less than five nor more than fifteen years.

—penalty for false oath.

Clerks, etc., to attend criminal court.

SEC. 185. The clerk, marshal, and district attorney shall attend the criminal court and perform all the duties required of them by law in relation to the criminal business of the court. The clerk of the court in which any proceeding for divorce shall be instituted shall immediately notify the United States attorney of the institution of such proceeding, and it shall be the duty of said attorney to enter his appearance therein in order to prevent collusion and to protect public morals.

Marshal.

SEC. 186. THE MARSHAL.—There shall continue to be a marshal for the District, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for the same term, take the same oath, give bond with security in the same manner, and have generally, within the District, in addition to the powers and duties herein imposed upon him, the same powers and perform the same duties as provided for by the general statutes relating to marshals of the United States.

—fees.

SEC. 187. The fees and emoluments herein elsewhere authorized shall be charged for services rendered by the marshal of the District, and collected as far as possible, and covered into the Treasury of the United States; and the said marshal shall be paid in full compensation for all services rendered by him a salary of five thousand five hundred dollars per annum.

—salary.

—of bailiffs, etc.

SEC. 188. The marshal shall pay to each bailiff and crier, and to each deputy marshal performing the duties of a bailiff or crier, who shall be required to attend upon the several terms of said court, one hundred dollars per month, and to each messenger appointed for the several courts, sixty dollars per month, said payments to be allowed in said marshal's accounts.

Vacancies.

SEC. 189. VACANCIES.—In case of a vacancy in the office of United States attorney or marshal for the District of Columbia, the supreme court of the District of Columbia may appoint persons to exercise the duties of such officers until such vacancy shall be filled.



SEC. 190. THE CORONER.—There shall continue to be a coroner of said District, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall receive a salary of one thousand eight hundred dollars per annum. Coroner.

SEC. 191. BOND.—The coroner before he acts as such shall, within thirty days after his appointment, give bond to the United States, with security to be approved by the said supreme court and deposited with the clerk thereof, in the penalty of three thousand dollars, with a condition that he will well and truly execute the duties of his office, and well and faithfully execute and return all writs or other process to him directed, and will also pay and deliver to the person or persons entitled to receive the same all sums of money and all goods and chattels by him levied upon, seized, or taken, agreeably to the directions of the writ or process under which the same shall have been levied upon, seized, or taken, and shall also satisfy and pay all judgments which may be rendered against him as coroner. —bond of.

SEC. 192. DUTIES.—It shall be the duty of the coroner to hold an inquest over any person found dead in the District when the manner and cause of death shall not already be known as accidental or in the course of nature. He shall make a monthly report to the Commissioners of the District of all inquests held by him during the month last past before said report, with a description as far as may be of the age, sex, color, and nationality of persons and the causes of their death, with such particulars as may be necessary to their identification; and as soon as possible after holding such inquest he shall deliver to the property clerk of the police department all moneys and other property and effects found upon the person of anyone on whom he shall hold an inquest. —duties.

SEC. 193. He shall not summon any jury of inquest over the body of a deceased person where it is known that the deceased came to his death by accident, mischance, or natural causes. Accidental deaths.

SEC. 194. WITNESSES.—Witnesses may be summoned and compelled by the coroner to attend before him and give evidence, and shall be liable in like manner as if the summons had been issued by a justice of the peace. And it shall be his duty, upon every inquisition taken before him, where any person is charged with having unlawfully caused the death of the person on whom the inquest is held, to reduce the testimony of the witnesses to writing, and if the jury find that murder or manslaughter has been committed on the deceased, he shall require such witnesses as he thinks proper to give a recognizance to appear and testify in said supreme court, and shall return to said court the said inquisition and testimony and recognizance by him taken. Witnesses.

SEC. 195. There shall be paid to the jurors and witnesses who may be lawfully summoned in any inquest the same fees and compensation as are allowed to the jurors and witnesses attending the supreme court. A coroner's jury shall consist of six persons. Pay of jurors and witnesses.

SEC. 196. DEPUTY CORONER.—The Commissioners of said District shall have authority to appoint a deputy coroner, who shall assist the coroner in the performance of his duties aforesaid, and shall perform the same duties in case of the absence or disability of the coroner. He shall, while acting, receive compensation at a rate not exceeding five dollars per day, to be paid as other expenses of said District, and he shall give bond in the penalty of two thousand five hundred dollars, with security to be approved by the said supreme court, conditioned for the due performance of his duties. Six persons to constitute jury.  
Deputy coroner.

SEC. 197. WHEN TO EXECUTE PROCESS.—Whenever the marshal is a party to any cause or interested therein, or it is unfit on other grounds that he should serve and execute the process to be issued therein, such process shall be issued to the coroner, and he shall be paid the same fees and compensation for serving and executing the When coroner to execute process.

same which would be payable to the marshal in similar cases, and shall account therefor to the Treasury of the United States. And if he shall fail in the proper performance of his duties in the premises, like redress may be had against him, his sureties, and his and their heirs, devisees, and personal representatives, as could have been had against the marshal, his sureties, and his and their heirs, devisees, and personal representatives, for a like failure on the part of said marshal.

Jurors.  
Commission to make  
list.

SEC. 198. JURORS.—The clerk of the supreme court of the District of Columbia, the United States marshal, and the collector of taxes for said District are hereby constituted a commission to from time to time make the list of jurors for service in said court and fix the number of jurors to be listed therefor.

From where select-  
ed.

SEC. 199. The said jurors shall be selected, as nearly as may be, from the citizens in the different parts of the District.

Jury box.

SEC. 200. JURY BOX.—The names shall be written on separate and similar pieces of paper, which shall be so folded or rolled up that the names can not be seen, and placed in a box to be provided for the purpose.

—sealing, etc.

SEC. 201. The box shall be sealed and, after being thoroughly shaken, shall be delivered to the clerk of the supreme court for safe-keeping.

Term of service.

SEC. 202. TERM OF SERVICE.—The respective terms of service of jurors drawn for service in the circuit court, or as petit jurors in the criminal court, shall begin on the first Tuesday of October, December, February, April, and June of each year, and shall terminate on the Monday preceding the first Tuesday of the second month thereafter, except when the jury shall be discharged by the court at an earlier day, or when a jury shall be impaneled and it shall happen that no verdict shall be found, nor the jury otherwise discharged before the day appointed by law for the commencement of the next succeeding term, in which case the court shall proceed with the trial by the same jury in every respect as if said term had not commenced; and all proceedings to final judgment, if such judgment shall be rendered, shall be entered and have legal effect and operation as of the term at which the jury shall have been impaneled.

—grand jury.

SEC. 203. The term of service of the grand jury in the criminal court shall begin with each term of that court, and shall end with such term unless the jury shall be sooner discharged by the court.

Drawing jurors.

SEC. 204. DRAWING JURORS.—At least ten days before the first Tuesday of each month specified in section two hundred and one when jury trials are to be had, the clerk shall publicly break the seal of the jury box and proceed to draw therefrom the names of twenty-six persons to serve as jurors in each of the circuit courts, and of twenty-six other persons to serve as petit jurors in each of the criminal courts; and at least ten days before the commencement of each term of the criminal courts, the names of twenty-three persons, required to serve as grand jurors in said criminal courts, shall be drawn in like manner.

—death, etc., of person  
drawn.

SEC. 205. If any person whose name is drawn from the box shall have died or removed from the District, the clerk shall destroy the slip containing the name of such person, and in such case, or if any person has become otherwise disabled or excused from serving as a juror, the clerk shall draw from the box the name of another person to serve in his stead.

Resealing box after  
drawing, etc.

SEC. 206. After the requisite number of jurors shall have been drawn the jury box shall be again sealed and remain in the custody of the clerk, and the names of the persons drawn shall not be placed again in the box for one year, unless said jurors shall be excused or for other reasons shall fail to serve.

Exemption from  
further service, etc.

SEC. 207. Any person who shall have been regularly drawn as a juror and shall thereupon have served as such for the period of twenty days or more shall be exempt from further service as a juror in said

court for the period of one year from the beginning of his said term of service; but nothing herein contained shall render said juror ineligible to serve during said year, except that no person shall serve as a juror for two consecutive terms.

SEC. 208. If any persons selected as jurors can not be found, or shall prove to be incompetent, or shall be excused from service by the court, the clerk, under the direction of the court, shall draw from the box the names of other persons to take their places. And if, after the organization of the jury, any vacancies occur therein, they shall be filled in like manner.

Drawing to fill vacancies, etc.

SEC. 209. If at any time during the impaneling of a jury, in any other than a capital case, the regular panel, by reason of challenge or otherwise, shall be exhausted before the jury is complete the court may, in its discretion, direct the clerk to draw from the box the names of other persons to serve as jurors and cause them to be summoned, or order the marshal to summon as many talesmen as may be necessary to complete the jury.

—to fill regular panel.

SEC. 210. It shall be the duty of the marshal, at least five days before the meeting of the court for which a jury is required, to notify each person drawn by serving on him a notice in writing of his selection as a juror of the court he is to attend and of the day and hour when he is to appear. Such notice shall be given to each juror in person or be left at his usual place of residence.

Notice of selection as juror.

SEC. 211. A copy of the notice, with his certificate stating when and in what manner the original was served, shall be returned by the marshal to the court before the commencement of the term for which the jurors were drawn.

—copy to be returned to the court.

SEC. 212. DEFAULTS.—If any person selected as a juror and duly notified to attend shall, without sufficient cause, neglect to attend agreeably to notice he shall be fined by the court in a sum not exceeding twenty dollars for every day that he shall be absent during the sitting of the court.

Defaults.

SEC. 213. FRAUDS—If any officer shall put on or leave off the list the name of any person at his own request or on the request of any other person, or shall be guilty of any fraud or collusion with respect to the drawing of jurors, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars or imprisonment in the District jail not less than sixty days, or both, for each offense.

Frauds.—penalty to officers.

SEC. 214. If the clerk of the court shall willfully draw from the box a greater number of names than is required by the court, in accordance with the law, or shall put any name into the box after the same has been delivered to him, or shall be guilty of any fraud or collusion in regard to the drawing of jurors, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars or imprisonment in the District jail not less than sixty days, or both, for each offense.

—clerk of the court.

SEC. 215. QUALIFICATIONS.—No person shall be competent to act as a juror unless he be a citizen of the United States, a resident of the District of Columbia, over twenty-one and under sixty-five years of age, able to read and write and to understand the English language, and a good and lawful man, who has never been convicted of a felony or a misdemeanor involving moral turpitude.

Qualifications of jurors.

SEC. 216. EXCUSES.—A person may be excused by the court from serving on a jury when for any reason his interests or those of the public may be materially injured by his attendance, or when he is a party in any action or proceeding to be tried or determined by the intervention of a jury at the term for which he may be summoned, or where his own health or the death or sickness of a member of his family requires his absence.

Excuses.

Exempt from duty.

SEC. 217. All executive and judicial officers, salaried officers of the Government of the United States and of the District of Columbia and those connected with the police or fire departments, counselors and attorneys at law in actual practice, ministers of the gospel and clergymen of every denomination, practicing physicians and surgeons, keepers of hospitals, asylums, almshouses, or other charitable institutions created by or under the laws relating to the District, captains and masters and other persons employed on vessels navigating the waters of the District shall be exempt from jury duty, and their names shall not be placed on the jury lists.

Attorneys.

—qualifications, etc.

SEC. 218. ATTORNEYS.—The said supreme court shall have full power and authority, from time to time, to make such rules as it may deem proper respecting the qualifications, examination, and admission of attorneys to practice in said court; and every person so admitted, before he shall be at liberty to practice therein, shall take the following oath: “I, A B, do solemnly swear that I will honestly demean myself in the practice of an attorney uprightly and according to law, and that I will support the Constitution of the United States. So help me God.”

—oath of.

—refusal to deliver money collected.

SEC. 219. Any attorney receiving or collecting the money of his client and refusing unlawfully to pay the same when demanded may be proceeded against in a summary way on notice by said court, which may suspend him from practice or dismiss him from its bar.

—suspension, etc., for moral turpitude.

SEC. 220. Each of the courts in said District may suspend or dismiss from its bar any attorney who shall be convicted of any offense involving moral turpitude.

#### SUBCHAPTER FOUR.

### THE COURT OF APPEALS.

Court of Appeals.

SEC. 221. CONSTITUTION.—The court of appeals of said District shall continue as at present organized, and shall consist of one chief justice and two associate justices, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office during good behavior.

Constitution.

Salaries of justices.

SEC. 222. SALARY.—The said justices shall each receive an annual salary of six thousand dollars, payable quarterly at the Treasury of the United States, except the chief justice, who shall receive six thousand five hundred dollars.

Oath.

SEC. 223. OATH.—Each of said justices, before he enters upon the duties of his office, shall take the oath prescribed by law to be taken by the judges of the courts of the United States.

Clerk.

SEC. 224. CLERK.—There shall be a clerk of said court of appeals, to be appointed by the court, who shall receive as compensation for his services, in the discretion of the court, an annual salary not to exceed the sum of three thousand dollars, payable monthly at the Treasury of the United States, and who shall give bond, such as the court may determine to be satisfactory, for the faithful performance of his duties, and his duties shall be such as the court may from time to time prescribe. The said clerk of the court of appeals shall, with the approval of the court, appoint one assistant or deputy clerk, who shall receive as compensation for his services, in the discretion of the court, an annual salary not to exceed the sum of two thousand dollars, payable monthly at the Treasury of the United States, and who may sign the name of the clerk to any official act required by law or by the practice of the court to be performed by the clerk, and may authenticate said signature by affixing the seal of the court thereto when the impress of the seal is necessary to its authentication. In such case the signature shall be—

Deputy.

— —, Clerk,  
By — —, Assistant Clerk.

The court shall regulate from time to time the fees to be charged by the said clerk, which shall be accounted for at least once in each quarter and paid into the Treasury of the United States, and said clerk shall receive such allowance for necessary expenditures in the conduct of his office as the court may determine by special or general order in the premises, but not to exceed the sum of five hundred dollars in any one year, payable, as aforesaid, at the Treasury of the United States.

Fees, etc.

SEC. 225. TERMS AND RULES.—The said court of appeals shall establish by rule of court such terms of the court in each year as to it may seem necessary: *Provided, however,* That there shall be at least three terms in each year; and it shall make such rules and regulations as may be necessary and proper for the transaction of its business and the taking of appeals to said court. And said court of appeals shall have the power to prescribe what part or parts of the proceedings in the court below shall constitute the record on appeal, except as herein otherwise provided, and the forms of bills of exceptions, and to require that the original papers be sent to it instead of copies thereof, and generally to regulate all matters relating to appeals, whether in the court below or in said court of appeals. If any member of the court shall be absent on account of illness or other cause during the session thereof, or shall be disqualified from hearing and determining any particular cause by having been of counsel therein, or by having as justice of the supreme court of the District of Columbia previously passed upon the merits thereof, or if for any reason whatever it shall be impracticable to obtain a full court of three justices, the member or members of the court who shall be present shall designate a justice or justices of the supreme court of the District of Columbia to temporarily fill the vacancy or vacancies so created, and the justice or justices so designated shall sit in said court of appeals and perform the duties of a member thereof while such vacancy or vacancies shall exist: *Provided,* That no justice of the supreme court of the District of Columbia shall, while on the bench of said court of appeals, sit in review of any judgment, decree, or order which he shall have himself entered or made: *Provided also,* That if the parties to any cause shall so stipulate in writing, by their attorneys and solicitors, such cause may be heard and determined by two justices of the court without calling in any of the justices of the supreme court of the District of Columbia: *And provided also,* That all motions to dismiss appeals and other motions may be heard by two justices in the event of the absence or disqualification of any one of the justices as aforesaid: *And provided further,* That if in any cause heard before two justices as aforesaid the court shall be divided in its opinion, then the judgment or decree of the lower court shall stand affirmed.

Terms.

*Provisos.*  
To be at least three a year.

Power of court to make regulations, etc.

When justice of supreme court may sit.

—may not hear decree, etc., made by himself.

Two justices may hear cause on stipulation of counsel.

—may hear motions, etc.

—division in opinion.

Jurisdiction.

SEC. 226. JURISDICTION.—Any party aggrieved by any final order, judgment, or decree of the supreme court of the District of Columbia, or of any justice thereof, “including any final order or judgment in any case heard on appeal from a justice of the peace,” may appeal therefrom to the said court of appeals; and upon such appeal the court of appeals shall review such order, judgment, or decree, and affirm, reverse, or modify the same as shall be just, except as provided in the following sections. Appeals shall also be allowed to said court of appeals from all interlocutory orders of the supreme court of the District of Columbia, or by any justice thereof, whereby the possession of property is changed or affected, such as orders for the appointment of receivers, granting injunctions, dissolving writs of attachment, and the like; and also from any other interlocutory order, in the discretion of the said court of appeals, whenever it is made to appear to said court upon petition that it will be in the interest of justice to allow such appeal.

SEC. 227. APPEALS FROM POLICE COURT.—If, upon the trial of any cause in the police court, an exception be taken by or on behalf of

Appeals from police court.

Bill of exceptions.

Writ of error, etc.

*Provido.*  
—bond.Appeals from Com-  
missioner of Patents.  
Vol. 27, p. 436.

Opinions.

Reporter.

Reports to be fur-  
nished justices, etc.

the United States, the District of Columbia, or any defendant to any ruling or instruction of the court upon matter of law, the same shall be reduced to writing and stated in a bill of exceptions, with so much of the evidence as may be material to the question or questions raised, which said bill of exceptions shall be settled and signed by the judge within such time as may be prescribed by rules and regulations which shall be made by the court of appeals of the District of Columbia for the transaction of business to be brought before it under this section, and for the time and method of the entry of appeals and for giving notice of writs of error thereto from the police court of the District of Columbia; and if, upon presentation to any justice of the court of appeals of the District of Columbia of a petition which, in the case of a defendant, shall be verified, setting forth the matter or matters so excepted to, such justice shall be of opinion that the same ought to be reviewed, he may allow a writ of error in the cause, which shall issue out of the said court of appeals, addressed to the judge of the police court, who shall forthwith send up the information filed in the cause and a transcript of the record therein, certified under the seal of said court, to said court of appeals for review and such action as the law may require, which record shall be filed in said court of appeals within such time as may be prescribed by the court of appeals, as hereinbefore provided. Any party desiring the benefit of the provisions of this section shall give notice in open court of his or its intention to apply for a writ of error upon such exceptions and thereupon proceedings therein shall be stayed for ten days: *Provided*, That the defendant seeking an appeal shall then and there enter into recognizance, with sufficient surety to be approved by the judge of the police court, conditioned that in the event of a denial of his application for a writ of error he will, within five days next after the expiration of said ten days appear in said police court and abide by and perform its judgment, and that in the event of the granting of such writ of error he will appear in said court of appeals of the District of Columbia and prosecute the writ of error and abide by and perform its judgment in the premises. Upon failure of any defendant to enter into the recognizance provided for in this section the sentence of the police court shall stand and be executed; otherwise execution shall be stayed pending proceedings upon his application for a writ of error and until final disposition thereof by the said court of appeals.

SEC. 228. APPEALS FROM COMMISSIONER OF PATENTS.—The determination of appeals from the decisions of the Commissioner of Patents shall remain vested in said court of appeals, as provided by the Act approved February ninth, eighteen hundred and ninety-three, chapter seventy-four, entitled "An Act to establish a court of appeals for the District of Columbia, and for other purposes," and any party aggrieved by a decision of the Commissioner of Patents in any interference case may appeal therefrom to said court of appeals.

SEC. 229. OPINIONS.—The opinion of the said court of appeals in every case shall be rendered in writing, and shall be filed in such case as a part of the record thereof, and the said court of appeals is authorized to appoint a reporter, who shall serve during the pleasure of the court and with a salary of one thousand dollars per annum, and whose duty shall be to report, edit, and publish, in form to be prescribed by the court, its opinions.

And the said reporter shall furnish and deliver one copy of each volume of the reports of said opinions which shall have been published at the date of the passage of this code to each of the justices of the said court of appeals, the supreme court, and the judges of the police court of said District, immediately after the passage hereof, and shall thereafter furnish and deliver one copy of each volume of the reports of said opinions that shall thereafter be published immediately after the

issue thereof to each of said justices and judges, and the copies so received by each of them shall, in case of his death, resignation, or removal from office, be delivered to his successor. And there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to pay the said reporter therefor at the rate of not exceeding five dollars per volume; and such appropriations shall be deemed permanent and annual appropriations, and one-half thereof shall be paid out of the revenues of the District of Columbia.

Appropriation.

SEC. 230. WRITS.—The said court of appeals shall have power to issue all necessary and proper remedial prerogative writs in aid of its appellate jurisdiction.

Writs.

SEC. 231. MARSHAL TO EXECUTE ORDERS.—The marshal of the United States for the District of Columbia shall execute the orders and processes of the court of appeals in the same manner as he executes those of the supreme court of the District.

Marshal to execute orders.

SEC. 232. HALF OF SALARIES PAID BY DISTRICT OF COLUMBIA.—One-half of the amounts paid on account of salaries of the justices of the court of appeals shall be paid from the revenues of the District of Columbia.

Half of justices' salaries paid by District of Columbia.

### SUBCHAPTER FIVE.

## THE SUPREME COURT OF THE UNITED STATES.

The Supreme Court of the United States.

SEC. 233. Any final judgment or decree of the court of appeals may be reexamined and affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal, in all cases in which the matter in dispute, exclusive of costs, shall exceed the sum of five thousand dollars, in the same manner and under the same regulations as existed in cases of writs of error on judgments or appeals from decrees rendered in the supreme court of the District of Columbia on February ninth, eighteen hundred and ninety-three, and also in cases, without regard to the sum or value of the matter in dispute, wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States.

Appeal, etc., to from court of appeals.

SEC. 234. In any case heretofore made final in the court of appeals it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any such case to be certified to said Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to said Supreme Court.

certiorari

### CHAPTER TWO.

## ABATEMENT.

Abatement.

SEC. 235. RIGHT OF ACTION TO SURVIVE.—On the death of any person in whose favor or against whom a right of action may have accrued for any cause except an injury to the person or to the reputation, said right of action shall survive in favor of or against the legal representatives of the deceased; but no right of action for an injury to the person, except as provided in chapter forty-five of this code, or to the reputation, shall so survive.

What rights of action survive.

SEC. 236. DEATH, EFFECT OF.—No action at common law shall abate by the death of either or any of the parties thereto if the right of action would survive as aforesaid; but upon the death of any defendant the action shall continue pending, and the heir, devisee, executor, administrator, or other person interested in the place of the deceased

Death, effect of.

Summons to heirs, etc., of defendant to appear, etc.

defendant, as the case may require, may appear to such action. And in case the proper person to defend such action shall not appear to the same during the term of the court in which such death may be suggested, the plaintiff may cause a summons to be issued, directed to the proper person to defend such action, to be served on such person, if found in the District of Columbia and legally suable therein, requiring him to appear thereto on or before the twentieth day, exclusive of Sundays and legal holidays, occurring after the service thereof, and show cause why such action should not be prosecuted to judgment; and if it shall appear to the court that such summons has been duly served, and the person so summoned shall not appear as thereby required, then the court may cause the appearance of such person to be entered, and there shall be the same proceedings in said action as if said person had voluntarily appeared; and all the proceedings had before the death of the defendant shall be considered as proceedings in the action, and such further proceedings shall be had to bring the cause fairly to trial as the court may deem proper. If the proper representative of a deceased defendant be not made a party to the action within one year from the death of said defendant, the action shall abate as to such defendant: *Provided, however,* That where the representative of the deceased is an executor or administrator the plaintiff shall have six months after the issuance of letters testamentary or of administration within which to make such representative a party: *And provided further,* That in case the summons above provided for shall be returned "Not to be found," publication may be substituted therefor in all cases in which proceeding by publication is authorized by this code.

New parties to be made within one year.

*Provisos.*  
—where representative of deceased an executor.

Substitution of publication for summons.

Summons to executor, etc., of plaintiff.

SEC. 237. SUMMONS TO EXECUTOR, AND SO FORTH.—If the plaintiff in any such action shall die before judgment is given, the heir, devisee, executor, administrator, or other proper person to prosecute such action may appear and prosecute the same; and if such person does not appear to prosecute such action during the term of said court in which the death may be suggested, the defendant may cause a summons to be issued, directed to the proper person to prosecute such action, requiring him to appear and prosecute the same on or before the twentieth day, exclusive of Sundays and legal holidays, occurring after service of the same; and if it shall appear to the court that such summons has been duly served, and the party summoned shall fail to appear in obedience thereto to prosecute the action, or if said party be not found in the District of Columbia and shall not appear to prosecute such action by the fourth day of the second term of the court after the term at which the death is suggested, the action shall abate; but if the proper person to prosecute such action shall appear therein, either voluntarily or after being summoned as aforesaid, before said suit shall so abate, all proceedings in the action had before the death of the plaintiff shall be considered as proceedings in the cause, and such other proceedings shall be had to bring the cause fairly to trial as the court may deem proper.

Abatement of action on nonappearance, etc.

Death of new party.

SEC. 238. DEATH OF NEW PARTY.—In all cases where a new party has been made to any action under the provisions aforesaid, and the new party so made shall die before judgment, or if an executor or administrator shall be removed from his office, the proper person to prosecute or defend such action in the place of the party so dying or removed may be made a party thereto by the same proceeding herein authorized on the death of the original plaintiff or defendant.

Pleadings.

SEC. 239. PLEADINGS.—Any new party to any action may use and rely upon any pleadings put in by his predecessor in such action, or shall have the same right to amend the pleadings or proceedings in such action as if he had been an original party thereto.



SEC. 240. COSTS.—In all cases where a new party is made to an action the costs which accrued before such new party was made shall be taxed as part of the costs in such action, and the judgment rendered shall be the same as if the action had been originally commenced between the persons who are parties to such action: *Provided*, That no defendant who is made a new party to such action shall be burdened with debts, damages, or costs beyond the amount of property or assets descended or come to his hands from the deceased.

Costs before new party is made to be taxed, etc.

*Proviso.*—limit, defendant, etc.

SEC. 241. JOINT PARTIES.—In case of the death of one of several joint defendants to an action, where the right of action will survive as aforesaid, the same proceedings shall be had to make the proper representative of the deceased a party to the action as in the case of a sole defendant.

Joint parties.

SEC. 242. APPEALS FROM JUSTICES OF THE PEACE.—An appeal from a judgment rendered by any justice of the peace shall be deemed an action within the meaning of the foregoing provisions.

Appeals from justices of the peace.

SEC. 243. EQUITY SUITS.—No suit in equity shall abate by the death of any of the parties in cases where the rights involved in the suit survive.

Equity suits.

SEC. 244. DEATH OF PARTY TO EQUITY SUIT.—If any of the parties to a suit in equity, whether complainant or defendant, shall die after the filing of the bill or petition, it shall not be necessary to file a bill of revivor; but any of the surviving parties may file a suggestion of such death, setting forth when the death occurred, and who is the legal representative of such deceased party, and how he is the representative, whether by devise, descent, or otherwise.

Death of party to equity suit.

SEC. 245. SUBPENA TO REPRESENTATIVES.—Upon such a suggestion a subpoena shall issue for the legal representative of the deceased party, commanding him to appear and be made a party to such suit, if such representative reside within the District of Columbia; and if such representative is a nonresident, then such notice shall be given instead of the subpoena as is herein elsewhere provided for nonresident defendants.

Subpoena to representatives.

SEC. 246. DEATH AFTER DECREE FOR ACCOUNT, AND SO FORTH.—If any defendant shall die after a decree for an account, sale, or partition, or after such other proceedings shall have been had after appearance as would have warranted the passing of such a decree, or if such deceased defendant shall have answered, confessing the facts stated in the bill, or shall have set up no defense to the relief therein prayed, the court may, in its discretion, order the cause to be proceeded in as if no death had occurred, or may order a bill of revivor or a supplemental bill to be filed, and the proper representative of such deceased defendant to be made a party, as may seem best calculated to advance the purposes of justice: *Provided*, That the heir or other proper representative of such deceased defendant, at any time before final decree, may appear and be made a party on such reasonable terms as the court may direct; and such new party may file an answer to the original bill, subject to such terms as the court may impose, in which he may insist on such defenses, and none other, as might have been made to a bill of revivor or supplemental bill in the nature of a bill of revivor filed against him.

Death after decree for account, etc.

*Proviso.* Appearances before final decree, etc.

SEC. 247. MARRIAGE OF PARTY.—No suit at law or in equity shall abate by the marriage of any of the parties; but on application of any of the parties the court may, on such terms and notice as it shall deem proper, allow and order any amendment in the pleadings and the making of any new or additional parties that such marriage may render necessary or proper.

Marriage of party.

SEC. 248. DEATH AFTER FINAL DECREE.—If any of the parties to a suit die after final decree, the court may order execution of such decree as if no death had occurred, or the court may order a subpoena scire

Death after final decree.

*Proviso.*  
Appearance before execution.

facias to be issued, or a bill of revivor to be filed against the proper representatives of such deceased party, or pass such other order or direct such other proceedings as may seem best calculated to advance the purposes of justice: *Provided*, That the heir or other proper representative may appear at any time before execution of said decree and be admitted as a party to the suit, on such terms as the court may prescribe, and such further proceeding may be had as may be appropriate to the merits of the cause.

Failure to appear.

SEC. 249. FAILURE TO APPEAR.—If any representative of a deceased party shall fail to appear, after being summoned, within the time therein limited, or shall fail to appear after notice by publication, the court may order the appearance of such representative to be entered, to have the same effect as if such representative had appeared in person and been made a party.

Evasion of service of process.

SEC. 250. EVASION OF SERVICE OF PROCESS.—In all cases where any representative of a deceased party to a suit shall evade any process issued against him, or shall leave the District before any such process can be served on him, he may be proceeded against as a nonresident defendant.

Bill of revivor.

SEC. 251. BILL OF REVIVOR.—A bill of revivor or supplemental bill in the nature of a bill of revivor may be filed, instead of a suggestion of the death of a party; and notice thereof shall be given to the defendant by subpœna or the service of a copy of such bill, if he be found within the District, as the court may direct; or, if the party be a nonresident or secrete himself or evade the service of the summons, or if his residence be unknown, then notice by publication may be given as against nonresident defendants.

### CHAPTER THREE.

Absence for seven years.

#### ABSENCE FOR SEVEN YEARS.

Presumption of death.

SEC. 252. PRESUMPTION OF DEATH.—If any person shall leave his domicile without any known intention of changing the same, and shall not return or be heard from for seven years from the time of his so leaving, he shall be presumed to be dead, in any case wherein his death shall come in question, unless proof be made that he was alive within that time.

Person found living.

SEC. 253. PERSON FOUND LIVING.—If the person so presumed to be dead be found to have been living, any person injured by such presumption shall be restored to the rights of which he shall have been deprived by reason of such presumption.

### CHAPTER FOUR.

Account.

#### ACCOUNT.

Auditor's report.

SEC. 254. AUDITOR'S REPORT AND EXCEPTIONS.—In actions at common law grounded upon an account, or in which it may be necessary to examine and determine upon accounts between the parties, the court, in its discretion, at any stage of the cause, may order the accounts and dealings between the parties to be audited and stated by the auditor of the court or by a special auditor to be appointed by the court for the purpose; in which case, if a jury shall have been sworn, they shall be discharged. The course of proceedings before the auditor shall be the same as in cases in equity referred to him. When his audit is completed the auditor shall file his report and account in the clerk's office and give notice thereof to the parties or their attorneys, and at the expiration of thirty days after said notice judgment may be entered, on

motion of either party, in accordance with said report and account, unless exceptions are filed thereto for errors in law or fact therein. The party excepting thereto shall point out particularly the item or items in such report and account excepted to, and state the grounds of such exception, and annex to his exceptions a certificate of counsel that, in his opinion, the matters of law therein stated are well founded in law, and an affidavit of such party that the exceptions are not filed for delay, and that the allegations of fact in said exceptions are true, and a copy of said exceptions shall be served on the opposite party or his attorney.

—exceptions to.

SEC. 255. TRIAL OF EXCEPTIONS.—When such exceptions are filed, the court shall enter the cause on the trial calendar of the term in which they are filed in its proper place, and the issues made by said exceptions shall be tried and determined in the same manner as other issues of law or fact made by the pleadings in an action at common law, and any part of such report and account not so excepted to shall be adjudged to be conclusive between the parties on such trial.

—trial of exceptions.

SEC. 256. DIRECTIONS TO JURY.—If, in the opinion of the court, such issues are so numerous as to create confusion the court may, in its discretion, direct evidence to be received and considered by the jury as to a part of said issues, and direct the jury to retire and conclude as to the same before hearing the evidence as to the other issues, and this to repeat as often as may be necessary, the final conclusion of the jury as to all the issues to be announced as their verdict; or may submit the different issues to the same jury at different times for their separate verdicts thereon, or submit such issues to different juries; or may pursue such other course as the rules of the court may prescribe to facilitate the determination of such issues.

—directions to jury as to part of issues, etc.

SEC. 257. FRIVOLOUS EXCEPTIONS.—If only general, immaterial, or frivolous exceptions are made or they are filed without the certificate of counsel and affidavit of exceptant, required as aforesaid, they may be overruled by the court or a justice at chambers, on notice and motion, and judgment entered as if no exceptions had been filed.

Frivolous exceptions.

SEC. 258. JUDGMENT.—Upon the conclusion of such trial or trials the court shall enter judgment upon the auditor's report as affirmed or corrected by the findings of the jury.

Judgment.

CHAPTER FIVE.

ADMINISTRATION.

Administration.

SUBCHAPTER ONE.

EXECUTORS, ADMINISTRATORS, AND COLLECTORS.

Executors, administrators, and collectors.

SEC. 259. ESTATE TO BE ADMINISTERED.—On the death of any person domiciled in the District of Columbia leaving real or personal estate, or both, therein, all his personal estate and so much of his real estate as shall be necessary in addition thereto for the payment of his debts shall be the subject of administration under authority and direction of the probate court.

Estate to be administered.

SEC. 260. LIEN OF CREDITORS.—On the death of any person not domiciled in the District of Columbia at the time of his death so much of his real estate in the District of Columbia as may be necessary for the payment and discharge of just claims against him of creditors and persons domiciled in the District of Columbia shall also be the subject of administration under authority and direction of the probate court, irrespective of the personal estate of such decedent: *Provided*, The prosecution of such claims is begun in said court within one year after the death of such decedent.

Administration of real estate of nonresident to pay claims of resident creditors.

*Proviso.*—time for prosecuting claims.

Competency of executors, etc.

SEC. 261. COMPETENCY OF EXECUTORS, AND SO FORTH.—No letters testamentary or of administration shall be granted to a person convicted of an infamous offense, or to an idiot or lunatic, or person non compos mentis, or one under eighteen years of age, or to an alien; and all questions as to the disqualification on any of said grounds of any person claiming to be entitled to letters testamentary or of administration shall be determined by the probate court, after such notice to the said persons as the court may direct.

Letters testamentary.

SEC. 262. LETTERS TESTAMENTARY.—When any will or codicil respecting either real or personal property shall have been authenticated and admitted to probate, letters testamentary thereon shall be issued to the executor named therein, if he is legally competent and will accept the trust: *Provided*, That he shall first execute a bond to the United States, with security to be approved by the court, in such penalty as the court may require, with a condition that he will administer according to law and to the will of the testator all his goods, chattels, rights, and credits, and the proceeds of all his real estate that may be sold for the payment of his debts or legacies which shall at any time come to the possession of the executor or to the possession of any other person for him, and in all other respects faithfully perform the trusts reposed in him: *And provided further*, That said executor shall take and subscribe and file an oath that he will well and truly administer the estate of the deceased according to law and will give a just account of his administration when thereto lawfully called: *Provided*, That the above conditions as to bond and oath shall not apply to corporations authorized to act as executors.

*Provisos.*  
Bond of executor.

—oath.

—corporations not included.

Where testator requests that executor be relieved from giving bond.  
—penalty of.

*Provisos.*  
—limit of penalty.

—increase where assets in danger, etc.

SEC. 263. BOND, WHEN NOT REQUIRED.—Whenever a testator shall, by last will and testament, request that his executor be not required to give bond for the performance of his duty, in such case the bond required of the executor shall be in such penalty as the court may consider sufficient to secure the payment of the debts due by the testator: *Provided, however*, That the penalty of such bond shall not exceed double the value of the personal estate; and when less than this sum it may be increased, or an additional bond may be required, whenever it shall be made to appear to the court that the bond as given is insufficient to secure the payment of the debts of the testator: *And provided further*, That whenever any creditor, distributee, or legatee entitled to take under the will shall make it appear to the court that any executor who has given such bond only as is herein provided for is wasting the assets of the estate, or that the assets are in danger of being lost, wasted, or misappropriated, then the said executor may be removed or required to give additional bond with security in a penalty sufficient to secure the interests of all the creditors, distributees, and legatees entitled to take said estate, and on his failure to give bond as required his letters may be revoked; and upon such revocation the same results shall ensue as hereinafter provided in section two hundred and ninety-six.

Bond of executor who is residuary legatee, etc.

SEC. 264. EXECUTOR RESIDUARY LEGATEE.—If the executor is the residuary legatee of the personal estate of the testator, or provided the residuary legatee of full age shall notify his consent to the court, he may, instead of the bond prescribed as aforesaid, give bond with security approved by the court, and in a penalty prescribed by the court, conditioned to pay all the debts and just claims against the testator, and all damages which shall be recovered against him as executor, and all legacies bequeathed by the will, in which case he shall not be required to file any inventory or render any account. And if such bond be given by the executor, he shall be answerable for the full amount of all debts, claims, and damages that may be recovered against him as executor as if he were sued in his own right, and any legatee may recover the full amount of his legacy in a suit on the

executor's bond or in equity, and the giving of the bond shall be considered an assent to the legacy: *Provided*, That the surety or sureties in said bond shall not be liable for a greater amount than the penalty thereof.

*Proviso.*  
—liability of sureties.

SEC. 265. JOINT EXECUTOR.—When two or more persons are appointed executors, the court may take a separate bond with security from each of them or a joint bond with security from all of them together.

Joint executor.

SEC. 266. LETTERS OF ADMINISTRATION CUM TESTAMENTO ANNEXO.—If there be only one executor named in the will, and he shall have been present at the probate of the will, and shall not within twenty days thereafter file a bond and qualify as executor by taking the oath aforesaid, letters of administration with the will annexed may be granted as if no executor had been named.

Letters of administration cum testamento annexo.

SEC. 267. ABSENT EXECUTOR.—If said executor shall not have been present at the probate of the will, but shall be within the District, a summons may be issued to him, either at the instance of any person interested or ex officio by the register of wills, requiring him to appear and file his bond as required by law within twenty days after service of said summons; and if he be not found in said District, notice shall be given to him by publication to appear within thirty days after the first publication of said notice, and on his failure to appear and give his bond and qualify by taking the prescribed oath, as aforesaid, administration may be granted as if no executor had been named in the will.

Absent executor.

SEC. 268. SUMMONS TO EACH OF SEVERAL EXECUTORS.—If there be more than one executor named in a will, there may be the same proceeding with respect to each of them as if he were the sole executor, and any circumstances under which letters of administration may be granted on failure of a sole-named executor shall authorize the granting of letters testamentary to one or more of the executors on failure of one or more of the others; and any circumstances under which letters of administration may be granted on failure of a sole-named executor shall authorize the granting of such letters of administration on failure of all the executors named to appear and qualify as aforesaid.

Summons to each of several executors.

SEC. 269. RENUNCIATION.—If any executor named in a will shall file or transmit to the probate court an attested renunciation of his executorship, there shall be the same proceeding with respect to granting letters testamentary or of administration as if the party so renouncing had not been named in the will.

Renunciation.

SEC. 270. EXECUTOR DISQUALIFIED.—If any person named as executor be disqualified from serving, letters testamentary or of administration may be granted as if he had not been named as executor.

Executor disqualified.

SEC. 271. NO POWER TO ACT WITHOUT LETTERS.—In case letters testamentary shall be granted to one or more of the executors named in a will on failure of the rest, no executor not named in said letters shall in any manner interfere with the administration; and if letters of administration with the will annexed shall be granted, no executor named in the will shall in any manner interfere with the administration; and no executor named in a will shall, before letters testamentary are granted to him, have any power to dispose of any part of the estate of the deceased or to interfere therewith, further than is necessary to collect and preserve the same.

No power to act without letters.

SEC. 272. FORM.—The following shall be the form of letters testamentary to be issued under the seal of the probate term of the supreme court of the District of Columbia:

Form of letters.

District of Columbia, to wit:

The United States of America.

To all persons to whom these presents shall come, greeting:

Know ye that the last will and testament of \_\_\_\_\_, of \_\_\_\_\_, deceased, hath, in due form of law, been exhibited, proved, and recorded in the office of the register of wills of the District of Colum-

bia, a copy of which is to these presents annexed, and administration of all the goods, chattels, and credits of the deceased is hereby granted and committed unto -----, the executor by said will appointed.

Witness (A B) the chief justice of the supreme court of the District of Columbia, this ----- day of -----.

Test:

C D, Register of Wills.

Letters of administration.

SEC. 273. LETTERS OF ADMINISTRATION.—On the death of any person leaving real or personal estate in the District, letters of administration on his estate may be granted, on the application of any person interested, on proof, satisfactory to the probate court, that the decedent died intestate.

Bond.

SEC. 274. BOND.—Every administrator, except corporations authorized to act as administrators, shall, before entering on his duties, file in the probate court his bond to the United States, with security approved by the court, in such penalty as the court shall direct, with condition to administer according to law all the money, goods, chattels, rights, and credits of the deceased; and when the court shall have ordered the sale of the decedent's real estate, he shall give a like bond conditioned to administer the proceeds of the real estate that may be sold for the payment of the decedent's debts which shall come into his possession, or to the possession of any other person for him, and in all other respects perform the trust reposed in him, and shall also take and subscribe an oath similar to that prescribed for executors.

—oath.

Special bond of administrator entitled to residue of estate.

SEC. 275. SPECIAL BOND.—If the person appointed as administrator shall be entitled to the residue of the estate after the payment of the debts, he may, instead of the bond herein provided for, execute a bond, with security approved by the court, in such penalty as the court may consider sufficient, conditioned for the payment of all the debts and claims against the deceased, and all damages which shall be recovered against him as administrator, in which case he shall not be required to return any inventory or account; and in such case the administrator shall be personally answerable for all debts, claims, and damages that may be recovered against him, in like manner as the executor who gives a similar bond: *Provided*, That the surety or sureties in said bond shall not be liable for a greater amount than the penalty thereof.

*Proviso*,—sureties' liability.

Persons entitled.

SEC. 276. PERSONS ENTITLED.—If the intestate leave a widow and a child or children, administration, subject to the discretion of the court, shall be granted either to the widow or child, or one or more of the children, qualified to act as administrator, and further subject to the discretion of the court as follows:

SEC. 277. If there be a widow and no child the widow shall be preferred, and next to the widow or children a grandchild shall be preferred.

SEC. 278. If there be neither widow, nor child, nor grandchild to act, the father shall be preferred; and if there be no father the mother shall be preferred.

SEC. 279. If there be neither widow, nor child, nor grandchild, nor father, nor mother to act, brothers and sisters shall be preferred.

SEC. 280. If there be neither widow, nor child, nor grandchild, nor father, nor mother, nor brother, nor sister, the next of kin shall be preferred.

SEC. 281. Males shall be preferred to females in equal degree.

SEC. 282. Relations of the whole blood shall be preferred to those of the half blood in equal degree, and relations of the half blood shall be preferred to relations of the whole blood in a remoter degree.

SEC. 283. Relations descending shall be preferred to relations ascending, in the collateral line; that is to say, for example, a nephew shall be preferred to an uncle.

SEC. 284. None shall be preferred in the ascending line beyond a father or mother, or in the descending line below a grandchild.

SEC. 285. A feme sole shall be preferred to a married woman in equal degree.

SEC. 286. Relations on the part of the father shall be preferred to those on the part of the mother, in equal degree.

SEC. 287. If any person described in the foregoing sections should be incompetent to serve, then administration shall be granted as if such person were not living. —incompetence of above to serve.

SEC. 288. If there be no relations, or those entitled decline or refuse to appear and apply for administration, on proper summons or notice, administration may be granted to the largest creditor applying for the same; and if creditors neglect to apply, it may be granted at the discretion of the court. Administration by creditor, etc.

SEC. 289. NOTICE OF APPLICATION.—Upon any application for letters of administration, such notice thereof shall be given, by publication or otherwise, as the rules of the court may require; but it shall not be necessary to notify any collateral relatives more remote than brothers and sisters of the intestate. Notice of application.

SEC. 290. WILL PROVED AFTER LETTERS GRANTED.—If administration be granted, and a will disposing of the estate of the deceased shall afterwards be proved, according to law, and letters testamentary shall have issued thereon, the same shall be considered a revocation of the letters of administration. But all acts done by the administrator according to law, before any actual or implied revocation of his letters, shall be valid and effectual, and the executor obtaining letters shall be authorized to prosecute any actions at law or in equity commenced by the administrator and obtain judgment in his own name, and likewise to defend any suit commenced against the administrator; and said executor shall have the benefit of all judgments obtained by the administrator and be bound by all judgments obtained against him to the extent of assets received by said executor, unless said judgments were obtained by fraud. And it shall be the duty of said administrator to account for and deliver to the executor without delay all goods, chattels, and personal estate and proceeds of any realty sold in his possession, belonging to the deceased, in default of which his bond may be put in suit by the executor or administrator cum testamento annexo. Will proved after letters granted.

SEC. 291. DECLINING ADMINISTRATION.—If any person entitled to administration shall, in writing, decline the same, the court shall proceed as if such person were not entitled. Declining administration.

SEC. 292. RESIGNATION.—If any person, after having accepted the office of executor or administrator, shall desire to retire from and resign the same, he may file his petition to that effect, accompanied by a full and particular account, under oath, of his receipts and disbursements, if any, and the court shall thereupon direct such notice as it may think proper to be given of said application, and, if no cause be shown to the contrary, may release and discharge him from his office and pass such order as to costs and commissions and impose such terms in other respects as the nature of the case may require: *Provided*, That such executor or administrator shall not, by said discharge, be released from any liability for past acts, defaults, or omissions of duty. Resignation of executor, etc.

SEC. 293. FORM.—The form of letters of administration shall be as follows: Proviso. —liability after release for past acts.

District of Columbia, to wit:

The United States of America.

To all persons to whom these present shall come, greeting:

Know ye that administration of the goods, chattels, and credits of \_\_\_\_\_, late of \_\_\_\_\_, deceased, is hereby granted and committed unto \_\_\_\_\_, of \_\_\_\_\_.

Witness (A B) the chief justice of the supreme court of the District of Columbia.

Test:

C D, Register of Wills.

Bond of persons over 18 years of age, etc., binding.

SEC. 294. PERSONS OVER EIGHTEEN YEARS OF AGE.—In case letters testamentary or of administration shall be granted to any person above eighteen but under twenty-one years of age, the bond executed by him for the faithful performance of his duties shall be as binding as if he were of full age.

Application for letters.

SEC. 295. APPLICATION FOR LETTERS.—Whenever any person shall apply to the probate court for letters testamentary or of administration, he shall set forth, under oath, as fully as possible, all the personal and real estate left by the decedent and the amount of his debts as far as can be ascertained; and the penalty of the bond required of him, except in the cases provided for in section two hundred and sixty-three, two hundred and sixty-four, and two hundred and seventy-five aforesaid, shall be sufficient to secure the proper application of all the personal estate of the testator or intestate; and when it shall become necessary to sell the real estate of the decedent, in part or in whole, the executor or administrator shall give such additional bond, with approved security, as shall be directed by the court, to secure the proper application of the proceeds arising from such sale or sales. And whenever an executor is empowered by the will to make sale of the real estate of the testator, for any purpose, he shall account for said proceeds in said court.

Additional bond.

SEC. 296. ADDITIONAL BOND.—Whenever the probate court shall be satisfied that the bond already given by an executor or administrator is insufficient, the said executor or administrator may be required to file an additional bond, and on his failure to do so his letters may be revoked. And upon the revocation of letters testamentary or of administration under this provision, the executor or administrator whose letters are so revoked shall forthwith deliver to any substituted executor or administrator all the assets of his testator or intestate in his possession or under his control.

Bonds to be recorded, etc.

—copy of, to be furnished.

—actions on.

SEC. 297. ACTIONS ON BONDS.—Every bond executed by an executor or administrator shall be recorded in the office of the register of wills; and any person conceiving himself to be interested in the administration of the estate shall be entitled to have or demand a copy of such bond, under the hand and seal of the register of wills, on which an action may be maintained, in the name of the United States, for the use of the party interested, and judgment may be recovered in such action for the damage actually sustained. And an administrator appointed in the place of an executor or administrator who has resigned, been removed, or whose letters have been revoked, may in like manner maintain an action against the executor or former administrator and his sureties, on his administration bond, for all loss and damage to the estate resulting from this breach of duty. No creditor shall be entitled to maintain an action on a testamentary or administration bond for any claim against a testator or intestate until an action has been commenced against the executor or administrator of the deceased and a summons issued therein has been returned "Not to be found," or a writ of fieri facias or of attachment, issued on a judgment against such executor or administrator, has been returned "nulla bona," or until such apparent insolvency of the executor or administrator or insufficiency of his effects as in the judgment of the court before which such action may be tried shall show the said creditor to be without remedy except by such action on the executor's or administrator's bond.

Death, etc., of executor named.

—to whom administration granted.

Proviso.

SEC. 298. DEATH, AND SO FORTH, OF EXECUTOR NAMED.—In case any will admitted to probate shall not appoint an executor, or the executor therein appointed shall have died or renounced the executorship, or shall be incompetent to serve, administration shall be granted with the will annexed to the person who would have been entitled to administration in case of the intestacy of the deceased testator: *Provided, how-*



ever, That if there be a residuary legatee named in such will, he shall be preferred to all, except a widow. And the condition of the bond of the administrator so appointed and the oath to be taken by him and his duties and liabilities shall be the same if he had been appointed executor in the will and had received letters testatmentary.

—persons preferred.  
—bond and oath of appointee.

SEC. 299. LETTERS DE BONIS NON.—If an executor or administrator shall die before the administration of the estate is completed, letters of administration de bonis non or de bonis non cum testamento annexo, as the case may require, shall be granted, in the discretion of the court, giving preference, however, to the person who would be entitled in the order hereinbefore given, if he shall actually apply for the same; and the form of the letters shall be the same as in the case of an original administration, except that it shall be confined to the property of the deceased not already administered, and the authority shall be to administer all property herein described as assets and not distributed and delivered or retained by the executor or former administrators, under the court's direction.

Letters de bonis non.

—form.

SEC. 300. EXECUTOR OF EXECUTOR.—In no case shall the executor of an executor, as such, be entitled to administration de bonis non on the estate of the first deceased.

Executor of executor.

SEC. 301. ORDERS AGAINST REPRESENTATIVE OF DECEASED.—On the application of an administrator de bonis non the court may order the executor or the administrator of a deceased executor or administrator to deliver over to him all the personal property that was in the hands of the said deceased executor or administrator, as such, and also all the money, bonds, notes, accounts, and evidences of debt which the said deceased executor or administrator may have taken, received, and had at the time of his death, including the proceeds of sale of either personal or real estate made by said deceased executor or administrator, which shall be deemed unadministered assets.

Orders against representative of deceased.

SEC. 302. On the failure of said executor or administrator to comply with said order by a day named, the court may enforce its order by attachment against such executor or administrator, and may direct the bond of the deceased executor or administrator, or that of the executor or administrator so failing, or both, to be put in suit for the use of the administrator de bonis non.

—failure of said executor or administrator to comply.

SEC. 303. The executor or administrator of the deceased executor or administrator shall return, on oath, to the court, on or before the day named as aforesaid, a list of the bonds, notes, accounts, and money aforesaid, and shall be entitled to retain out of the money such commission as the court shall allow, not exceeding ten per centum on the principal inventory, and the personal estate and money turned over by him shall be assets in the hands of the administrator de bonis non, to be accounted for by him as such.

—return of list of bonds, etc.

SEC. 304. LETTERS AD COLLIGENDUM.—Letters ad colligendum may be granted to one or more persons in case of a contest in relation to a will, or the absence of the executor from the District, or his delay in qualifying, or for other sufficient cause, and the form of such letters shall be as follows:

Letters ad colligendum.

To all persons to whom these presents shall come, greeting:

Know ye that, whereas \_\_\_\_\_, of \_\_\_\_\_, deceased, had, as is said, at his decease, personal property within the District of Columbia, administration whereof can not immediately be granted, but which, if speedy care be not taken, may be lost, destroyed, or diminished, to the end that the same may be preserved for those who may appear to have a legal right or interest therein, we do hereby request and authorize \_\_\_\_\_, of \_\_\_\_\_, to secure and collect said property, wheresoever the same may be, in said District, whether the same be goods, chattels, debts, or credits, and to make a true inventory

—form.

thereof and exhibit the same with all convenient speed, with an account of his collections, into the office of the register of wills.

Witness (A B) the chief justice of the supreme court of the District of Columbia.

Test:

C D, Register of Wills.

Bond of collector.

SEC. 305. Every collector, except corporations authorized to act as such, before letters shall be issued to him, shall execute a bond to the United States, in a penalty and with security to be approved by said court, with the following condition:

“The condition of the above obligation is such that if the above bounden ----- shall well and honestly discharge the office of collector of the goods, chattels, and personal estate of -----, deceased, in the District of Columbia, and shall make or cause to be made a true and perfect inventory or inventories of such of said goods, chattels, personal estate, and debts as shall come to his possession or knowledge and make return of the same to the probate court of the District, and shall also deliver to the person or persons who shall be authorized by the court to receive them such of said goods, chattels, personal estate, and debts as shall come to his possession, except such as shall be allowed for by said court, then the said obligation shall be void; it shall otherwise be in full force and virtue at law.” And he shall also take and subscribe the following oath: “I, -----, do swear that I will well and truly discharge the office of collector of the goods, chattels, and personal estate of -----, deceased, according to the tenor of the letters granted me by the probate court of the District of Columbia and the directions of law, to the best of my knowledge, so help me God.”

Duties of collector.

SEC. 306. DUTIES OF COLLECTOR.—The collector shall collect the goods, chattels, and personal estate of the deceased, including the debts due him, and cause the same to be appraised and return an inventory thereof, as an administrator is required to do, and may, under the authority of the court, sell perishable articles and bring suits for debts or other property, as an administrator may do, and shall account for the money recovered. Said collector may be allowed a commission on the property and debts actually collected, and afterwards delivered to the executor or administrator, not exceeding three per centum, and said collector may be authorized and directed by the court to discharge, pendente lite, all or any of the duties of an administrator, including the payment of debts.

When powers to cease.

SEC. 307. WHEN POWERS TO CEASE.—On the granting of letters testamentary or of administration the power of any such collector shall cease, and it shall be his duty to deliver, on demand, all the property and money of the decedent in his hands, except as before excepted, to the person obtaining such letters, and the executor or administrator may be permitted to prosecute any suit commenced by said collector as if the same had been begun by said executor or administrator.

Refusal to deliver property.

SEC. 308. If the said collector shall neglect or refuse to deliver over the property and estate to the executor or administrator, the court may, by citation and attachment, compel him to do so, and the executor or administrator may also proceed, by civil action, to recover the value of the assets from him and his sureties by action on his bond. Such collector shall not be liable to an action by any creditor of the deceased.

## SUBCHAPTER TWO.

### INVENTORY.

Inventory.

Inventory to be made.

SEC. 309. INVENTORY TO BE MADE.—Every executor, administrator, or collector shall, within three months after his appointment, or such longer time as the court may allow, make and return, upon oath, into court a true inventory of all the goods, chattels, moneys, and credits

of the deceased which are by law to be administered and which shall have come to his possession or knowledge; and if the court shall think fit it may also order him to include in the inventory all the real estate of the deceased: *Provided*, That this section shall not apply to the cases provided for in sections two hundred and sixty-four and two hundred and seventy-five of this code.

*Proviso.*  
Scope of section limited.

SEC. 310. APPRAISERS.—On the granting of letters testamentary or of administration, except in the aforesaid excepted cases, a warrant shall issue to two suitable persons not interested in the estate, to appraise the estate of the deceased, known to them or shown to them by the executor or administrator, and they shall severally take and subscribe an oath well and truly, without partiality or prejudice, to value the goods, chattels, and personal estate and real estate (if so directed) of the deceased, as far as the same shall come to their knowledge, to the best of their skill and judgment.

Appraisers.

—oath.

SEC. 311. On the death, refusal, or neglect of any appraiser to act another person may be appointed in his stead.

—refusal to act.

SEC. 312. NOTICE.—It shall be the duty of the executor, administrator, or collector and of the appraisers to give notice to the persons immediately interested in the administration, or at least two of them, if they are numerous, of the time and place of making said appraisal, and thereupon they shall proceed at said time and place to value said property and estate, setting down each article or item separately, with the value thereof, in dollars and cents, and when such appraisal shall have been completed they shall certify the same under their hands and seals, and the same shall be returned with the inventory.

Notice.

SEC. 313. CONTENTS OF INVENTORY.—The inventory shall contain a particular statement of all bonds, mortgages, notes, and other securities for the payment of moneys belonging to the deceased, and of all other debts and accounts due him, which are known to the executor, administrator, or collector, who shall designate those debts which he considers sperate and those which he considers desperate, and also an account of all moneys belonging to the deceased which shall come to his hands. And whenever, after an inventory has been returned, assets not therein included shall come to the knowledge of the executor, administrator, or collector an additional inventory and appraisal shall be promptly prepared and filed in the manner aforesaid.

Contents of inventory.

SEC. 314. EXCEPTIONS.—There shall be excepted from the inventory the wearing apparel of the deceased, family pictures, the family Bible, and schoolbooks used in the family, and provisions for the support of the family on hand at the time of decedent's death. But if said decedent shall have been the head of a family, or a householder, the property exempt under chapter twenty-seven, as therein stated, shall so continue exempt from all claims against said decedent, and shall be distributed by the court to such members of the family or household as in the judgment of the court the necessity and exigencies of the particular case may require.

Exceptions from inventory.

SEC. 315. COLLECTOR'S INVENTORY.—In case an inventory shall be returned by a collector, duly appointed, the executor or administrator thereafter administering shall, within three months after his appointment, either return a new inventory in place of the collector's inventory or an acknowledgment in writing that he has received from the collector the articles contained in the first inventory, and consents to be answerable for the same, as if said inventory had been made out by him as administrator, unless it shall appear that he has been prevented from making such return by the improper detention of the personal estate of the deceased by the collector.

Collector's inventory.

SEC. 316. EXECUTOR, AND SO FORTH, NEGLECTING.—If there be more than one executor or administrator, any one or more of them, on the neglect of the rest, may, if authorized by the court, return an inventory.

Executor, etc., neglecting.

## SUBCHAPTER THREE.

Assets.

## ASSETS.

What are assets.

SEC. 317. WHAT ARE ASSETS.—Leases for years, estates for the life of another person or other persons, and all goods, wares, merchandise, utensils, furniture, things annexed to the freehold which may be removed without prejudice thereto, the growing crop on the land of the deceased, and every other species of personal property, not including the clothing of the widow and minor children of the deceased and personal ornaments suitable to their station, shall be included in the inventory, and, together with the proceeds of any real estate sold for the payment of debts, shall be considered assets to be administered by an executor or administrator.

Debtor appointed executor.  
—discharge of debt in will, construction of, as against creditors.

SEC. 318. DEBTOR APPOINTED EXECUTOR.—The discharge or bequest, in a will, of any debt or demand of a testator against any executor named in a will, or against any other person, shall not be valid as against the creditors of the deceased, but shall be construed only as a specific bequest of such debt or demand, and the amount thereof shall be included in the inventory of the effects of the deceased and be assets for the payment of his debts, if necessary for that purpose, and, if not so necessary, shall be paid in the same manner and proportion as other specific legacies.

—naming of persons as executor not to discharge testator's claim, etc.

SEC. 319. The naming of any person as executor in a will shall not operate as a discharge or bequest of any just claim which the testator had against such executor; but such claim shall be included among the credits and effects of the deceased in the inventory, and the executor shall be liable for the same, as for so much money in his hands, at the time such debt or demand becomes due; and he shall apply and distribute the same, in the payment of debts and legacies and among the next of kin, as part of the personal estate of the deceased.

—executor's failure to give in such claim.

SEC. 320. On the failure of the executor to give in such claim in the list of debts due the deceased, any person interested in the administration may allege the same by petition to said probate court, and the said court, with consent of the parties, may decide on the same, or it may be referred by the parties, with the court's approval; or at the instance of either party the court may direct an issue to be tried by a jury; and if said claim shall in any of such proceedings be decided to be a just claim of the decedent against the executor, said executor shall be charged with the amount thereof as aforesaid.

Debt due by administrator.

SEC. 321. DEBT DUE BY ADMINISTRATOR.—In like manner it shall be the duty of every administrator to give in a claim against himself, and on his giving it, or failure so to do, there shall be the same proceeding as above described with regard to an executor.

## SUBCHAPTER FOUR.

Sales.

## SALES.

Sales of personal estate.

SEC. 322. SALES OF PERSONAL ESTATE.—In case any executor or administrator shall not have money sufficient to discharge the just debts of and claims against the decedent, the probate court shall, on his application, made after the return of an inventory, direct a sale of the personal property therein contained, or of such part as the court may think proper, and in such manner and on such terms as the court may direct. The court shall have power to direct a sale as aforesaid, if deemed by the court advantageous to the persons interested in the administration, on the application of any of the said persons.

Order for sale.

SEC. 323. ORDER FOR SALE.—No executor or administrator shall sell any property of his decedent without an order of the probate court

authorizing such sale; and any such sale made without a previous order authorizing it shall be void and pass no title to the purchaser. If any executor or administrator shall sell, pledge, or dispose of any property without such previous order, his letters may be revoked and an administrator appointed, whose duty it shall be immediately to recover possession of said property, and such removed executor or administrator may be proceeded against by attachment; but where there are two or more executors or administrators, and a sale, pledge, or disposition of property has been made without the consent of all, the revocation shall only extend to the person or persons so offending, and the remaining executors or administrators shall have power to discharge the duties of their office and institute proceedings for the recovery of the property and attachment as aforesaid.

SEC. 324. The preceding section shall not be construed to apply to any case where an executor shall be authorized by will of his testator to make sale of any property. —scope of section limited.

SEC. 325. POWER OF SALE TO EXECUTOR.—In all cases in which a testator has directed his real estate to be sold for the payment of his debts or legacies, the executor may sell and convey the same, and shall account for the proceeds thereof to the probate court in the same manner that he is bound to account for the proceeds of personal estate; but such sale shall not be valid unless ratified by said court after notice given by publication according to the practice in equity. In case the executor shall refuse or decline to act, or shall die without executing the power vested in him, it shall be lawful for the court, on the application of any person interested, to appoint an administrator de bonis non with the will annexed to execute such power in the same manner in which the executor appointed by the will might have done. Power of sale to executor.

SEC. 326. SURVIVOR OF SEVERAL TRUSTEES.—In all cases where two or more trustees shall be appointed by last will to execute a trust, or shall be empowered to sell, dispose of, or convey lands or other property devised to them jointly, upon the death of any one or more of them the survivor or survivors shall be held authorized to execute such trust or power; and if any one of such trustees shall in writing, signed by him and attested by a witness, relinquish or disclaim said trust or refuse to act under said will, and shall deliver such writing to the probate court of the District for record, the right of such trustee to act shall cease, and the remaining trustee or trustees appointed by said will shall be authorized to execute the trusts of said will and make all sales and execute all conveyances and other acts necessary for that purpose. —refusal to act.

### SUBCHAPTER FIVE.

#### SUITS.

SEC. 327. SUITS BY AND AGAINST EXECUTORS, AND SO FORTH.—Executors and administrators shall have full power and authority to commence and prosecute any personal action at law or in equity which the testator or intestate might have commenced and prosecuted, except actions for slander and for injuries to the person; and they shall also be liable to be sued in the supreme court of said District in any action at law or in equity, except as aforesaid, which might have been maintained against the deceased; and they shall be entitled to or answerable for costs in the same manner as the deceased would have been, and shall be allowed for the same in their accounts, unless it shall appear that there were not probable grounds for instituting or defending the suits in which judgments or decrees shall have been given against them. Survivor of several trustees may act.

Suits.

Suits by and against executors, etc.

—costs.

Judgments against executors, etc.

SEC. 328. JUDGMENTS AGAINST EXECUTORS, AND SO FORTH.—If the verdict of the jury in any suit against an executor or administrator be against such executor or administrator, or if he shall be willing to confess judgment, and the debt or damages which the deceased (if he or she were alive) ought to pay be ascertained by verdict, or confession, or otherwise, the court shall thereupon assess the sum which the executor or administrator ought to pay, regard being had to the amount of assets in his hands and the debts due to other persons; and if it shall appear to the court that there are assets to discharge all just claims against the deceased, the judgment shall be for the whole debt or damages found by the jury, or confessed, or otherwise ascertained, and costs; and if it shall appear to the court that there are not assets to discharge all such just claims, the judgment shall be for such sum only as bears a just proportion to the amount of the debt or damages and costs, regard being had to the amount of all the just claims and of the assets—that is to say, as the amount of all the said claims shall be to the assets, so shall the amount of the said debt or damages and costs be to the sum required, for which judgment is to be given.

—insufficient assets, etc.

Judgment not to be passed until time for filing account has expired.

*Proviso.*  
Executor's oath of insufficient assets, etc.

And in no case shall the court proceed to assess as aforesaid and to pass such judgment against an executor or administrator until the time limited by law or by the court for the executor or administrator to pass his account shall have expired: *Provided*, That the said executor or administrator shall make oath (or affirmation, as the case may require) that he hath not assets to discharge all such just claims; and the account settled by the probate court, in which the debt or damages sued for ought to be stated, shall be evidence to show the amount of assets and claims; and the court shall have power, when the real debt or damages are ascertained, to refer the matter to an auditor to ascertain the sum for which judgment shall be given; and in case the judgment shall be for a sum inferior to the real debt or damage and costs, it shall go on and say “that the plaintiff be entitled to such further sum as the court shall hereafter assess on discovery of further assets in the hands of the defendant;” and the court, at any time afterwards, when applied to by the plaintiff, on three days’ notice to the defendant or his attorney, may assess and give judgment for such further proportionable sum as the plaintiff shall appear entitled to, regard being had as aforesaid to the amount of the debt and other claims; and on any judgment passed as aforesaid a *feri facias* may issue against the defendant, and either his own goods or the goods of the deceased may be thereupon taken and sold, and it shall be the duty of the executor or administrator to discharge said judgment or put it on a footing with other just claims, and on failure his administration bond may be put in suit by the plaintiff.

Foreign executors, etc., may act in the District.

SEC. 329. FOREIGN EXECUTORS AND ADMINISTRATORS.—It shall be lawful for any person or persons to whom letters testamentary or of administration have been granted by the proper authority in any of the United States or the Territories thereof to maintain any suit or action and to prosecute and recover any claim in the District in the same manner as if the letters testamentary or of administration had been granted to such person or persons by the proper authority in the said District; and the letters testamentary or of administration, or a copy thereof certified under the seal of the authority granting the same, shall be sufficient evidence to prove the granting thereof, and that the person or persons, as the case may be, hath or have administration: *Provided, nevertheless*, That the probate court of the District shall have the power, upon the petition of anyone interested, to require from such person or persons the security required by law in like cases from a resident administrator or executor, or the said court may grant auxiliary or ancillary letters, as the case may require, to the same or other persons.

*Proviso.*  
—bond of, etc.

SUBCHAPTER SIX.

DEBTS.

Debts.

SEC. 330. DEBTS TO BE PROVED.—No executor or administrator shall discharge any claim against his decedent (otherwise than at his own risk) unless the same be first passed by the probate court, or unless the said claim shall be proved according to the following rules:

Rules for proving.

SEC. 331. VOUCHERS.—The voucher or proof of a judgment or decree shall be a short copy thereof under seal, attested by the clerk of the court where it was obtained, who shall certify that the said judgment or decree hath not been satisfied. There shall likewise be a certificate of some person authorized to administer an oath, indorsed on or annexed to a statement of the debt due on such judgment or decree, that the creditor or his agent since the death of the deceased hath taken before him the following oath, to wit: "That the creditor hath not received any part of the sum for which the judgment or decree was passed except such part (if any) as is credited;" and if the creditor on the judgment or decree be an assignee of the person who obtained it, the oath shall go on and say further, "and that to the best of his knowledge or belief no other person hath received any parcel of the said sum except such part (if any) as is credited," and an assignee shall also produce the assignment under the hand of the assignor; and if there be more than one assignment, each assignment shall be produced under the hand of the party assigning.

Voucher of judgment of decree.

SEC. 332. In case of a specialty, bond, note, check, or protested bill of exchange, the vouchers shall be the instrument of writing itself, or a proved copy in case it be lost, with a certificate of the oath made as aforesaid since the death and indorsed on or annexed to the instrument, or a statement of the claim "that no part of the money intended to be secured by such instrument hath been received or any security or satisfaction given for the same except what (if any) is credited."

Voucher of bond, note, etc.

SEC. 333. If the creditor in such instrument be an assignee, there shall be the same oath of the creditor or agent, according to the best of his knowledge and belief, with respect to any payments prior to the time of the assignment.

—where creditor an assignee.

SEC. 334. In case of a bill of exchange or other commercial paper, the protest or other things which would be required (if the deceased were alive) shall be necessary to justify an executor or administrator in making payment or distribution.

Voucher of bill of exchange, etc.

SEC. 335. If the claim be for rent, there shall be produced the lease itself, or the deposition of some credible witness or witnesses, or an acknowledgment in writing of the deceased, establishing the contract and the time which hath elapsed during which rent was chargeable, and a statement of the sum due for such rent, with an oath of the creditor or agent indorsed thereon "that no part of the sum due for said rent or any security or satisfaction for the same hath been received except what (if any) is credited."

—claim for rent.

The proof of a claim for rent in arrear, so as to render the same a preferred claim, shall be the proofs and vouchers for rent aforesaid, and proof that the claim is such that an attachment therefor might be levied on said deceased's goods and chattels in the hands of the administrator, but the preference given for rent is not to impair the landlord's right of attachment if he thinks proper to exercise it.

—proof of.

SEC. 336. The vouchers or proofs of any claim on open account shall be a certificate of an oath taken by the creditor or agent since the death, indorsed on or annexed to the account, that the account as stated is just and true, and that he, the creditor, or any one for him, hath not received any part of the money stated to be due or any security or satisfaction for the same except what (if any) is credited.

—vouchers or open account.

Deposition to prove claims taken out of the District.

SEC. 337. When an affidavit or deposition to prove claims shall have been taken out of the District, the same shall be good if taken and certified as aforesaid by a notary public, or by some person there authorized to administer an oath, and certified to be such under the seal of the clerk of any court of record, or by any officer having official cognizance of the fact, and the said oath shall be as available as if taken before an officer authorized to administer an oath within this District.

Where creditor an executor, etc.

SEC. 338. If the creditor be an executor or an administrator the claim shall not be received, although vouched and approved as aforesaid, unless he make oath, to be certified as aforesaid, "that it does not appear from any book or writing of his decedent that any part of the said claim hath been discharged except what (if any) is credited, and that to the best of the deponent's knowledge and belief no part of the said claim hath been discharged and no security or satisfaction given for the same except what (if any) is credited."

Claims of executors, etc.

SEC. 339. CLAIMS OF EXECUTORS, AND SO FORTH.—In no case shall an executor or administrator be allowed to retain for his own claim against the decedent, unless the same be passed by the probate court, and every such claim shall stand on an equal footing with other claims of the same nature.

—no allowance in accounts of, except on proof, etc.

SEC. 340. No executor or administrator shall be allowed in his account for any claim discharged by him, unless he produce the claim passed by the probate court, or proven as herein directed.

Plea of limitations.

SEC. 341. PLEA OF LIMITATIONS.—It shall not be considered as the duty of an executor or administrator to avail himself of the act of limitations to bar what he supposes to be a just claim, but the same shall be left to his honesty and discretion.

Claims may be disputed.

SEC. 342. CLAIMS MAY BE DISPUTED.—No executor or administrator shall be obliged to discharge any claim of which vouchers and proofs shall be exhibited as aforesaid, but may reject and at law dispute the same in case he shall have reason to believe that the deceased never owed the debt, or had discharged the same, or a part thereof, or had a claim in bar.

Passing of claims not conclusive.

SEC. 343. PASSING OF CLAIMS NOT CONCLUSIVE.—In no case shall the order made by the probate court that an account or claim will pass when paid be deemed of validity to establish such claim or account; but in case the executor or administrator thinks fit to contest the same such account or claim shall derive no validity from the order aforesaid, but shall be proved in the same manner as if no such order had been made.

Payment of claims.

SEC. 344. PAYMENT OF CLAIMS.—An executor or administrator shall, within thirteen months from the date of his letters, or within such further time, not exceeding four months longer, as shall be allowed by the probate court on his making oath that he has reason to apprehend that the personal estate and assets which are or shall be in his hands will be insufficient to discharge the just debts of and claims against the deceased, discharge all such claims known to him or pay each claimant his just proportion of the money then in his hands (retaining as herein directed); it shall likewise be his duty once in every term of six months after the first distribution to make a distribution of the money which hath since come to his hands until he shall have fully administered, and on failure his administration bond may be put in suit.

Notice of time and place of distribution.

SEC. 345. NOTICE OF DISTRIBUTION.—In all cases where an executor or administrator is to make payment or distribution among the creditors of his decedent, he may give notice three successive weeks previously in some convenient newspaper of the time and place for making it; and in case the creditor shall not attend in person or by agent or attorney to receive the amount or proportionable part of his claim, all

—failure of creditor to attend.



interest on such claim or proportionable part shall cease from that time: *Provided*, That the executor or administrator shall at any time thereafter on demand pay the said claims, or a proportionable part, to the party, his agent, or attorney duly authorized; and whenever the executor or administrator shall proceed to make an additional payment or dividend he may advertise as aforesaid, and interest shall stop as aforesaid; and if at the time for the making of any additional dividend a just claim, established as hereinbefore directed, shall be exhibited, the creditor shall be entitled to such sum as will place him on an equal footing with those who have already received a dividend.

*Proviso.*  
—subsequent pay-  
ment to.

Additional divi-  
dends, etc.

Retaining for claim  
not exhibited.

SEC. 346. **RETAINING FOR CLAIMS.**—It shall be the duty of an executor or administrator to pay all just claims against his decedent exhibited to him, or a just proportionable part thereof, according to the assets; and if any claim be known to him (although the same be not exhibited) he shall retain the same, or a just proportionable part, for the benefit of the creditor: *Provided*, That if any executor or administrator shall have actual knowledge of a claim which has not been exhibited or passed he shall give notice in writing to the creditor, requiring the claim to be either exhibited or passed, as herein provided, within thirty days if such creditor be a resident and within ninety days if he be a nonresident of said District, and after the expiration of such period, and after the expiration of the period for distribution provided by section three hundred and forty-four hereof, the executor or administrator shall not be required to retain any part of the estate for the benefit of such creditor, unless in the meantime such claim shall have been so exhibited or passed.

*Proviso.*  
—notice to creditor.

SEC. 347. And if any action shall be commenced against an executor or administrator for the recovery of a larger debt or damages than he shall think due, so that the same can not be ascertained before verdict, the executor or administrator shall be allowed to retain such sum to meet the said debt or damages as the probate court shall allow, and if more than enough be allowed, the party shall afterwards account for it, but nothing shall be retained on account of such further debt or damages where the court shall be satisfied that there will be money sufficient coming in after such dividend to meet the said damages, or a just proportion thereof, regard being had to other claims.

Retaining for judg-  
ment larger than ex-  
ecutor thinks due.

SEC. 348. If a claim be exhibited against an executor or administrator which he shall think it his duty to dispute or reject, he may retain in his hands assets proportioned to the amount of the claim, which assets shall be liable to other claims, or to be delivered up or distributed in case the claim be not established; and if on any claims exhibited and disputed as aforesaid the creditor or claimant shall not, within nine months after such dispute or rejection, commence a suit for recovery the creditor shall be forever barred; and the executor or administrator may plead this section in bar, together with the general issue or other plea proper to bring the merits of the cause to trial; and on any dividend to be made nine months after such dispute or rejection and failure to bring suit the executor or administrator may proceed to pay or distribute as if he had not knowledge or notice of such claim or as if it did not exist; but if the claim be put in suit within the nine months it may be ascertained by verdict or otherwise, and the court shall proceed as herein directed, regard being had to the rules herein laid down as to the notice to be given by the executor or administrator and distribution or payment be made after such notice.

—for claims which he  
thinks disputable, etc.

SEC. 349. **CLAIMS MADE AFTER DISTRIBUTION.**—In case all the assets have been paid away, delivered, or distributed as herein directed, and a claim shall afterwards be exhibited of which the executor or administrator hath not knowledge or notice by the exhibition of the claim legally authenticated, as herein required, he shall not be answerable for the same; and if he be sued for any claim and shall make it appear

Claims made after  
distribution.

Executor not an-  
swerable, etc.

to the court in which suit is brought that he hath so paid away, delivered, or distributed, and the plaintiff can not prove that the defendant had notice as aforesaid before such payment, delivery, or distribution, the court shall not proceed to give judgment (although the amount of the claim against the deceased may be ascertained) until the plaintiff shall be able to show further assets coming into the defendant's hands, but if the plaintiff shall prove notice, as aforesaid, of the said claim against the defendant, judgment may be immediately given for such sum as the plaintiff ought to have received at the dividend, and fieri facias may issue and have effect, and further judgment may be given on coming in of further assets.

Notice to creditors  
to file claims.

SEC. 350. NOTICE TO CREDITORS TO FILE CLAIMS.—No executor or administrator who shall, after the lapse of one year after the date of his letters, have paid away assets to the discharge of just claims shall be answerable for any claim of which he had no knowledge or notice by an exhibition of the claim legally authenticated: *Provided*, That at least six months before he shall make distribution he shall have caused to be inserted in so many newspapers as the probate court may direct an advertisement as follows, or fully to the following effect, namely: "This is to give notice that the subscriber, of -----, hath obtained from the probate court of the District of Columbia letters testamentary (or of administration) on the personal estate of -----, late of ----- deceased. All persons having claims against the deceased are hereby warned to exhibit the same, with the vouchers thereof legally authenticated, to the subscriber on or before the ----- day of ----- next; they may otherwise by law be excluded from all benefit of said estate.

"Given under my hand this ----- day of -----."

—report and proof of  
notice.

SEC. 351. REPORT AND PROOF OF NOTICE.—The executor or administrator may report to the court, with an affidavit of the proof thereof annexed, the fact of having given such notice, and the court, on being satisfied that their order has been complied with and the said notice has been given, shall indorse on said report their certificate that it has been proven to their satisfaction that said notice hath been given as therein reported, and shall order said report and certificate to be recorded among the records of the court.

—weight of, as evi-  
dence.

SEC. 352. The said report and certificates shall be prima facie evidence, in all cases whatever, of the giving of such notice as therein stated.

—of copy.

SEC. 353. A copy of said report, certificate, and order, under the seal of the register of wills, shall be legal and competent evidence.

Docket of claims.

SEC. 354. DOCKET OF CLAIMS.—The register of wills shall enter in a suitable book, to be provided by him for that purpose, all claims against a decedent as they are regularly passed by the probate court, giving the date of the passage, the name of the creditor, the character of such claim, whether on note or open account, bond, bill, obligation, judgment, or other evidence of debt, and the amount thereof, and the entry of a claim upon such docket shall be taken as notice to the executor or administrator of its existence.

—entry to be notice to  
executor.

—not evidence of jus-  
tice of debt, etc.

SEC. 355. The claim thus entered shall not afford any evidence as to the justice or correctness of any debt therein entered whenever the same shall be controverted by an executor or administrator in any suit instituted for the recovery of such debt; nor shall the same be construed to take any debt out of the operation of a plea of limitations.

Priorities.

SEC. 356. PRIORITIES.—In paying the debts of a decedent, after the payment of funeral expenses according to the condition and circumstances of the deceased, not exceeding six hundred dollars, an executor or administrator shall observe the following rules: Claims for rent in arrear against deceased persons, for which an attachment might be levied by law, shall have preference. Judgments and decrees of courts

in the District of Columbia shall next be wholly discharged. After such claims for rent, judgments, and decrees shall be satisfied, all other just claims shall be on an equal footing without priority or preference. If there be not sufficient to discharge all such judgments and decrees, a proportionate dividend shall be made between the judgment and decree creditors.

SEC. 357. NO CLAIMS TO BE NOTICED UNLESS LEGALLY AUTHENTICATED.—No executor or administrator shall be bound to discharge any claim against his decedent unless the same shall be exhibited to him, legally authenticated, or unless such claim shall have been passed by the probate court and entered by the register of wills upon his docket.

No claims to be noticed unless legally authenticated.

SEC. 358. MEETING OF CREDITORS.—Any executor or administrator shall be entitled to appoint a meeting of creditors on some day by the court approved, and passage of claims, payment, or distribution may be there made under the court's direction and control.

Meeting of creditors.

SEC. 359. DISTRIBUTION OF RESIDUE.—Whenever it shall appear by the first or other account of an executor or administrator that all the claims against, or debts of, the decedent which have been known by or notified to him have been discharged or allowed for in his account, it shall be his duty to deliver up and distribute the surplus or residue of the personal estate not disposed of by any will, as hereinafter directed: *Provided*, That his power and duty with respect to future assets shall not cease; and after such delivery he shall not be liable for any debts afterwards notified to him, provided he shall have advertised as hereinbefore directed, unless assets shall afterwards come into his hands which shall be answerable for such debts.

Distribution of residue.

*Proviso.*  
Executor's powers as to future assets to continue, etc.

SEC. 360. SUITS ON BONDS AGAINST HEIRS.—No creditor by a bond which purports to bind the heirs of the obligor shall be entitled to sue the heirs at common law in respect of assets descended to them, but debts by specialty and by simple contract, without distinction, shall be payable primarily out of the personal estate, and, if that be insufficient, shall be payable equally and without preference out of the proceeds of the real estate.

Suits on bonds against heirs.

## SUBCHAPTER SEVEN.

### ACCOUNTS.

Accounts.

SEC. 361. FIRST ACCOUNT WITHIN TWELVE MONTHS.—Every executor and administrator shall render to the probate court within the period of twelve months from the date of his letters the first account of his administration.

First account within twelve months.

SEC. 362. SUBSEQUENT ACCOUNTS.—If the first account shall not show the estate which was on hand to be fully administered, another account shall be returned within six months thereafter, and within every term of six months thereafter an account shall be returned until the estate shall appear to be fully administered; and whenever a discovery or receipt of assets shall take place after rendering an account another account shall be rendered within six months thereafter; but an administrator shall not be obliged to render accounts when it appears to the court that the estate has been fully administered, except as to debts which the court shall deem desperate.

Subsequent accounts.

SEC. 363. FAILURE TO ACCOUNT.—If an executor or administrator shall fail to return an account, as before directed, within the time limited by law, or within such further time as the probate court shall allow, not exceeding six months, his letters, on application of any person interested, may be revoked, and administration may be granted at the discretion of the court; and the administrator to whom letters may be granted shall be entitled to put the delinquent's bond in suit, and to recover such damages thereon as the jury may find; and in assessing

Failure to account.

such damage the jury shall allow such sum as will be equal to six per centum per annum on the amount of the inventory or inventories from the time of the return or returns to the time of the verdict over and beyond the damages for such loss or injury as the estate may have sustained by the delinquent's conduct.

Assets to be charged.

**SEC. 364. ASSETS TO BE CHARGED.**—In such account shall be stated, on one side, the assets which have come to his hands, according to the inventory or inventories returned to the court or received and appraised as herein directed, after the inventory or inventories returned, and the sales made under the court's direction—that is to say, the inventory or inventories are to show the articles of the estate, and the sales the amount of their value, where they have been sold, and for articles so sold he shall be charged the price according to the return; and if any articles have been sold for credit and not yet paid for they shall be accounted for in a subsequent account, and all moneys received for debts due the decedent shall be included in said account.

Disbursements and allowances.

**SEC. 365. DISBURSEMENTS AND ALLOWANCES.**—On the other side shall be stated the disbursements by him made, namely: First. Funeral expenses, to be allowed at the discretion of the court, according to the condition and circumstances of the deceased, not exceeding six hundred dollars. Second. The debts of the deceased proved or passed as herein directed, and paid or retained. Third. The allowance for things lost, or which have perished without the party's fault, which allowance shall be according to the appraisement. Fourth. His commissions, which shall be at the discretion of the court, not under one per centum nor exceeding ten per centum on the amount of the inventory or inventories, excluding what is lost or perished. Fifth. His allowance for costs, attorneys' fees, and extraordinary expenses which the court may think proper to allow.

Bequests to executors.

**SEC. 366. BEQUESTS TO EXECUTORS.**—If anything be bequeathed to an executor by way of compensation, no allowance of commission shall be made unless the said compensation shall appear to the court to be insufficient; and if so, it shall be reckoned in the commission to be allowed by the court.

Return to court of list of debts.

**SEC. 367. LIST OF DEBTS.**—Every executor or administrator may within one year after the date of his letters, return to the probate court a list of the debts due from his decedent which may be made known to him, stating the principal and the time at which interest is to commence on each respective debt, to which list of debts shall be annexed the oath of the administrator that the same is a correct list of the debts due from his decedent so far as the said debts have come to his knowledge; and every six months thereafter until the estate may be finally settled a similar return may be made of such debts as shall come to the knowledge of the executor or administrator within that period, which list of debts shall be recorded by the register of wills, and a copy thereof, certified under the hand of the register of wills and the seal of his office, shall be prima facie evidence of the amount of debts due by the decedent in any court where the administrator alleges that he has not assets sufficient to discharge the claim in controversy or any part thereof.

—weight as evidence.

**SEC. 368.** Such lists shall not afford any evidence of the justice or correctness of any claim therein when controverted by the executor or administrator in any suit instituted for the recovery of such debt, nor shall the same be construed to take any debt out of the operation of any plea of limitation.

Court may decree investment of funds.

**SEC. 369. INVESTMENT OF FUNDS.**—Whenever, under the provisions of a will, it shall be necessary for an executor or an administrator cum testamento annexo to retain in his hands the personal estate or any part thereof after all just claims are discharged, as where money or some other thing is directed to be paid at a distant period or upon a contin-

gency, the probate court shall have the power, on the application of such executor or administrator or of a party interested, to decree or give directions in relation thereto; and it shall be the duty of said executor or administrator to apply to the said probate court, and the said court shall have full power to decree or direct what part of the personal estate shall be retained or appropriated for the purpose and in what manner it shall be disposed of, and the legacy or benefit intended by the will shall be secured to the person to be entitled at a future period or contingency, and how the necessary part of the personal estate to be appropriated for the purpose shall be prevented from lying dead or being unproductive, and how it shall be applied, agreeably to the intent of the will or the construction of law, in case the contingency shall not take place.

SEC. 370. EXECUTOR OF DECEASED EXECUTOR, AND SO FORTH.—The executor or administrator of a deceased executor or administrator who shall die before an account of his administration hath been rendered shall render an account showing the amount of the assets received and the payments made by his decedent, and the account shall, if found by the court to be correct, be admitted to record as other administration accounts.

Account of executor of deceased executor.

SEC. 371. ACCOUNTS OF DECEASED EXECUTRIX, AND SO FORTH.—The husband of an executrix or administratrix who shall die before a final account of her administration shall have been settled shall render such account, if required by the court, showing thereby the amount of money and property received and of payments and disbursements made by such executrix or administratrix, or that may have been received or paid by him, and not before accounted for with the court; and the account so rendered shall, if found by the court to be correct, be admitted to record as other administration accounts in cases where the executrix or administratrix rendered them in person; and in case of refusal of the husband to render such account, the court may proceed against him by attachment, and may commit him until he shall render such account.

—of deceased executrix, etc.

SEC. 372. LOST PROPERTY.—The probate court shall have power to make allowance to any executor, administrator, or collector for property of the decedent which hath perished or been lost without the fault of the party; and no profit shall be made and no loss sustained by an executor or administrator in the increase or decrease of the estate under his management; but he shall return an inventory and account for such increase, and may be allowed for such decrease on the settlement of the final or other account.

Allowance to executor for lost property.

—decrease, etc., of estate.

SUBCHAPTER EIGHT.

DISTRIBUTION TO NEXT OF KIN AND LEGATEES.

SEC. 373. PARTIES ENTITLED.—When the debts of an intestate, exhibited and proved or notified and not barred, shall have been discharged or settled, or allowed to be retained for as herein directed, the administrator shall proceed to make distribution of the surplus as follows:

Distribution of surplus to next of kin and legatees.

Parties entitled.

SEC. 374. If the intestate leave a widow and no child, parent, grandchild, brother, or sister, or the child of a brother or sister of the said intestate, the said widow shall be entitled to the whole.

—widow's share.

SEC. 375. If there be a widow and a child or children, or a descendant or descendants from a child, the widow shall have one-third only.

SEC. 376. If there be a widow and no child or descendants of the intestate, but the said intestate shall leave a father or mother, or brother or sister, or child of a brother or sister, the widow shall have one-half.

—exclusive of widow's share.

SEC. 377. The surplus, exclusive of the widow's share, or the whole surplus (if there be no widow), shall go as follows:

SEC. 378. If there be children and no other descendants, the surplus shall be divided equally among them.

*Provisos.*  
—advances to child, etc.

SEC. 379. If there be a child or children and a child or children of a deceased child, the child or children of such deceased child shall take such share as his, her, or their deceased parent would, if living, be entitled to, and every other descendant or descendants in existence at the death of the intestate shall stand in the place of his, her, or their deceased ancestor: *Provided*, That if any child or descendant shall have been advanced by the intestate, by settlement or portion, the same shall be reckoned in the surplus, and, if it be equal or superior to a share, such child or descendant shall be excluded, but the widow shall have no advantage by bringing such advancement into reckoning: *And provided further*, That, if any child or descendant shall have received from the intestate any real estate by way of advancement, which shall not be equalized under the provisions of section nine hundred and fifty-nine of this code, the value of any such advancement shall be treated as personality for the purposes of this section; but maintenance or education or money or realty, given without a view to a portion or settlement in life, shall not be deemed advancement; and in all cases those in equal degree claiming in the place of an ancestor shall take equal shares.

—maintenance not deemed advancement.

Order of distribution.

SEC. 380. If there be a father and no child or descendant, the father shall have the whole; and if there be a mother and no father, child, or descendant, the mother shall have the whole.

SEC. 381. If there be a brother or sister, or child or descendant of a brother or sister, and no child, descendant, or father or mother of the intestate, the said brother, sister, or child or descendant of a brother or sister shall have the whole.

SEC. 382. Every brother and sister of the intestate shall be entitled to an equal share, and the child or children, or descendants of a brother or sister of the intestate, shall stand in the place of their deceased parents, respectively.

SEC. 383. After children, descendants, father, mother, brothers, and sisters of the deceased and their descendants, all collateral relations in equal degree shall take, and no representation among such collaterals shall be allowed; and there shall be no distinction between the whole and half blood.

SEC. 384. If there be no collaterals, a grandfather may take, and if there be two grandfathers they shall take alike; and a grandmother, in case of the death of her husband, the grandfather, shall take as he might have done.

Death before distribution.

SEC. 385. If any person entitled to distribution shall die before the same shall be made, his or her share shall go to his or her representatives.

Posthumous children.

SEC. 386. Posthumous children of intestates shall take in the same manner as if they had been born before the decease of the intestate, but no other posthumous relation shall be considered as entitled to distribution in his or her own right.

Illegitimate children.

SEC. 387. The illegitimate child or children of any female and the issue of any such illegitimate child or children shall be capable to take from their mother, or from each other, or from the descendants of each other, in like manner as if born in lawful wedlock. When an illegitimate child or children shall die leaving no descendants, or brothers or sisters, or the descendants of such brothers or sisters, then and in that case the mother of such illegitimate child or children, if living, shall be entitled as next of kin, and if the mother be dead the next of kin of the mother shall take in like manner as if such illegitimate child or children had been born in lawful wedlock.

SEC. 388. If there be no widow or relations of the intestate within the fifth degree, which shall be reckoned by counting down from the common ancestor to the more remote, the whole surplus shall belong to the District of Columbia, to be disbursed by the Commissioners of the District for the benefit of the poor.

Escheat.

SEC. 389. DISTRIBUTION OF SPECIFIC PROPERTY.—In case the surplus remaining in the administrator's hands after payment of all just debts exhibited and proved or notified and not barred, or after retaining for the same, shall consist of specific property or articles mentioned in the inventory or inventories, the administrator, if he can not satisfy the parties, may apply to the court to make distribution, and the court may appoint a day for making distribution and by summons call on the said parties to appear; and the said court may, at the appointed time, proceed to distribute. But if a majority in point of value shall neglect to appear, or appearing shall object to the distribution of the articles, or if the court shall deem a sale of the said articles or any part of them more advantageous, a sale shall be directed accordingly, and the rules herein laid down relative to a sale by order of the said court shall be observed.

Distribution of specific property.

SEC. 390. Whenever a distribution of specific articles is to be made the probate court may appoint two disinterested persons, not in any way related to the parties concerned, to make such distribution among the persons entitled as to them shall seem meet and proper; or if, in their opinion, upon a view of such articles, no distribution among the persons entitled could be by them made which would operate equally, but a sale thereof would be more advantageous to such persons, they shall return to the probate court their opinion in writing, and the court shall thereupon order a sale of such articles, upon reasonable notice, and cause the proceeds of such sale to be equally distributed among the parties entitled.

—by two disinterested persons.

—sale.

SEC. 391. PARTIAL DISTRIBUTION.—When any person entitled, after payment of debts, shall be in want of subsistence or greatly straitened in his circumstances, and shall apply to the probate court by petition, and satisfy the court that he is in want of subsistence or greatly straitened in circumstances, and that it probably will not require more than one-half of the assets to discharge the debts, the court may direct the administrator to deliver to the petitioner any part of what the court shall suppose will be his distributive share, or any part of a legacy or bequest in money not exceeding one-third part, the said petitioner giving bond, with security approved by the court, to the administrator for returning the same or an equivalent, with interest, whenever so directed by the court; and the court shall have power to determine in a summary way on any such petition, after summons against such administrator duly returned "summoned" or "non est."

Partial distribution.

SEC. 392. SPECIFIC BEQUESTS.—And the court, in like manner, on any petition by a person in such circumstances to whom a specific legacy or bequest has been made, being satisfied that the assets, exclusive of all specific legacies, will not be nearly exhausted by debts, may direct the executor or administrator with the will annexed to deliver to the petitioner the said specific legacy or bequest on his giving bond as aforesaid.

Specific bequests.

SEC. 393. BEQUEST TO FEMALE.—Where a bequest of personal property or money is made to a female and directed by the will to be paid on her attaining to full, mature, or to a lawful age, such female shall be entitled to receive and demand such personal property or money on her arriving at the age of eighteen years or being married.

Bequest to female.

SEC. 394. MEETING OF LEGATEES OR NEXT OF KIN.—Any administrator shall be entitled to appoint a meeting of persons entitled to distributive shares or legacies or a residue, on some day by the court approved, and payment or distribution may be there made under the court's direction and control.

Meeting of legatees or next of kin.

## CHAPTER SIX.

## ADOPTION OF CHILDREN.

Adoption of chil-  
dren.

—petition.

—order, etc.

SEC. 395. JURISDICTION is hereby conferred on any judge of the supreme court of the District of Columbia to hear and determine any petition that may be presented by a person or a husband and wife residing in the District of Columbia, praying the privilege of adopting any minor child as his or her or their own child, and making such minor child an heir at law. If the judge shall find, upon the hearing of such petition, that the petitioner is a proper person to have custody of such child, and that the parent or parents or guardian of such child have given their permission for such adoption, he shall enter an order upon the records of the court legalizing such adoption and making such child an heir at law of such petitioner, the same as if such child was born to such petitioner. If the child has no parent or guardian the judge shall appoint a guardian ad litem.

## CHAPTER SEVEN.

## ALIENS.

Aliens.

Right to hold real  
estate.Proviso.  
—where secured by  
treaty.

SEC. 396. REAL ESTATE.—It shall be unlawful for any person not a citizen of the United States or who has not lawfully declared his intention to become such citizen, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to hereafter acquire and own real estate, or any interest therein, in the District of Columbia, except such as may be acquired by inheritance: *Provided*, That the prohibition of this section shall not apply to cases in which the right to hold and dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights, so far as they exist by force of any such treaties, shall continue to exist so long as such treaties are in force, and no longer, and shall not apply to the ownership of foreign legations or the ownership of residences by representatives of foreign governments or attaches thereof.

Corporations.

SEC. 397. CORPORATIONS.—No corporation or association of which more than twenty per centum of the stock is or may be owned by any person or persons, corporation or corporations, association or associations not citizens of the United States shall hereafter acquire or own any real estate hereafter acquired in the District of Columbia.

Forfeiture.

SEC. 398. FORFEITURE.—All property acquired or held or owned in violation of the provisions of this chapter shall be forfeited to the United States, and it shall be the duty of the United States attorney for the District to enforce every such forfeiture by bill in equity or other proper process. And in every such suit or proceeding that may be commenced to enforce the provisions of this chapter it shall be the duty of the court to determine the very right of the matter, without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights either of the United States or of the other parties concerned.

## CHAPTER EIGHT.

## AMENDMENTS.

Amendments.

Proceedings.

SEC. 399. PROCEEDINGS.—In all actions at law the court shall have power to order and allow amendments to be made in all proceedings whatsoever, so as to have the merits of the controversy fairly tried, before the jury retire to make up their verdict, in cases of jury trial,



and at any time before judgment is entered in cases of issues of law or fact tried by the court.

SEC. 400. CONTINUANCE.—No such amendment shall entitle either party, as of course, to a postponement of the trial or to a continuance of the case to the next term of the court; but the court shall allow a postponement or continuance in case the ends of justice require it, and upon such terms as the court shall deem proper. If such amendment is ordered and a postponement or continuance is allowed after the jury have been sworn the jury shall be discharged.

Continuance.

SEC. 401. COSTS.—In all cases of amendment such costs shall be allowed the party against whom the amendment is made as the court may determine.

Costs.

CHAPTER NINE.

APPRENTICES.

Apprentices.

SEC. 402. BY WHOM BOUND.—A minor child may be bound as an apprentice by his guardian; or, if none, by his father; or, if neither father nor guardian, by his mother, with the consent, entered of record, of the probate court, or without such consent if the minor, being fourteen years of age, agree in writing to be so bound; or by the probate court as hereinafter provided.

By whom bound.

SEC. 403. TERM.—The utmost term of any apprenticeship shall be until the apprentice attains the age of twenty-one if a boy, or eighteen years if a girl.

Term.

SEC. 404. CONTRACT.—The writing by which such minor is bound as apprentice shall specify his age and what art, trade, or business he is to be taught. The master shall be bound to teach the same, and also to teach him reading, writing, and common arithmetic, and to supply him with suitable clothing and maintenance, and pay such amount, if any, as may be agreed upon for his services and expressed in the contract. The writing by which any minor is bound shall be filed in the office of the register of wills, and until it be so filed the master shall not be entitled to the services of said apprentice.

Contract.

SEC. 405. COMPLAINTS.—The probate court, during the term of any apprenticeship, may hear complaint of the apprentice, indentured child, or anyone in his behalf, against the master or person to whom indentured, for undeserved or excessive correction, want of instruction, insufficient allowance of food, clothing, or lodging, or nonpayment of what was agreed to be paid; or the complaint of the master or person to whom indentured against the apprentice or indentured child for desertion or other misconduct; and, after reasonable notice of the complaint to the party against whom it is made, may determine the matter in a summary way and discharge either party from the contract of apprenticeship, or make such order as the case may require.

Complaints.

SEC. 406. REMOVAL OF APPRENTICE.—No master of an apprentice shall send or carry his apprentice out of the District, except in the case of mariners; and the said probate court, on being credibly informed that any master designs so to remove his apprentice, may require him to give bond conditioned against such removal, and on his refusal so to do may discharge the apprentice.

Removal of apprentice.

SEC. 407. ASSIGNMENTS.—The contract of apprenticeship, with the approbation of said court, may be assigned by the master, or, after his death, by his personal representatives, on such terms as the court may prescribe.

Assignments.

SEC. 408. CONCEALMENT.—If any person shall conceal, harbor, or facilitate the running away of an apprentice, he shall be liable to an action therefor by the master, either in the said supreme court or

Concealment.

before any justice of the peace, according to the amount of damages claimed.

Form of contract.

SEC. 409. FORM OF CONTRACT.—The form of the contract of apprenticeship shall be the following, or to the same effect:

This indenture witnesseth, that it is mutually agreed between ----- and ----- that -----, a minor, aged ----- years shall be taken and held as an apprentice for the term of ----- years, by the said -----; and the said ----- contracts and covenants with the said ----- to faithfully and carefully instruct the said ----- in all the handicraft of a ----- (And the said ----- further contracts and covenants that the said minor shall be allowed, as compensation for his services, at the rate of -----).

Witness our hands and seals this ----- day of -----  
 ----- [Seal.]  
 ----- [Seal.]

Acknowledged before me, a notary public (or justice of the peace), this ----- day of -----

A B, Notary Public.

To whom money to be paid.

SEC. 410. TO WHOM MONEY TO BE PAID.—The money which the master is to pay shall be paid to the father or other party contracting with the master, or to the minor, in whole or in part, as said probate court may direct.

Jurisdiction of probate court.

SEC. 411. JURISDICTION OF PROBATE COURT.—The probate court may bind out as an apprentice, or indenture to any proper person, any orphan child, any child abandoned by its parents or guardian, any child of habitually drunken, vicious, or unfit parents, when any such child as aforesaid shall not be in the care or custody of some person who is providing for its comfortable maintenance and education, and also any child habitually begging on the streets or from door to door, and any child kept in vicious or immoral associations. The terms of such apprenticeship or of such indenture shall be such in each case as the court may deem proper, having in view the future interests and welfare of the child.

CHAPTER TEN.

ARBITRATION AND AWARD.

Arbitration and award.

—in what cases.

SEC. 412. IN WHAT CASES.—By consent of the attorneys or solicitors on both sides, manifested by written stipulation, any common-law or admiralty or equity cause pending in the supreme court of the District of Columbia, except suits for divorce or nullity of marriage, or suits wherein the defendant to be affected by the result is an infant, idiot, or lunatic, may be referred for trial, upon the issues of law and fact therein involved, by an order of court, to some referee consented to by the parties or their counsel and named in the order.

Oath of referee.

SEC. 413. OATH OF REFEREE.—The referee, before proceeding to hear the cause, shall be sworn faithfully and fairly to try the issues and determine the questions referred to him, as the case may require, and to make a just and true award thereof.

—time for hearing.

He shall thereupon fix a time for the hearing of said cause and notify all parties thereof.

Powers of referee.

SEC. 414. POWERS.—He shall have power to administer oaths, to cause subpoenas and subpoenas duces tecum to be issued to witnesses and to compel their attendance by attachment, and to punish a witness by fine and imprisonment for contempt of court, for nonattendance, or refusal to be sworn, or to testify. He shall have the same power to adjourn from time to time, and to preserve order in the trial or hearing before him, and to punish any violation thereof, as a court in regular session.

SEC. 415. DEPOSITIONS.—In suits in equity the referee shall have power to take depositions in cases where they are now taken before an examiner in chancery, and in all suits shall receive and consider all depositions and other evidence in like manner as where the trial or hearing is by the court. He may allow amendments to process or pleadings, pass interlocutory orders, award costs, and hear and determine all questions arising in the cause, with like effect as if done by order of the court.

Depositions.

SEC. 416. AWARD, WHEN TO BE FILED.—Within sixty days after the reference is made, unless a longer time is agreed upon by both parties or allowed by the court, the referee shall file with the clerk a written award and give notice thereof to each party interested; otherwise either party may notify the adverse party, or his attorney or solicitor, that he elects to end the reference, and the cause shall proceed as if no reference had been made.

Award, when to be filed.

SEC. 417. FORM OF AWARD.—The final award of the referee shall state separately the facts found by him and his conclusions of law, and direct the judgment or decree to be entered thereupon, including a determination as to costs, and in common-law cases the finding as to the facts shall have the effect of a verdict of a jury.

Form of award.

SEC. 418. SETTING ASIDE.—On motion filed within twenty days after notice of the filing of the award to the parties or their attorneys, the court may set aside his award because of corruption or misconduct of the referee, or because he exceeded his powers or so imperfectly executed them that a final award was not made, or may modify his award in case of an evident miscalculation of figures, or if it relates to matter not submitted, or is imperfect in form.

Setting aside.

SEC. 419. JUDGMENT.—Judgment or decree, if no such motion is made, or it is overruled, or the award is only modified as aforesaid, shall thereupon be entered by the clerk as in the award directed, and shall stand as the judgment of the court.

Judgment.

SEC. 420. APPEALS IN EQUITY CAUSES.—An appeal may be taken to the court of appeals from such final decree in equity causes in like manner as from decrees rendered by the court.

Appeals in equity causes.

SEC. 421. EXCEPTIONS.—Upon the trial of issues of fact in an action at law exceptions may be taken to the rulings of the referee upon the admissibility of evidence or upon questions of law arising during the hearing; and a refusal to make a finding upon a question of fact, upon sufficient evidence in law to sustain it, or making a finding of fact without sufficient evidence in law to sustain it, shall be deemed such a ruling upon a question of law.

Exceptions.

SEC. 422. Such exceptions must be taken at the time the rulings excepted to are made, and must be reduced to writing by the exceptant, or they may be noted on the minutes of the referee and afterwards stated in a bill of exceptions, which shall be settled in the same manner as where the trial is by a jury, as directed by the rules of court, the referee exercising the same power therein as the trial justice in case of a jury trial.

—to be in writing, etc.

SEC. 423. APPEALS IN COMMON-LAW CASES.—An appeal may be taken to the court of appeals from a final judgment in a common-law case, entered upon the award of the referee, in the same manner and with like effect as from a judgment rendered by the court on the verdict of a jury.

Appeals in common law cases.

SEC. 424. RECORD.—The exceptions taken as aforesaid shall constitute a part of the record upon which an appeal from the judgment shall be heard. It shall not be necessary, however, to take exceptions to the conclusions of law appearing upon the face of the referee's award; but any error therein shall be considered on appeal as if presented in a formal bill of exceptions.

Record.

SEC. 425. FAILURE OF REFEREE TO ACT.—In case of the disability of the referee, or his failure or refusal to proceed with the reference,

Failure of referee to act.

or his misconduct, the court which passed the order of reference may rescind the same.

**Fees.** SEC. 426. FEES.—The fees of the referee may be fixed by rule of court or agreement of the parties, and taxed as part of the costs of the cause.

**Several referees.** SEC. 427. SEVERAL REFEREES.—The reference may be to more persons than one, provided they be an odd number of persons, in which case all must meet together and hear all the allegations and proofs of the parties; but a majority may determine all questions submitted to or arising before them.

**Death of party.** SEC. 428. DEATH OF PARTY.—If the death of either party shall happen pending the trial or hearing of a cause before a referee, the reference shall be at an end. If such death shall occur after the cause is submitted to the referee for final judgment or decree, the referee shall return his award, and thereupon the representative of such decedent may appear, or be required by the adverse party to appear, as provided in chapter two, and the cause thereupon be proceeded with as if such death had not occurred.

**Death of referee.** SEC. 429. DEATH OF REFEREE.—If any referee shall die before making his award, the court shall, upon the consent of the parties or their counsel, appoint a referee, who shall have the same power to act as if originally appointed by mutual consent of the parties.

**Common-law references.** SEC. 430. COMMON-LAW REFERENCES.—Nothing herein contained shall prevent the court from referring a cause to an arbitrator, subject to the ratification of his award by the court, according to the course of the common law and the former practice of the court.

#### CHAPTER ELEVEN.

#### ASSIGNMENT OF CHOSSES IN ACTION.

**Assignment of choses in action.**

**Judgments.**

SEC. 431. JUDGMENTS.—A judgment or money decree may be assigned in writing, and upon the assignment thereof being filed in the clerk's office the assignee may maintain an action or sue out a scire facias or execution on said judgment in his own name, as the original plaintiff might have done.

**Bonds.**

SEC. 432. BONDS.—Any bond or obligation under seal for the payment of money may be assigned under the name and seal of the obligee therein named, and the assignee may maintain an action thereon in his own name.

**Nonnegotiable contracts.**

SEC. 433. NONNEGOTIABLE CONTRACTS.—All nonnegotiable written agreements for the payment of money, including nonnegotiable bills of exchange and promissory notes, or for the delivery of personal property, all open accounts, debts, and demands of a liquidated character, except claims against the United States or the salaries of public officers, may be assigned in writing, so as to vest in the assignee a right to sue for the same in his own name.

**General assignments.**

SEC. 434. GENERAL ASSIGNMENTS.—In case of a general assignment which shall include choses in action, it shall not be necessary to execute a separate assignment of each chose in action, but the assignee shall be entitled, by virtue of the general assignment, to sue in his own name on the several choses in action included therein.

#### CHAPTER TWELVE.

#### ASSIGNMENT OF INSOLVENT DEBTORS.

**Assignment of insolvent debtors.**

**Inventory.**

SEC. 435. INVENTORY.—In all cases of voluntary assignments hereafter made in the District of Columbia for the benefit of creditors, the debtor shall annex to such assignment an inventory, under oath or affirmation, of his estate, real and personal, according to the best of

his knowledge, and also a list of his creditors, their respective residences and places of business, if known, and the amounts of their respective demands; but such inventory shall not be conclusive as to the amount of the debtor's estate, and such assignment shall vest in the assignee the title to any other property, except what is legally exempt, belonging to the debtor at the time of making the assignment and comprehended within the general terms of the same.

SEC. 436. The assignee in every such assignment shall be a resident of the District of Columbia, his assent shall appear in writing in, or at the end of, or indorsed on, the assignment, and the assignment shall be invalid unless duly acknowledged and recorded within five days after its execution in the land records of the said District. The trust created by such assignment shall be executed under the supervision and control of the supreme court of the District of Columbia.

Assignee's residence, etc.; assignment to be acknowledged.

SEC. 437. BOND OF ASSIGNEE.—Immediately upon the filing of such assignment for record it shall be the duty of the assignee to execute and file in the clerk's office of the supreme court of the District his bond to the United States, in an amount and with security to be approved by the justice holding the equity court, conditioned for the faithful performance of his duties according to law, and said court may from time to time require said assignee, or any trustee appointed in his place, to give additional security whenever the interests of the creditors demand the same.

Bond of assignee.

SEC. 438. APPOINTMENT BY COURT.—If the assignee named in any such assignment shall fail or refuse to comply with any of the requirements aforesaid, the justice holding the equity court may, on the application of the assignor or any creditor interested in such assignment, remove said assignee and appoint a trustee in his place to execute the trusts created by said assignment, who shall give bond as the court may require. And said court shall have power to accept the resignation of any assignee or trustee, and in case of his resignation, death, or removal from the District to appoint a trustee in his place. The court shall also have power, for cause shown, on the application of any surety, creditor, or other person interested, to remove any assignee or trustee and appoint a trustee in his place, and to make and enforce all orders necessary to put the newly appointed trustee in possession of all property, moneys, books, papers, and other effects covered by the assignment. And in case of the death of any assignee or trustee the court may require his executor or administrator to settle the account of said assignee or trustee and to deliver over to his successor all property and other effects belonging to the trust, in default of which said successor may bring suit upon the bond of said deceased assignee or trustee.

Removal, etc., of assignee and appointment of trustee by court.

SEC. 439. DUTIES OF ASSIGNEE.—It shall be the duty of the assignee or trustee, after giving bond as aforesaid, to collect and take into his possession all the property and effects covered by the assignment, and to that end he may bring suit in his own name to recover debts due or property belonging to the assignor and embraced in the assignment. And the court may require the assignor to be examined under oath touching his said property, and may pass all orders necessary to prevent any fraudulent transfer of or change in the property of the assignor. The said assignee or trustee shall return inventories of the assets coming to his hands and, under the direction of the court, sell and dispose of the same, and his conveyance of any property of the assignor, real or personal, shall transfer the entire title of the assignor therein to any purchaser. When the assets have been converted into money the said assignee or trustee shall settle his accounts and make distribution among the creditors, under the direction of the court, according to the usual course of proceeding in equity in creditor's suits.

Duties of assignee.

Preferences to be void.

SEC. 440. PREFERENCES TO BE VOID.—Every provision in any voluntary assignment hereafter made for the payment of one debt or liability in preference to another shall be void, and all debts and liabilities within the provisions of the assignment shall be paid pro rata from the assets: *Provided*, That nothing herein contained shall be held to affect the priority of liens and incumbrances created bona fide and existing before the execution of such assignment.

*Proviso.*  
—liens, etc., existing before assignment unaffected.

Creditors to be equal.

SEC. 441. CREDITORS TO BE EQUAL.—Any proceeding instituted under this law by one or more creditors shall be deemed to be for the equal benefit of all creditors, but the court may make such allowance to the creditor or creditors instituting the same, out of the fund to be distributed, for expenses, including counsel fees, as may be just and equitable.

Fraudulent assignments.

SEC. 442. FRAUDULENT ASSIGNMENTS.—Nothing herein contained shall prevent any creditor otherwise entitled from attacking any assignment as made to hinder, delay, or defraud the creditors of the assignor, and whenever any such assignment shall appear to the court to have been made with such intent, the court may enjoin any proceeding thereunder, and upon finally decreeing the same to be void may appoint a trustee with power to take possession of all the effects of the debtor and may pass and enforce all orders necessary to put him in possession of the same, and said trustee shall qualify in the same manner and perform the same duties as the trustee provided for in the foregoing sections.

Notices to creditors.

SEC. 443. NOTICES TO CREDITORS.—In all cases of assignment the court shall require the trustee or trustees, whether named in the assignment or appointed by the court, in pursuance of the sections aforesaid, to give notice as the court may think proper to all the creditors of the assignor to produce and prove their respective claims against the assignor before the auditor of the court, to the end that they may be fairly adjudicated and the said creditors may share equally the assets of the insolvent assignor, subject, however, to any legal priorities created by valid incumbrances antedating the assignment.

Exempt property not to be included.

SEC. 444. EXEMPT PROPERTY NOT TO BE INCLUDED.—No assignment for the benefit of creditors shall be construed to include or cover any property exempt from levy or sale on execution unless the exemption is expressly waived; and the court may direct the manner in which exempt property may be ascertained and set aside before any sale by the trustee or trustees.

## CHAPTER THIRTEEN.

### ATTACHMENTS.

Attachments.

Filing of affidavit in causes.

SEC. 445. CAUSES.—In any action at law in the supreme court of the District for the recovery of specific personal property, or a debt, or damages for the breach of a contract, expressed or implied, if the plaintiff, his agent or attorney, either at the commencement of the action or pending the same, shall file an affidavit, supported by the testimony of one or more witnesses, showing the grounds of his claim and setting forth that the plaintiff has a just right to recover what is claimed in his declaration, and where the action is to recover specific personal property stating the nature and, according to affiant's belief, the value of such property and the probable amount of damages to which the plaintiff is entitled for the detention thereof, and where the action is to recover a debt stating the amount thereof, and where the action is to recover damages for the breach of a contract setting out, specifically and in detail, the breach complained of and the actual damage resulting therefrom, and also stating either, first, that the defendant is a foreign corporation or is not a resident of the District, or has been absent therefrom for at least six months, and has estate or debts owing to said defendant in said District; or, second, that the defend-

—contents of.

ant evades the service of ordinary process by concealing himself or temporarily withdrawing himself from the District; or, third, that he has removed or is about to remove some or all of his property from the District, so as to defeat just demands against him; or, fourth, that he has assigned, conveyed, disposed of, or secreted, or is about to assign, convey, dispose of, or secrete his property with intent to hinder, delay, or defraud his creditors; or, fifth, that the defendant fraudulently contracted the debt or incurred the obligation respecting which the action is brought, the clerk shall issue a writ of attachment and garnishment, to be levied upon so much of the lands, tenements, goods, chattels, and credits of the defendant as may be necessary to satisfy the claim of the plaintiff: *Provided*, That the plaintiff shall first file in the clerk's office a bond, executed by himself or his agent, with security to be approved by the clerk, in twice the amount of his claim, conditioned to make good to the defendant all costs and damages which he may sustain by reason of the wrongful suing out of the attachment.

—issue of writ.

*Proviso.*  
—plaintiff to file bond

SEC. 446. SERVICE.—Every such writ shall require the marshal to serve a notice on the defendant, if he be found in the District, and on any person in whose possession any property or credits of the defendant may be attached, to appear in said court on or before the twentieth day, exclusive of Sundays and legal holidays, after service of such notice, and show cause, if any there be, why the property so attached should not be condemned and execution thereof had; and the marshal's return shall show the fact of such service. If the defendant is returned "Not to be found," such notice shall be given by publication to the following effect, namely:

Service of notice.

Notice by publication.

In the supreme court of the District of Columbia.

A B, plaintiff, }  
versus } At law. Numbered —.  
C D, defendant. }

The object of this suit is to recover (here state it briefly) and to have judgment of condemnation of certain property of the defendant levied on under an attachment issued in this suit to satisfy the plaintiff's claim.

It is, therefore, this ---- day of -----, ordered that the defendant appear in this court on or before the fortieth day, exclusive of Sundays and legal holidays, after the day of the first publication of this order, to defend this suit and show cause why said condemnation should not be had; otherwise the suit will be proceeded with as in case of default.

By the court:

\_\_\_\_\_, Justice.

And every such order shall be published at least once a week for three successive weeks or oftener, or for such further time and in such manner as may be ordered by the court.

SEC. 447. INTERROGATORIES.—In all cases of attachment the plaintiff may exhibit interrogatories in writing in such form as may be allowed by the rules or special order of the court, to be served on any garnishee, concerning any property of the defendant in his possession or charge, or any indebtedness of his to the defendant at the time of the service of the attachment, or between the time of such service and the filing of his answers to said interrogatories; and the garnishee shall file his answers under oath to such interrogatories within ten days after service of the same upon him. In addition to the answers to written interrogatories required of him, the garnishee may, on motion, be required to appear in court and be examined orally under oath touching any property or credits of the defendant in his hands.

Interrogatories.

SEC. 448. ADDITIONAL ATTACHMENTS.—Upon the application of the plaintiff, his agent, or attorney, other attachments founded on the original affidavits may be issued from time to time, to be directed, executed, and returned in the same manner as the original, and with-

Additional attachments.

out further publication, against a nonresident or absent defendant, and without additional bond, unless required by the court.

Sufficiency of bond.

SEC. 449. SUFFICIENCY OF BOND.—In case the defendant or any other person interested in the proceedings is not satisfied with the sufficiency of the surety or sureties or with the amount of the penalty named in the bond aforesaid, he may apply to the court for an order requiring the plaintiff to give an additional bond in such sum and with such security as may be approved by the court; and in case of the plaintiff's failure to comply with any such order the court may order the attachment to be quashed and any property attached or its proceeds to be returned to the defendant or otherwise disposed of, as to the court may seem proper.

Action for debts not due.

SEC. 450. DEBTS NOT DUE.—A creditor may maintain an action and have an attachment against his debtor's property and credits, as aforesaid, where his debt is not yet due and payable, provided the plaintiff, his agent, or attorney shall file in the clerk's office, at the commencement of the action, an affidavit, supported by the testimony of one or more witnesses, as to the amount and justice of the claim and the time when it will be payable, and also setting forth that the defendant has removed or is removing or intends to remove a material part of his property from the District with the intent or to the effect of defeating just claims against him should only the ordinary process of law be used to obtain judgment against him, and shall also comply with the condition as to filing a bond prescribed by section four hundred and forty-five aforesaid. The plaintiff in such case shall not have judgment before his claim becomes due; and in case the attachment is quashed the action shall be dismissed, but without prejudice to a future action.

—filing, etc., of affidavit.

Traversing affidavits.

SEC. 451. TRAVERSING AFFIDAVITS.—If the defendant in any case shall file affidavits traversing the affidavits filed by the plaintiff the court shall determine whether the facts set forth in the plaintiff's affidavits as ground for issuing the attachment are true, and whether there was just ground for issuing the attachment; and if, in the opinion of the court, the proofs do not sustain the affidavit of the plaintiff, his agent, or attorney the court shall quash the writ of attachment; and this issue may be tried by the court or a judge at chambers after three days notice. The said issue may be tried as well upon oral testimony as upon affidavits, and, if the the court shall deem it expedient, a jury may be impaneled to try the issue.

On what levied.

SEC. 452. ON WHAT LEVIED.—The attachment may be levied on the lands and tenements, whether leasehold or freehold, and personal chattels of the defendant not exempt by law, whether in the defendant's or a third person's possession, and whether said defendant's title to said property be legal or equitable, and upon his credits in the hands of a third person, whether due and payable or not, and upon his undivided interest in a partnership business. Every attachment shall be a lien on the property attached from the date of its delivery to the marshal, and if different persons obtain attachments against the same defendant the priorities of the liens of said attachments shall be according to the dates when they were so delivered to the marshal.

How levied on lands.

SEC. 453. HOW LEVIED.—The attachment shall be sufficiently levied on the lands and tenements of the defendant by said property being mentioned and described in an indorsement on said attachment, made by the officer to whom it is delivered for service, to the following effect, namely:

Levied on the following estate of the defendant, A B, to wit: (Here describe) this.....day of.....

C D, Marshal.

And by service of a copy of said attachment, with said indorsement, and the notice required by section four hundred and forty-six aforesaid on the person, if any, in possession of said property.



SEC. 454. The attachment shall be levied upon personal chattels by the officer taking the same into his possession and custody, unless the defendant shall give to the officer his undertaking, to be filed in the cause, with sufficient security, to the following effect, namely:

—on personal chattels.  
—unless defendant shall give bond.  
—form of.

A B, plaintiff, }  
versus } At law. Numbered —.  
C D, defendant. }

The defendant and....., his surety, in consideration of the discharge from the custody of the marshal of the property seized by him, upon the attachment sued out against the defendant, on the... day of....., anno Domini nineteen hundred....., in the above entitled cause, appear, and submitting to the jurisdiction of the court, hereby undertake, for themselves and each of them, their and each of their heirs, executors, and administrators, to abide by and perform the judgment of the court in the premises in relation to said property, which judgment may be rendered against all the parties whose names are hereto signed.

(Signed)

C D. [SEAL.]  
E F. [SEAL.]

Or unless the person in whose possession the property is attached shall give to the officer, to be filed in the cause, an undertaking in the following form or to the same effect, namely:

—or person in whose possession the property is attached.  
—form of.

A B, plaintiff, }  
versus } At law. Numbered —.  
C D, defendant. }

Whereas by virtue of an attachment issued in the above-entitled suit, the United States marshal for the District of Columbia has attached certain property in the hands of the undersigned E F, as garnishee, namely, (here describe) of the value of ..... dollars; and now, therefore, the said E F and G H, as surety, appearing in said suit, and submitting to the jurisdiction of the court, hereby undertake for themselves and each of them, their and each of their heirs, executors, and administrators to abide by the judgment of the court in relation to said property, and that if the same shall be condemned to satisfy the claim of the plaintiff, judgment may be rendered against all of the undersigned for the value of said property and costs, to be executed against them, and each of them, unless said property shall be forthcoming to satisfy the judgment of condemnation.

(Signed)

E F. [SEAL.]  
G H. [SEAL.]

And in either of said cases the attachment shall be sufficiently levied by the taking of the undertaking, as above provided for; and in the latter case the recital of the undertaking shall contain a sufficient description of the property and its value, which value shall be ascertained by an appraisalment to be made under direction of the officer and returned with the writ.

SEC. 455. RELEASES.—Either the defendant or the person in whose possession the property was may obtain a release of the same from the attachment, after it has been taken into the custody of the marshal and the writ has been returned, by giving the undertaking required of him as aforesaid, with security to be approved by the court.

—Releases.  
—bond required.

The plaintiff may except to the sufficiency of any undertaking accepted as aforesaid by the marshal and, if the exceptions be sustained, the court shall rule the marshal to file a new undertaking, with sufficient surety, by a day to be named, in default of which he shall be liable to the plaintiff, on his official bond, for any loss sustained by the plaintiff through such default.

—exception to sufficiency of, etc.

If the property attached be delivered to the defendant upon his executing an undertaking as aforesaid, and judgment in the action shall

be rendered in favor of the plaintiff, it shall be a joint judgment against both the defendant and his surety or sureties in said undertaking for the appraised value of the property.

Levy on credits in hands of garnishee, etc.

SEC. 456. The attachment shall be levied on credits of the defendant, in the hands of a garnishee, by serving the latter with a copy of the writ of attachment and of the interrogatories accompanying the same, and a notice that any property or credits of the defendant in his hands are seized by virtue of the attachment, besides the notice required by section four hundred and forty-six aforesaid; and the undivided interest of the defendant in a partnership business shall be levied on by a similar service on the defendant's partner or partners.

—on debts owing to defendant on judgment, etc.

SEC. 457. The attachment may be levied upon debts owing by any person to the defendant upon judgment or decree by a similar service upon such party as in the preceding section directed; but execution may issue for the enforcement of such judgment or decree, notwithstanding the attachment, provided that the money collected upon the same be required to be paid into court to abide the event of the proceedings in attachment and applied as the court may direct.

—on property in hands of marshal, etc.

It may also be levied upon money or property of the defendant in the hands of the marshal or coroner, and shall bind the same from the time of service, and shall be a legal excuse to the officer for not paying or delivering the same, as he would otherwise be bound to do.

SEC. 458. SALE OF PROPERTY.—The court may make all orders necessary for the preservation of the property attached during the pendency of the suit; and if the property be perishable, or for other reasons a sale of the same shall appear expedient, the court may order that the same be sold and its proceeds paid into court and held subject to its order on the final decision of the case.

Receiver.

And if it shall seem expedient, the court may appoint a receiver to take possession of the property, who shall give bond for the due performance of his duties, and, under the direction of the court, shall have the same powers and perform the same duties as a receiver appointed according to the practice in equity.

Pleas by garnishee.

SEC. 459. PLEAS BY GARNISHEE.—A garnishee in any attachment may plead any plea or pleas which the defendant might or could plead if he had appeared to the suit.

Who may defend.

SEC. 460. WHO MAY DEFEND.—Any defendant, any garnishee, any party to a forthcoming undertaking, or the officer who might be adjudged liable to the plaintiff by reason of such undertaking being adjudged insufficient, or any stranger to the suit who may make claim, as hereinafter provided, to the property attached, may plead to the attachment; and such pleas shall be considered as raising an issue without replication, and any issue of fact thereby made may be tried by the court or by a jury impaneled for the purpose, if either party desires it.

Traverse of answers of garnishee.

SEC. 461. TRAVERSE OF ANSWERS OF GARNISHEE.—If any garnishee shall answer to interrogatories that he has no property or credits of the defendant, or less than the amount of the plaintiff's claim, the plaintiff may traverse such answer as to the existence or amount of such property or credits, and the issue thereby made may be tried as provided in the preceding section; and in all such cases where judgment shall be entered for the garnishee the plaintiff shall be adjudged to pay to the garnishee, in addition to the taxed costs, a reasonable counsel fee. And if such issue be found for the plaintiff, judgment shall be rendered as if possession of the property or credits had been confessed by the garnishee.

Claimants.

SEC. 462. CLAIMANTS.—Any person may file his petition in the cause, under oath, at any time before the final disposition of the property attached or its proceeds, except where it is real estate, setting forth a claim thereto or an interest in or lien upon the same, acquired before

the levy of the attachment; and the court, without other pleading, shall inquire into the claim, and, if either party shall request it, impanel a jury for the purpose, who shall be sworn to try the question involved as an issue between the claimant as plaintiff, and the parties to the suit as defendants, and the court may make all such orders as may be necessary to protect any rights of the petitioner.

SEC. 463. JUDGMENTS.—If the defendant in the action has been served with process, final judgment shall not be rendered against the garnishee until the action against the defendant is determined. If in such action judgment is rendered for the defendant, the garnishee shall be discharged and shall recover his costs, and the property attached or its proceeds shall be restored to the garnishee or to the defendant, as the case may require.

Judgments.

SEC. 464. If in such action judgment is rendered in favor of the plaintiff against the defendant, and it shall appear that the plaintiff is entitled to a judgment of condemnation of the property attached, the court shall proceed to enter such judgment in the attachment as in the following sections directed.

Where plaintiff entitled to judgment of condemnation.

SEC. 465. If the action be to replevy specific personal property and the same has not been replevied, other property may be attached in said action to recover damages and costs, and if the same be adjudged, the proceedings shall be the same as herein provided in other cases of money claims.

—action to replevy specific personal property, etc.

SEC. 466. If, in any form of action, specific property has been attached and remains under the control of court, judgment of condemnation of the same shall be entered, and so much thereof as may be necessary to satisfy the demand of the plaintiff shall be sold under fieri facias; or if the said property shall have been sold under interlocutory order of the court, the proceeds, or so much thereof as may be necessary, shall be applied to the plaintiff's claim by order of the court.

—where specific property has been attached and remains under the control of court, etc.

If the property attached be an undivided interest in a partnership business, judgment of condemnation thereof shall be entered and the same shall be sold in the same manner as last aforesaid.

—where property attached be an undivided interest in a partnership business.

SEC. 467. If a garnishee shall have admitted credits in his hands, in answer to interrogatories served upon him, or the same shall have been found upon an issue made as aforesaid, judgment shall be entered against him for the amount of credits admitted or found as aforesaid, not exceeding the plaintiff's claim, less a reasonable attorney's fee to be fixed by the court, and costs, and execution had thereon; but if said credits shall not be immediately due and payable, execution shall be stayed until the same shall become due; and if the garnishee shall have failed to answer the interrogatories served on him, or to appear and show cause why a judgment of condemnation should not be entered, judgment shall be entered against him for the whole amount of the plaintiff's claim, and costs, and execution had thereon.

—admitted credits in hands of garnishee, etc.

SEC. 468. If the property attached has been delivered to or retained by a garnishee, upon his executing an undertaking as provided in section four hundred and fifty-four, judgment of condemnation of said property shall be rendered, as provided in section four hundred and sixty-six, and judgment shall also be entered that the plaintiff recover from the garnishee and his surety or sureties the value of said property, not exceeding the plaintiff's claim, said judgment to be entered satisfied if said property be forthcoming and delivered to the marshal, undiminished in value, within ten days after said judgment; otherwise, execution thereof to be had against said garnishee and his surety or sureties; and if said property shall be so delivered to the marshal the same shall be sold by him under fieri facias to satisfy said judgment of condemnation.

Property retained, etc., by garnishee, judgment on executing bond, etc.

SEC. 469. JUDGMENT TO PROTECT GARNISHEE.—Any judgment of condemnation against a garnishee, and execution thereon, or payment

Judgment to protect garnishee.

by such garnishee in obedience to the judgment or any order of the court, shall be a sufficient plea in bar in any action brought against him by the defendant in the suit in which the attachment is issued, for or concerning the property or credits so condemned.

Fraudulent assignments.

SEC. 470. FRAUDULENT ASSIGNMENTS.—If the ground upon which an attachment is applied for be that the defendant has assigned, conveyed, or disposed of his property with intent to hinder, delay, or defraud his creditors, the attachment may be levied upon the property alleged to be so assigned or conveyed in the hands of the alleged fraudulent assignee or transferee, as a garnishee.

—attachment of property assigned in hands of garnishee, etc.

—rights of said garnishee, etc.

SEC. 471. The said garnishee may have the same benefit of section four hundred and fifty-one aforesaid as the defendant in the action; and if the court shall be of opinion, upon the hearing of the affidavits filed, that the attachment ought not to have issued or to have been levied on the property claimed by said garnishee, the said attachment may be quashed as to the said garnishee and the said levy set aside.

—pleas of, etc.

SEC. 472. If the said levy shall not be so set aside, the said garnishee may plead that he was a bona fide purchaser from the defendant for value without notice of any fraud on the part of said defendant, and such plea shall be held to make an issue, without any further pleading in reply thereto; and said issue may be tried as directed in section four hundred and sixty aforesaid.

—judgment for.

SEC. 473. If said issue is found in favor of the said garnishee, judgment shall be rendered in his favor for his costs and a reasonable counsel fee. If said issue be found against such garnishee, but judgment in the action is rendered in favor of the defendant, the said attachment shall be dissolved, and said garnishee shall recover his costs.

—against.

SEC. 474. If the said issue is found against said garnishee and judgment in the action is rendered in favor of the plaintiff against the defendant, or the defendant, not being found, has failed to appear in obedience to the order of publication against him, if it shall appear upon the verdict of a jury that the claim of the plaintiff against said defendant is well founded, a judgment of condemnation of the property attached shall be rendered, as directed in section four hundred and sixty-four aforesaid.

Trial of issues.

SEC. 475. TRIAL OF ISSUES.—All issues raised by pleas to the attachment, in any case, may be tried at the same time as the issues raised by the pleadings in the action, or separately, as the convenience of the court may require.

Act not to prevent bill of equity.

SEC. 476. THIS ACT NOT TO PREVENT BILL IN EQUITY.—Nothing herein contained shall be construed as depriving a judgment creditor of the right to file a bill in equity to enforce his judgment against an equitable interest in real or personal estate of the judgment defendant, or to have a conveyance of the real or personal estate by said defendant, made with intent to hinder, delay, and defraud his creditors, set aside.

Attachment dockets.

SEC. 477. ATTACHMENT DOCKETS.—The clerk of said court shall keep an attachment docket, in which, as well as in the regular docket, shall be entered all attachments levied upon real estate, with a description, in brief, of the real estate so levied upon; and said attachments shall be indexed in the names of the defendant and of any person in whose possession said property may have been levied upon.

## CHAPTER FOURTEEN.

### BONDS AND UNDERTAKINGS.

Bonds.

SEC. 478. BONDS.—A bond, when required or referred to, in the provisions of this code, shall be understood to signify an obligation in a certain sum or penalty, subject to a condition, on breach of which it is to become absolute and to be enforceable by action.

SEC. 479. UNDERTAKINGS.—An undertaking shall be understood to signify an agreement entered into by a party to a suit or proceeding, with or without sureties, upon which a judgment or decree may be rendered in the same suit or proceeding against said party and his sureties, if any, the said party and sureties submitting themselves to the jurisdiction of the court for that purpose.

Undertakings.

SEC. 480. ACTIONS ON BONDS.—A bond in a penal sum, containing a condition that it shall be void on the payment of a certain sum of money, or the performance of an act, or of certain duties, shall have the same effect for the purpose of maintaining an action upon it as if it contained a covenant to pay the money or perform the act or the duties specified in the condition. But the damages to be recovered for a breach, or successive breaches, of the condition, as against the sureties therein, shall not exceed the penalty of the bond.

Actions on bonds.

SEC. 481. BOND TO UNITED STATES BY OFFICERS.—Whenever a bond is executed to the United States by any fiduciary or public officer, conditioned for the performance of certain duties, in the performance of which private persons are interested, any such persons, aggrieved by a breach of such condition, shall be entitled to maintain an action thereon in his own name against the obligor and his sureties to recover damages for the injury suffered by him in consequence of such breach; and it shall be the duty of the custodian of such bond to furnish a certified copy thereof to said party for the purpose aforesaid on payment of the legal fees therefor.

Bond to United States by officers.

SEC. 482. BONDS OF TRUSTEES.—If any person appointed by order or decree of the court to the office of trustee or to any other fiduciary office shall give bond, with surety or sureties, for the due performance of his duties, he shall not be allowed to discharge said bond by receipts, releases, or acquittances from himself, as attorney for parties interested, to himself as such trustee or other fiduciary; but the funds or estate for the due application whereof he is responsible shall be considered as remaining in his hands, and said bond shall continue in force as against both principal and sureties until said funds or estate shall be fully accounted for and paid over or delivered to the parties interested therein, or their attorney, other than said trustee or other fiduciary duly authorized to receive the same.

Bonds of trustees.

## CHAPTER FIFTEEN.

### CONDEMNATION OF LAND FOR PUBLIC USE.

Condemnation of land for public use.

SEC. 483. LAND FOR UNITED STATES AND DISTRICT OF COLUMBIA.—Whenever land in the District is needed for the use of the United States, or by the Commissioners of the District for sites of schoolhouses, fire or police stations, or for a right of way for sewers, or for any other municipal use authorized by Congress, and the same can not be acquired by purchase from the owners thereof at a price satisfactory to the officers of the Government authorized to negotiate for the same, application may be made to the supreme court of the District by petition in the name of the United States or of said Commissioners, as the case may be, for the condemnation of said land or said right of way and the ascertainment of its value.

Land for United States and District of Columbia.

SEC. 484. PETITION, WHAT TO SHOW.—Such petition shall contain a particular description of the property selected, with the names of the owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land to be taken.

Petition, what to show.

SEC. 485. CITATION TO OWNERS.—The said court, holding a district court of the United States, shall thereupon cite all the owners and other persons interested to appear in said court, at a time to be fixed by the court, to answer said petition; and if it shall appear to the court that there are any owners or other persons interested who are

Citation to owners.

under disability, the court shall give public notice of the time at which it will proceed with the matter of condemnation; and at such time, if it shall appear that there are any persons under disability who have appeared or who have not appeared, the court shall appoint a guardian ad litem for each such person, and shall thereupon proceed to appoint three capable and disinterested commissioners to appraise the value of the respective interests of all persons concerned in such lands, under such regulations as to notice and hearing as shall seem meet.

Condemnation and  
payment.

SEC. 486. CONDEMNATION AND PAYMENT.—Such commissioners shall thereupon, after being duly sworn for the proper performance of their duties, examine the premises and hear the persons in interest, who may appear before them, and return their appraisal of the value of the interests of all persons, respectively, in such land; and when such report, or the verdict of the jury hereinafter provided for, shall be confirmed by the court, the President of the United States, in cases of condemnation for the use of the United States, shall, if he thinks the public interest requires it, cause payment to be made out of the money appropriated by Congress therefor to the respective persons entitled, according to the judgment of the court; and in case any of such persons are under disability or can not be found, or neglect to receive the payment, the money to be paid to any of them shall be deposited in the Treasury to their credit, unless there be some person lawfully authorized to receive the same under the direction of the court; and when such payments are so made, or the amounts belonging to persons to whom payment shall not be made are so deposited, the said lands shall be deemed to be condemned and taken by the United States for the public use.

Jury.

SEC. 487. JURY.—If any of the parties interested, or the guardian ad litem appointed for any such person who may be under a disability, shall be dissatisfied with the appraisal of the commissioners, the marshal shall be directed to summon a jury of seven disinterested men, not related to anyone interested, to meet and view the premises, giving the parties interested at least six days' notice of the time and place of meeting.

—oath of.

SEC. 488. BENEFITS.—The marshal shall summon the jury and administer an oath to them that they will, without favor or partiality to anyone, to the best of their judgment, decide what damage each owner will sustain by reason of the taking of his land for any of the objects aforesaid. In making their decision, the jury shall take into consideration, whenever a part only is taken, the benefit to the remainder of the tract, and shall give their verdict accordingly.

Benefits.

Verdict.

SEC. 489. The jury having been upon the premises and, after hearing the parties, having assessed the damages, shall make out a written verdict, to be signed by them, or a majority of them and attested by the marshal, who shall return the same to the court, where it shall be recorded. The verdict of the jury may be excepted to by any party interested, and may be set aside by the court for good reasons, and a new jury directed to be summoned.

Payment.

SEC. 490. If the finding of the commissioners to appraise should not be objected to by the parties interested, and, in cases of condemnation for the use of the District, the Commissioners of the District are satisfied therewith, or if the verdict of the jury is confirmed by the court and is satisfactory to the Commissioners of the District the said Commissioners shall pay the amount awarded by the jury out of the appropriation made therefor, or deposit the same in the same manner as directed in section four hundred and eighty-six, aforesaid, and thereupon the land condemned shall become and be the property of the District.

Optional with Com-  
missioners to accept  
verdict, etc.

SEC. 491. It shall be optional with the Commissioners to abide by the verdict of the jury and occupy the land appraised by them, or abandon the same, without being liable to damage therefor.

CHAPTER SIXTEEN  
CONVEYANCING.

Conveyancing.

SUBCHAPTER ONE.

ABSOLUTE DEEDS OF REAL PROPERTY.

Absolute deeds of real property.

SEC. 492. ESTATES.—No estate of inheritance, or for life, or for a longer term than one year, in any real property, corporeal or incorporeal, in the District of Columbia, or any declaration or limitation of uses in the same, for any of the estates mentioned, shall be created or take effect, except by deed signed and sealed by the grantor, lessor, or declarant, and acknowledged in the manner herein provided.

Estates.

SEC. 493. ACKNOWLEDGMENT.—Such acknowledgment may be made in the District of Columbia before any judge of any of the courts of said District, the clerk of the supreme court of the District, or any justice of the peace or notary public, or the recorder of deeds of said District, and the certificate of the officer taking the acknowledgment shall be to the following effect:

Acknowledgment.

I, A B, a justice of the peace (or other officer authorized) in and for the District of Columbia, do hereby certify that C D, party to a certain deed bearing date on the ---- day of -----, and hereto annexed, personally appeared before me in said District, the said C D being personally well known to me as (or proved by the oath of credible witnesses to be) the person who executed the said deed, and acknowledged the same to be his act and deed.

Given under my hand and seal this ---- day of -----  
A B. [Seal.]

SEC. 494. RELEASE OF DOWER.—If the wife of the party executing said deed, being not less than eighteen years of age, shall desire to release her right of dower in the property conveyed, she shall unite in the deed with her husband and sign, seal, and acknowledge the same in the same manner as her husband, and the officer taking her acknowledgment shall add to the above form of certificate a further certificate to the following effect, namely:

Release of dower.

And at the same time personally appeared before me, in said District, E F, the wife of said C D, personally well known to me (or proved by the oath of credible witnesses) to be such, and acknowledged the same to be her act and deed.

Such wife, however, may release her right of dower by her separate deed, when the releasee claims or derives title from, by, through, or under her husband.

SEC. 495. ACKNOWLEDGMENT OUT OF DISTRICT.—When any deed or contract under seal relating to land is to be acknowledged out of the District of Columbia, but within the United States, the acknowledgment may be made before any judge of a court of record and of law, or any chancellor of a State, any judge or justice of the Supreme, circuit, or Territorial courts of the United States, any justice of the peace or notary public: *Provided*, That the certificate of acknowledgment aforesaid, made by any officer of a State or Territory, shall be accompanied by a certificate of the register, clerk, or other public officer having official cognizance of the fact that the officer taking said acknowledgment was in fact the officer he professed to be: *Provided, further*, That a certificate by any such register, clerk, or other public officer, in the form prescribed by the laws of the State or Territory in which such certificate is made or customarily used therein, shall be a sufficient certificate for the purposes of this section.

Acknowledgment out of District but within the United States.

*Provisos.* Certificate of acknowledgment.

—what sufficient certificate.

Acknowledgment in a foreign country.  
R. S., sec. 1674, p. 293.

SEC. 496. Deeds made in a foreign country may be acknowledged before any judge or notary public, or before any secretary of legation or vice-consul-general of the United States, or consular officer of the United States as such consular officer is described in section sixteen hundred and seventy-four of the Revised Statutes of the United States; and when the acknowledgment is made before any other officer than a secretary of legation or consular officer of the United States the official character of the person taking the acknowledgment shall be certified in the manner prescribed in the last preceding section.

Deeds of corporations.

SEC. 497. DEEDS OF CORPORATIONS.—The deed of a corporation shall be executed by having the seal of the corporation attached and being signed with the name of the corporation, by its president or chief officer, and shall be acknowledged as the deed of the corporation by an attorney appointed for that purpose, by a power of attorney embodied in the deed or by one separate therefrom, under the corporate seal, to be annexed to and recorded with the deed.

Acknowledgment by attorney.

SEC. 498. ACKNOWLEDGMENT BY ATTORNEY.—No deeds of conveyance of either real or personal estate by individuals shall be executed or acknowledged by attorney.

When deeds to take effect.

SEC. 499. WHEN DEEDS TO TAKE EFFECT.—Any deed conveying real property in the District, or interest therein, or declaring or limiting any use or trust thereof, executed and acknowledged and certified as aforesaid and delivered to the person in whose favor the same is executed, shall be held to take effect and pass the title in the property conveyed to said person from the date of the acknowledgment, provided the same be recorded within three months from said date, except that as to creditors and subsequent bona fide purchasers and mortgagees without notice of said deed, and others interested in said property, it shall only take effect from the time of its delivery to the recorder of deeds to be recorded.

SEC. 500. When two or more deeds of the same property are made to bona fide purchasers for value without notice, the deed or deeds which are first recorded according to law shall be preferred.

Bonds and contracts.

SEC. 501. BONDS AND CONTRACTS.—Any title bond or other written contract in relation to land may be acknowledged, certified, and recorded in the same manner as deeds for the conveyance of land, and the record thereof shall be notice to all creditors and subsequent purchasers of the existence of such bond or contract.

Interpretation.

SEC. 502. INTERPRETATION.—No words of inheritance shall be necessary in a deed or will to create a fee simple estate; but every conveyance or devise of real estate shall be construed and held to pass a fee simple estate or other entire estate of the grantor or testator, unless a contrary intention shall appear by express terms or be necessarily implied therein.

Construction of words, phrases, etc.

SEC. 503. The word "grant," the phrase "bargain and sell," or any other words purporting to transfer the whole estate shall be construed to pass the whole estate and interest of the grantor in the property described, unless there be limitations or reservations showing a different intent.

SEC. 504. In any deed or will of real or personal estate in the District of Columbia, hereafter executed, the words "die without issue," or the words "die without leaving issue," or the words "have no issue," or other words which may import either a want or failure of issue of any person in his lifetime, or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear in the instrument.

SEC. 505. When, in a deed conveying real estate, the words "the said . . . . . covenants" are used, such words shall have the same effect as if the covenant was expressed to be by the covenantor, for



himself, his heirs, devisees, and personal representatives, and shall be deemed to be with the grantee or lessee, his heirs, devisees, personal representatives, and assigns.

Construction of word, phrases, etc.—Continued.

SEC. 506. A covenant by the grantor, in a deed conveying real estate, “that he will warrant generally the property hereby conveyed,” or a grant of real estate in which the granting words are followed by the words “with general warranty,” shall have the same effect as if the grantor had covenanted that he, his heirs, devisees, and personal representatives will warrant and defend the said property unto the grantee, his heirs, devisees, personal representatives, and assigns against the claims and demands of all persons whomsoever.

—covenants.

SEC. 507. A covenant by a grantor, in a deed conveying real estate, “that he will warrant specially the property hereby conveyed,” or a grant of real estate in which the granting words are followed by the words “with special warranty,” shall have the same effect as if the grantor had covenanted that he, his heirs, devisees, and personal representatives will forever warrant and defend the said property unto the grantee, his heirs, devisees, personal representatives, and assigns against the claims and demands of the grantor and all persons claiming or to claim by, through, or under him.

SEC. 508. A covenant by the grantor, in a deed of land, “that the said grantee shall quietly enjoy said land,” shall have the same effect as if he had covenanted that the said grantee, his heirs and assigns, shall, at any and all times hereafter, peaceably and quietly enter upon, have, hold, and enjoy the land conveyed by the deed or intended to be so conveyed, with all the rights, privileges, and appurtenances thereunto belonging, and to receive the rents and profits thereof, to and for his and their use and benefit, without any eviction, interruption, suit, claim, or demand whatsoever by the said grantor, his heirs or assigns, or any other person or persons whatever.

SEC. 509. A covenant by a grantor, in a deed of land, “that he has done no act to incumber said land,” shall be construed to have the same effect as if he had covenanted that he had not done or executed or knowingly suffered any act, deed, or thing whereby the land and premises conveyed, or intended so to be, or any part thereof, are or will be charged, affected, or incumbered in title, estate, or otherwise.

SEC. 510. A covenant by a grantor, in a deed of land, “that he will execute such further assurances of said land as may be requisite,” shall have the same effect as if he had covenanted that he, his heirs or devisees, will, at any time, upon any reasonable request, at the charge of the grantee, his heirs or assigns, do, execute, or cause to be done and executed, all such further acts, deeds, and things, for the better, more perfectly and absolutely conveying and assuring the lands and premises conveyed unto the grantee, his heirs and assigns, as intended to be conveyed, as by the grantee, his heirs or assigns, or his or their counsel learned in the law, shall be reasonably devised, advised, or required.

SEC. 511. IMPLIED COVENANTS.—No covenant shall be implied in any conveyance of real estate, whether such conveyance contains special covenants or not.

Implied covenants.

SEC. 512. WHAT ESTATES MAY BE CONVEYED BY DEED.—Any interest in or claim to real estate, whether entitling to present or future possession and enjoyment, and whether vested or contingent, may be disposed of by deed or will, and any estate which would be good at common law, as an executory devise, may be created by deed.

What estates may be conveyed by deed.

SEC. 513. CONVEYANCE OF LAND HELD ADVERSELY.—Any person claiming title to land may convey his interest in the same, notwithstanding there may be an adverse possession thereof.

Conveyance of land held adversely.

SEC. 514. ABSENCE OF ACKNOWLEDGMENT.—No deed or conveyance of squares or lots of public land in the city of Washington, made in pursuance of law prior to March third, eighteen hundred and sixty-

Absence of acknowledgment.

three, by the commissioner of public buildings or any other authorized officer, shall be deemed invalid in law for the want of an acknowledgment by the commissioner or other authorized officer before such judicial officers, as deeds of real property made between individuals are required by law to be acknowledged.

Deeds recorded prior to code, defectively acknowledged, declared valid.

SEC. 515. DEFECTIVE ACKNOWLEDGMENTS.—All deeds and acknowledgments recorded in the land records of the District prior to the adoption of this code of any of the following designated classes shall, in favor of parties in actual possession, claiming under and through such deeds, be deemed and held and are declared to be of the same effect and validity to pass the fee simple or other estate intended to be conveyed, and bar dower in the real estate therein mentioned, as if such deeds had in all respects been executed, acknowledged, proved, certified, and recorded according to law, namely:

—classes designated.

First. All deeds which have been executed and acknowledged by married women, their husbands having signed and sealed the same, for conveying any real estate, or interest therein, situated in the District;

Second. All acknowledgments of deeds which have been made by married women, whether they have executed the deed or not, for the purpose of releasing their claims to dower in the lands described therein, situated in the District, in which acknowledgments the form prescribed by law has not been followed;

Third. All deeds which have been executed and acknowledged by an attorney in fact duly appointed for conveying real estate situated in the District;

Fourth. All deeds executed and acknowledged, or only acknowledged by such attorney in fact, for conveying real estate situated in the District, as to which the acknowledgment was made before officers different from those before whom proof of the power of attorney was made, and as to which the power of attorney was proved before only one justice of the peace;

Fifth. All deeds for the purpose of conveying land situated in the District, acknowledged out of the District, before a judge of a United States court, or before two aldermen of a city, or the chief magistrate of a city, or before a notary public;

Sixth. All deeds for the purpose of conveying land situated in the District, acknowledged by an attorney in fact, duly appointed, or by an officer of a corporation, duly authorized, who has acknowledged the same to be his act and deed, instead of the act and deed of the grantor or of the corporation; and

Seventh. All deeds for the purpose of conveying land situated in the District to which there is not annexed a legal certificate as to the official character of the officer or officers taking the acknowledgment.

Acknowledgments by married women.

SEC. 516. ACKNOWLEDGMENTS BY MARRIED WOMEN.—In all cases mentioned in the preceding section the certificate of acknowledgment by a married woman must show that the acknowledgment was made "apart" or "privily" from her husband, or use some other term importing that her acknowledgment was made out of his presence, and also that she acknowledged or declared that she willingly executed or that she willingly acknowledged the deed, or that the same was her voluntary act, or to that effect.

Dower.

SEC. 517. DOWER.—Any acknowledgment made by a married woman of any deed executed by her husband, and recorded as mentioned in section five hundred and fifteen, shall be good and effectual to bar all claim on her part to dower in the lands described therein, situated in the District, although she shall not have executed the same.

Power of attorney by married woman.

SEC. 518. POWER OF ATTORNEY BY MARRIED WOMAN.—When the power of attorney mentioned in section five hundred and fifteen is executed by a married woman, the same shall be effectual and sufficient if there is such an acknowledgment of the same as would be sufficient,

under the provisions of this chapter, to pass her estate and interest therein were she a party executing the deed of conveyance.

SEC. 519. RECORD OF DEED AS EVIDENCE.—The record and copy thereof of any deed recorded, as mentioned in section five hundred and fifteen, shall be evidence thereof, in the same manner and shall have the same effect as if such deed had been originally executed, acknowledged, and recorded according to law.

Record of deed as evidence.

SEC. 520. The acts of Congress approved May thirty-first, eighteen hundred and thirty-two, and April twentieth, eighteen hundred and thirty-eight, in reference to the acknowledgment and recording of deeds of lands situated in the District, shall be taken and construed as cumulative with the acts of Maryland on the same subject in force in the District at the passage thereof, and an acknowledgment made and certified in compliance with any one of said acts, and before any officer authorized by either of said acts to take an acknowledgment, whether in or out of the District, shall be good and effectual.

Acknowledgments in compliance with Chap. CXII, vol. 4, p. 520, and Chap. LVII, vol. 5, p. 226, declared effectual.

SUBCHAPTER TWO.

MORTGAGES AND DEEDS OF TRUST OF REAL PROPERTY.

Mortgages and deeds of trust of real property. To be recorded.

SEC. 521. TO BE RECORDED.—Mortgages and deeds of trust to secure debts, conveying any estate in land, in order to be effectual, shall be executed and recorded in the same manner as absolute deeds; and they shall take effect and pass title to the property conveyed, both as between the parties thereto and as to others, bona fide purchasers and mortgagees and creditors, in the same manner and under the same conditions as absolute deeds.

SEC. 522. ESTATE OF TRUSTEE.—The legal estate conveyed to a mortgagee, his heirs and assigns, or to a trustee to secure a debt, his heirs and assigns, shall be construed and held to be a qualified fee simple, determinable upon the release of the mortgage or deed of trust, as hereinafter provided, or the appointment of a new trustee by judicial decree for the causes hereinafter mentioned.

Estate of trustee.

SEC. 523. HOW TO BE RECORDED.—It shall be the duty of the recorder of deeds to record all such mortgages and deeds of trust in the same manner as absolute deeds, and, after each mortgage, to leave a blank space wherein may be recorded any assignment or release of said mortgage.

How to be recorded.

SEC. 524. ASSIGNEES.—The assignee or indorsee of any note, bond, or other instrument binding to the payment of money, secured by any mortgage or deed of trust, shall have the same benefit of said mortgage or deed of trust, and shall be entitled to the same remedies for enforcing or foreclosing the same that the original creditor named therein would have in the absence of any indorsement or assignment of the instrument secured.

Assignees.

SEC. 525. ASSIGNMENT.—Whenever the note or notes, bond or bonds, or other instruments for the payment of money, secured by mortgage, shall be indorsed or assigned by the original creditor holding the same, the said mortgage may also be assigned by such creditor to any person holding the notes or other instruments secured thereby, and any such assignee of said mortgage may, in like manner, assign to others.

Assignment.

SEC. 526. The said assignment may be written on the said mortgage in the following or equivalent form:

—form of.

I hereby assign the within (or above) mortgage to \_\_\_\_\_ as security for the (here describe the instruments) therein mentioned, which is (or are) indorsed (or assigned) to him.

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_

Witness: \_\_\_\_\_ [Seal.]

—record of.

SEC. 527. Every such assignment provided for in section five hundred and twenty-six aforesaid may be recorded at or near the foot of the said mortgage, in the blank space directed to be reserved therefor, as aforesaid, and such record shall have the same effect as notice to all persons dealing with the property embraced in said mortgage which is allowed by law to the record of the mortgage.

Release.

SEC. 528. RELEASE.—A release of a mortgage may be made by the original creditor who is the holder of the note or notes or other instruments secured thereby, or by any assignee of said notes or other instruments to whom said mortgage may also have been assigned, in the following or an equivalent form:

—form.

I hereby release the above (or within) mortgage.

Witness my hand and seal this ..... day of .....

Witness:

..... [Seal.]

—acknowledgment.

And said release may be acknowledged before any officer authorized to take the acknowledgment of deeds in the following or equivalent form namely:

Acknowledged before me this ..... day of .....

C D, Notary Public.

—recording, etc.

SEC. 529. Said release may be written on the original mortgage, and upon said mortgage, with the release thereon written, being filed in the office of the recorder of deeds, he shall record said release in the blank space to be reserved as aforesaid, or in the margin of said record, and index the same, and said mortgage shall be retained in his office and not be allowed to be again withdrawn therefrom.

Surrender of mortgage on payment of debt, etc.

SEC. 530. Every person whose property is subject to a mortgage given to secure a note or notes, bond or bonds, or other instruments binding to the payment of money, shall be entitled, on payment or tender of the full amount of the debt, at or after its maturity, to the creditor entitled to the same, if he is the original creditor, or is the assignee of said mortgage, to have said mortgage surrendered to him, unless the same shall have been lost or destroyed, and to have said mortgage released by the creditor holding the same, in the manner above mentioned.

—where debt assigned, etc.

SEC. 531. If the debt secured by mortgage shall be assigned, but the mortgage shall not be assigned to the holder of said debt, or if the original mortgage having been assigned shall be lost or destroyed, the owner of the incumbered property, on payment of the debt, shall be entitled to a deed of release from the mortgagee; and in no other case where the mortgage has been assigned by the original creditor secured thereby shall the original mortgagee be authorized to execute a deed of release.

—release effectual, etc.

SEC. 532. A release made as provided in the foregoing sections by the original creditor holding a mortgage for the security of a debt, or by any indorsee or assignee of said debt who shall also hold an assignment of said mortgage, shall be as effectual to extinguish said mortgage as if the mortgagee had executed a deed of release of the incumbered property; but if the original creditor secured by mortgage has not assigned either his debt or his mortgage, the owner of the incumbered property may, at his election, on payment of the debt, require a deed of release from the mortgagee.

Survival of title.

SEC. 533. SURVIVAL OF TITLE.—Whenever a mortgage or deed of trust to secure a debt is executed to two or more mortgagees or trustees in fee simple, upon the death of any one or more of them the legal title and the trust attached to it shall be held to survive to the survivor or survivors and the heirs of the last survivor, subject to the provisions aforesaid.

Death of mortgagee or trustee. Proceeding for appointment of new trustee.

SEC. 534. DEATH OF MORTGAGEE OR TRUSTEE.—In case of the death of a sole mortgagee or trustee, or the last survivor of several, if the debt secured by the mortgage or deed of trust shall not have been paid,

the party entitled thereto may file a petition in the supreme court of said District, setting forth under oath the execution of the mortgage or deed of trust, the death of the mortgagee or trustee, and the fact that the debt secured by the said mortgage or deed of trust remains unpaid, and such other fact as may be necessary to entitle the petitioner to the relief prayed, and praying for the appointment of a trustee to execute the trusts of the said mortgage or deed of trust. It shall not be necessary to make the heirs at law of the deceased mortgagee or trustee parties to such proceeding. The court may thereupon lay a rule upon the debtor or parties whose property is bound by said mortgage or deed of trust, unless they shall voluntarily appear and admit the allegations of the petition, to show cause, under oath, on or before the tenth day, exclusive of Sundays and legal holidays, after the service of such rule, why the prayer of said petition should not be granted. If said party or parties can not be found in said District, service of said rule shall be by publication, according to the practice in equity in said court. If no cause be shown, notwithstanding the service of said rule, against the prayer of said petition, the court may determine in a summary way whether said debt remains unpaid, and if satisfied thereof the said court may, by decree, appoint a new trustee in the place of the deceased mortgagee or trustee, and vest in him all the title at law and in equity, and all the powers that had been conveyed to and vested in the deceased mortgagee or trustee.

SEC. 535. DEFENSES AGAINST FORECLOSURE.—If matter of defense against the foreclosure of said mortgage or the enforcement of said deed of trust be set up in answer to said rule, the further proceedings shall be according to the practice in equity after answer filed.

Defenses against foreclosure.

SEC. 536. In case of the death of any trustee appointed as aforesaid without having executed the trusts of the mortgage or deed of trust, a like proceeding to the above may be had to appoint a successor to him in the said trusts.

Death of trustee appointed as aforesaid.

SEC. 537. RELEASE AFTER DEATH OF MORTGAGEE, AND SO FORTH.—In case of the death of a sole mortgagee or trustee or the last survivor of several, as aforesaid, if the debt secured by the mortgage or deed of trust shall have been paid, and it is desired by the party paying the same to obtain a deed of release, the said party may file a petition in said supreme court of the District, setting forth, under oath, the execution of said mortgage or deed of trust, the death of the mortgagee or trustee, the payment of the debt, and any other fact necessary to entitle the petitioner to the relief prayed, and praying for the appointment of a trustee in the place of the deceased mortgagee or trustee to execute a deed of release of said mortgage or deed of trust. It shall not be necessary to make the heirs of the deceased mortgagee or trustee a party to such proceeding. The court may thereupon lay a rule upon the creditor secured by said mortgage or deed of trust, unless he shall voluntarily appear and admit the allegations of the petition, to show cause, under oath, on or before the tenth day, exclusive of Sundays and legal holidays, after the service of said rule, why the prayer of the petition should not be granted. If said party can not be found in said District, service of said rule shall be by publication according to the practice in equity in said court. If no cause be shown, notwithstanding the service of said rule, against the prayer of the petition, the court may determine in a summary way whether said debt has been paid, and if satisfied thereof may, by decree, appoint a trustee in the place of the deceased mortgagee or trustee and invest in him the title, in law and in equity, that was in the deceased mortgagee or trustee, for the purpose of executing a deed of release as aforesaid. If matter of defense against the prayer for a release of said mortgage or deed of trust be set up in answer to said rule, the further proceedings shall be according to the practice in equity after answer filed.

Proceedings for appointment of trustee, etc., to execute release after death of mortgagee.

Appointment of new trustee.

SEC. 538. APPOINTMENT OF NEW TRUSTEE.—In case of the refusal of any trustee named in a deed of trust to secure a debt to accept the trusts thereby created, or of his resignation of said trust after accepting the same, which is hereby allowed, or of his removal from the District of Columbia, or of his inability to act, or for any other good cause shown, said trust being executed, it shall be lawful for any party interested in the execution of such trusts to apply to said court by petition, setting forth the appropriate facts and asking for the appointment of a new trustee in his place, and a like proceeding shall be had for the appointment of such trustee as in the case of the death of a trustee, as directed in sections five hundred and thirty-four and five hundred and thirty-seven aforesaid: *Provided*, That any rule to show cause issued in such case shall be served upon the existing trustee, as well as upon the parties interested in the trust, if he and they can be found within the said District.

*Proviso.*  
—service on existing trustee.

Terms of sale.

SEC. 539. TERMS OF SALE.—If the length of notice and terms of sale are not prescribed by the mortgage or deed of trust, or be not left therein to the judgment or discretion of the mortgagee or trustee, any person interested in such sale may apply to the court, before such sale is advertised, to fix the terms of sale and determine what notice of sale shall be given, which terms shall be such as to secure to the creditor the payment of his debt in cash as nearly as may be consistent with justice; and the determination of the court in the premises shall be binding on all parties in interest.

Delay of party notified to apply for prevention of sale.

SEC. 540. INJUNCTION AGAINST SALE.—If any party interested and duly notified of an intended sale under any mortgage or deed of trust, as directed in section five hundred and thirty-nine aforesaid, shall fail to make application to the court to prevent such sale within the time covered by such notice, such party shall not be entitled afterwards to be relieved against such sale except upon the conditions that a satisfactory excuse be shown for the delay in making application therefor, and all expenses incurred in and about such sale or attempted sale be first paid by him and a valid defense against the foreclosure of said mortgage or deed of trust be shown.

Injunction against sale.

SEC. 541. No sale under a mortgage or deed of trust shall be enjoined on the ground that the amount claimed by the creditor secured thereby is in excess of the true amount due him, unless the party seeking such relief shall set forth and show what amount is justly due and shall offer to pay the amount so admitted to be due.

Debtor not to bid.

SEC. 542. DEBTOR NOT TO BID.—At any sale made under a mortgage or deed of trust the debtor or other person owning the property and for whose default the sale is made shall not be allowed to bid: *Provided*, That this shall not be construed to prohibit a part owner from bidding at such sale in order to acquire title to the entire property sold.

*Proviso.*  
—part owner.

Mortgagee buying.

SEC. 543. MORTGAGEE BUYING.—At any sale under a mortgage, fairly made by the mortgagee, at public auction, the mortgagee himself may buy in the property on account of the mortgage debt.

Creditor buying.

SEC. 544. CREDITOR BUYING.—If a creditor, for the payment of whose debt property shall be sold under a deed of trust, shall become the purchaser at such sale, he shall be entitled to credit the amount of the purchase money against the debt, and shall be only required to pay to the trustee the excess of the purchase money over his debt, together with such additional amount as may be necessary to defray the expenses of the sale.

Expenses and commissions.

SEC. 545. EXPENSES AND COMMISSIONS.—Among the lawful expenses of a sale under a mortgage or deed of trust is to be allowed a commission on the proceeds of sale to the mortgagee or trustee. Where the mortgage or deed of trust does not fix the rate of commission the mortgagee or trustee shall be allowed a commission of five per centum on the first five hundred dollars and three per centum on the balance

of the purchase money actually paid by the purchaser at any sale, and one and one-half per centum on the amount of the purchase money not paid into the hands of the mortgagee or trustee, but credited on the debt, when the creditor becomes a purchaser.

When the property is lawfully advertised for sale under a mortgage or deed of trust, and the sale is prevented by payment of the debt or is suspended or postponed by arrangement between the parties interested, the trustee shall be entitled to a commission of one per centum on the amount of the debt secured in addition to the expenses incurred by him, and he shall be entitled to such allowance as often as such advertisement shall be made necessary by the default of the debtor: *Provided*, That if a sale shall actually take place under any such advertisement, he shall not be entitled to more than one such allowance in addition to his commission on the proceeds of an actual sale.

Commission where sale advertised is postponed.

*Proviso.*  
—limit.

### SUBCHAPTER THREE.

#### DEEDS OF CHATTELS.

SEC. 546. RECORDING.—No bill of sale or mortgage or deed of trust to secure a debt of any personal chattels whereof the vendor, mortgagor, or donor shall remain in possession, shall be valid and effectual to pass the title therein, except as between the parties to such instrument and as to other persons having actual notice of it, unless the same be executed, acknowledged, and within ten days from the date of such acknowledgment recorded in the same manner as deeds of real estate, as herein directed, and as to third persons not having notice of it, as aforesaid, such instrument shall be operative only from the time within said ten days when it is delivered to the recorder of deeds to be recorded.

Deeds of chattels.

Recording.

SEC. 547. CONDITIONAL SALES.—No conditional sale of chattels in virtue of which the property is delivered to the purchaser, but by the terms of which the title is not to pass until the price of said chattels is fully paid, shall be valid as against third persons acquiring title to said property from said purchaser without notice of the terms of said sale, unless the terms of said sale are reduced to writing and signed by the parties thereto and acknowledged by the purchaser and recorded in the same manner as a chattel mortgage, as hereinabove provided; and said writing shall be indexed as if the purchaser were a mortgagor and the seller a mortgagee of such chattels, and shall be operative as to third persons without actual notice of it from the time of being so recorded.

Conditional sales.

### SUBCHAPTER FOUR.

#### DEEDS, RECORDER OF.

SEC. 548. APPOINTMENT AND DUTIES.—There shall be a recorder of deeds of the District, appointed by the President, by and with the advice and consent of the Senate, who shall record all deeds, contracts, and other instruments in writing affecting the title or ownership of any real estate or personal property in the District which shall have been duly acknowledged and certified, and who shall perform all requisite services connected therewith, and shall have charge and custody of all the records, papers, and property appertaining to his office.

Appointment and duties.

SEC. 549. DEPUTY RECORDER.—The recorder of deeds is authorized to appoint a deputy recorder, and all deeds of conveyance, leases, powers of attorney, and other written instruments required to be filed and recorded, and all copies of instruments and records and certificates authorized by law, filed, recorded, made, and certified by the deputy recorder shall have the same legality, force, and effect as if performed by the recorder.

Deeds, recorder of.

Deputy recorder.

Vacancy; deputy to act.

*Proviso.*  
—no additional expense.

Typewritten records.

Fees.

Salary.

Surplus to be paid into the Treasury.

*Proviso.*  
Clerks.

Salary of deputy.

List of transfers to be furnished to collector of taxes.

Instruments not executed or acknowledged according to law not to be recorded.

SEC. 550. VACANCY.—In case of a vacancy in the office of the recorder by death, resignation, or other cause the deputy recorder shall act until a recorder shall be duly appointed and qualified: *Provided*, That no additional expense shall be incurred by the District for said deputy and no other fees shall be allowed than are now provided by law.

SEC. 551. TYPEWRITTEN RECORDS.—The recorder of deeds is authorized and empowered to purchase and use in his office, for the recording of deeds and other instruments of writing required by law to be recorded in said office, typewriting machines, to be paid for as appropriations may be made from time to time; and all deeds and other instruments of writing entitled by law to be recorded in said office which shall be recorded by typewriting machines are hereby declared to be legally recorded.

SEC. 552. FEES.—The legal fees for the services of the recorder shall be as follows, namely:

For filing, recording, and indexing, or for making certified copy of any instrument containing two hundred words or less, fifty cents, and fifteen cents for each additional hundred words, to be collected at the time of filing and when the copy is made.

For each certificate and seal, twenty-five cents.

For searching records extending back two years or less next preceding current date, twenty-five cents, and five cents for each additional year, to be paid by the party for whom the search may be made.

For recording a town plat, three cents for each lot such plat may contain.

For recording a plat or survey, five cents for each course such survey may contain.

For filing and indexing any paper required by law to be filed in his office, fifteen cents.

For taking any acknowledgment, fifty cents.

SEC. 553. SALARY; SURPLUS TO BE PAID INTO THE TREASURY.—The recorder of deeds of the District of Columbia shall not retain of the fees and emoluments of his office for his personal compensation over and above his necessary clerk hire and the incidental expenses of his office, certified to by the supreme court of the District of Columbia, or by one of its justices appointed by it for that purpose, and to be audited and allowed by the proper accounting officer of the Treasury, a sum exceeding four thousand dollars a year or exceeding that rate for any time less than a year; and the surplus of such fees and emoluments shall be paid into the Treasury to the credit of the District of Columbia: *Provided*, That the number of clerks and others employed in the office of the recorder of deeds shall not be increased, except that additional copyists may be employed for temporary service as the necessities of the office may require, nor shall the salary or compensation of clerks and others be increased beyond the salaries or compensation paid during the fiscal year eighteen hundred and ninety-one; and the salary of the deputy recorder of deeds shall be two thousand five hundred dollars per annum, to be paid out of the fees and emoluments of said office of recorder of deeds.

SEC. 554. LIST OF TRANSFERS TO BE FURNISHED TO COLLECTOR OF TAXES.—The recorder of deeds shall furnish to the collector of taxes, on or about the first Monday in January and July of each year, correct lists of the transfers of real property in the District during the preceding half year, so far as can be ascertained by the records in his office, but shall not be entitled to any compensation for such service.

SEC. 555. INSTRUMENTS NOT EXECUTED OR ACKNOWLEDGED ACCORDING TO LAW NOT TO BE RECORDED.—The recorder shall not accept for record or record any instrument which shall not be executed and acknowledged agreeably to law by the person or party therein granting



or contracting with respect to his right, title, or interest in the land therein described; and the record of any such instrument, if the same should be recorded, and the knowledge by any person of the fact of such record shall not be either constructive or actual notice of the existence of such instrument.

Public records to be open for inspection.

SEC. 556. PUBLIC RECORDS TO BE OPEN FOR INSPECTION.—All public records which have reference to or in any way relate to real or personal property in the District of Columbia, whether the same be in the office of the recorder of deeds or in some other public office in the District of Columbia, shall be open to the public for inspection free of charge.

SUBCHAPTER FIVE.

FORMS OF CONVEYANCING.

Forms of conveyancing.

FEE SIMPLE DEED.

Fee simple deed.

This deed, made this ---- day of ----, in the year ----, by me, ----, of ----, witnesseth, that in consideration of (here insert consideration), I, the said ----, do grant unto (here insert grantee's name), of ----, all that (here describe the property).

Witness my hand and seal.

\_\_\_\_\_. [Seal.]

DEED BY HUSBAND AND WIFE.

This deed, made this ---- day of ----, in the year ----, by us, ---- and ----, his wife, of ----, witnesseth, that in consideration of ----, we, the said ---- and his wife, do grant unto ----, of ----, and so forth.

Deed by husband and wife.

Witness our hands and seals.

\_\_\_\_\_. [Seal.]  
\_\_\_\_\_. [Seal.]

DEED OF LIVE ESTATE.

This deed, made this ---- day of ----, in the year ----, by me, ----, of ----, witnesseth, that in consideration of ----, I, the said ----, do grant unto ----, of ----, all that, and so forth, to hold during his life and no longer.

Deed of life estate.

Witness my hand and seal.

\_\_\_\_\_. [Seal.]

DEED OF TRUST TO SECURE DEBTS, SURETIES, OR FOR OTHER PURPOSES.

This deed, made this ---- day of ----, in the year ----, by me, ----, of ----, witnesseth, that whereas (here insert the consideration for the deed), I, the said ----, do grant unto ----, as trustee of ----, the following property (here describe it) in trust for the following purposes (here insert the trusts and any covenant that may be agreed upon).

Deed of trust to secure debts, sureties, or for other purposes.

Witness my hand and seal.

\_\_\_\_\_. [Seal.]

FORM OF TRUSTEE'S DEED UNDER A DECREE.

This deed, made this ---- day of ----, in the year ----, by me, ----, trustee, of ----, witnesseth: Whereas by a decree of

Form of trustee's deed under a decree.

(here insert court) passed on the ..... day of ....., in the cause of ..... versus ....., I, the said ....., was appointed trustee to sell the land decreed to be sold, and have sold the same to .....; and said sale has been ratified by said court, and said ..... has fully paid the purchase money due on said sale; now, therefore, in consideration of the premises, I, the said ....., do grant unto ....., of ....., all the right and title of all the parties to the aforesaid cause, in and to all that (here describe property).

Witness my hand and seal.

\_\_\_\_\_. [Seal.]

Executor's deed.

EXECUTOR'S DEED.

This deed, made this ..... day of ....., in the year ....., witnesseth, that I, ....., of ....., executor of the last will of ....., late of ....., deceased, under a power in said will contained, in consideration of ....., have sold and do hereby grant to ....., of ....., all that, and so forth.

Witness my hand and seal.

\_\_\_\_\_. [Seal.]

Form of mortgage, with or without power of sale.

FORM OF MORTGAGE, WITH OR WITHOUT POWER OF SALE.

This mortgage, made this ..... day of ....., in the year ....., witnesseth that whereas I, ..... of ....., am indebted unto ....., of ....., in the sum of ....., payable ....., for which I have given to said ..... my promissory notes or bonds, or other instruments (here describe). Now, in consideration thereof, I hereby grant unto the said ..... all that (here describe property), provided that if I shall punctually pay said (notes or other instruments) according to the tenor thereof then this mortgage shall be void. And if I shall make default in such payment the said ..... is hereby authorized and empowered to sell said property at public auction on the following terms (here insert them), and out of the proceeds of sale to retain whatever shall remain unpaid of my said indebtedness and the costs of such sale, and the surplus, if any, to pay to me.

Given under my hand and seal.

\_\_\_\_\_. [Seal.]

Form of lease.

FORM OF LEASE.

This lease, made this ..... of ....., in the year ....., between ..... of ..... and ....., of ....., witnesseth that the said ..... doth lease unto the said ....., his executor, administrator, and assigns, all that (here describe the property) for the term of ..... years, beginning on the ..... day of ....., in the year ....., and ending on the ..... day of ....., in the year ....., the said ..... paying therefor the sum of ..... on the ..... day of ..... in each and every year (or month, as the case may be).

Witness our hands and seals.

\_\_\_\_\_. [Seal.]  
 \_\_\_\_\_ [Seal.]

—legal additions, etc., to above allowed, etc.

The foregoing forms or forms to the like effect shall be sufficient, and any covenant, limitation, restriction, or proviso allowed by law may be added, annexed to, or introduced in the above forms. Any other form conforming to the rules hereinbefore laid down shall be sufficient.

CHAPTER SEVENTEEN.

COMMISSIONERS OF DEEDS AND NOTARIES PUBLIC.

SEC. 557. COMMISSIONERS OF DEEDS.—The President of the United States is authorized to appoint as many commissioners of deeds throughout the United States as he may deem necessary, with power to take the acknowledgment of deeds for the conveyance of property within the District, administer oaths, and take depositions in cases pending in the courts of said District in the manner prescribed by law; to whose acts, properly attested by their hands and seals of office, full faith and credit shall be given.

Commissioners of deeds.

SEC. 558. NOTARIES.—The President shall also have power to appoint such number of notaries public, residents of said District, as, in his discretion, the business of the District may require.

Notaries public.

SEC. 559. TENURE OF OFFICE.—Said commissioners of deeds and notaries public shall hold their offices for the period of five years, removable at discretion.

Tenure of office.

SEC. 560. NOTARIES IN STATES.—Notaries public of the several States, Territories, and the District of Columbia are authorized to take depositions and do all other acts in relation to taking testimony to be used in the courts of the District of Columbia, take acknowledgments and affidavits in the same manner and with the same effect as United States commissioners may now lawfully take or do.

Notaries in States.

SEC. 561. OATH AND BOND.—Each notary public, before entering upon the duties of his office, shall take the oath prescribed for civil officers in the District of Columbia, and shall give bond to the United States in the sum of two thousand dollars, with security, to be approved by the supreme court or a justice thereof, for the faithful discharge of the duties of his office.

Oath and bond.

SEC. 562. SEAL.—Each notary public shall provide a notarial seal, with which he shall authenticate all his official acts.

Seal.

SEC. 563. He shall file his signature and deposit an impression of his official seal in the office of the clerk of the supreme court of the District.

—filing, etc.

SEC. 564. EXEMPTION.—A notary's official seal and his official documents shall be exempt from execution.

Exemption.

SEC. 565. FOREIGN BILLS OF EXCHANGE.—Notaries public shall have authority to demand acceptance and payment of foreign bills of exchange and to 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 notaries public may do.

Foreign bills of exchange.

SEC. 566. OTHER ACTS.—They may also perform such other acts, for use and effect beyond the jurisdiction of the District, as according to the law of any State or Territory of the United States or any foreign government in amity with the United States may be performed by notaries public.

Other acts.

SEC. 567. INLAND BILLS AND NOTES.—Notaries public may also demand acceptance of inland bills of exchange and payment thereof, and of promissory notes and checks, and may protest the same for nonacceptance or nonpayment, as the case may require. And on the original protest thereof he shall state the presentment by him of the same for acceptance or payment, as the case may be, and the nonacceptance or nonpayment thereof, and the service of notice thereof on any of the parties to the same, and the mode of giving such notice, and the reputed place of business or residence of the party to whom the same was given; and such protest shall be prima facie evidence of the facts therein stated. And any notary public failing to comply herewith shall pay a fine of ten dollars to the District of Columbia, to be collected in the police court as are other fines and penalties.

Inland bills and notes.

Acknowledgments,  
oaths, etc.

SEC. 568. ACKNOWLEDGMENTS, OATHS, AND SO FORTH.—Each notary public shall have power to take and to certify the acknowledgment or proof of powers of attorney, mortgages, deeds, and other instruments of writing, the acknowledgment of any conveyance or other instrument of writing executed by any married woman, to take depositions and to administer oaths and affirmations in all matters incident or belonging to the duties of his office, and to take affidavits to be used before any court, judge, or officer within the District.

Record.

SEC. 569. RECORD.—Each notary public shall keep a fair record of all his official acts, except such as are mentioned in the preceding section, and when required shall give a certified copy of any record in his office to any person upon payment of the fees therefor.

Copy of record as  
evidence.

SEC. 570. COPY OF RECORD AS EVIDENCE.—The certificate of a notary public, under his hand and seal of office, drawn from his record, stating the protest and the facts therein recorded, shall be evidence of the facts in like manner as the original protest.

Fees.

SEC. 571. FEES.—The fees of notaries public shall be—

For each certificate and seal, fifty cents.

Taking depositions or other writings, for each one hundred words, ten cents.

Administering an oath, fifteen cents.

Take acknowledgment of a deed or power of attorney, with certificate thereof, fifty cents.

Every protest of a bill of exchange or promissory note, and recording the same, one dollar and seventy-five cents.

Each notice of protest, ten cents.

Each demand for acceptance or payment, if accepted or paid, one dollar, to be paid by the party accepting or paying the same.

Each noting of protest, one dollar.

Penalties for taking  
higher fees.

SEC. 572. PENALTIES FOR TAKING HIGHER FEES.—Any notary public who shall take a higher fee than is prescribed by the preceding section shall pay a fine of one hundred dollars and be removed from office by the supreme court of the District.

Death, etc.

SEC. 573. DEATH, AND SO FORTH.—Upon the death, resignation, or removal from office of any notary public, his records, together with all his official papers, shall be deposited in the office of the clerk of the supreme court of the District.

## CHAPTER EIGHTEEN.

Corporations.

### CORPORATIONS.

#### SUBCHAPTER ONE.

Institutions of  
learning.

### INSTITUTIONS OF LEARNING.

Certificate of organi-  
zation.

SEC. 574. CERTIFICATE OF ORGANIZATION.—Any five or more persons desirous of associating themselves for the purpose of establishing an institution of learning, may make, sign, and acknowledge, before any officer authorized to take acknowledgment of deeds in the District, and file in the office of the recorder of deeds, a certificate in writing, to be recorded in a book kept for that purpose and open to public inspection, in which shall be stated:

—contents of.

First. The name or title by which the institution shall be known in law;

Second. The number of trustees, directors, or managers, and their names;

Third. The particular branch of literature and science, or either of them, proposed to be taught; and,

Fourth. If the institution is to be of the rank of a college or university, the number and designation of the professorships to be established.

SEC. 575. SIGNERS INCORPORATED.—Upon filing such certificate, the persons signing and acknowledging the same and their successors and associates shall be a body politic and corporate, by the name and style stated in the certificate, and by that name and style shall have perpetual succession, with power to sue and be sued, plead and be impleaded; to acquire, hold, and convey property in all lawful ways; to have and use a common seal, and to alter and change the same at pleasure; to make and alter, from time to time, such by-laws not inconsistent with the Constitution of the United States or the laws in force in the District as they may deem necessary for the government of the institution, and to confer upon such persons as may be considered worthy such academical or honorary degrees as are usually conferred by similar institutions.

Signers incorporated.

SEC. 576. CORPORATE POWERS.—Such corporation shall be competent in law and equity to take to themselves, in their corporate name, real, personal, or mixed property by gift, grant, bargain and sale, conveyance, will, devise, or bequest of any person whomsoever, and to grant, bargain, sell, convey, demise, let, place out at interest, or otherwise dispose of the same for the use of the institution, in such manner as shall seem most beneficial thereto.

Corporate powers.

SEC. 577. PROPERTY HELD, FOR WHAT PURPOSES.—Such corporation shall hold the property of the institution solely for the purposes of education, and not for the individual benefit of themselves or of any contributor to the endowment thereof.

Property held, for what purposes.

SEC. 578. FUNDS, HOW APPLIED.—The trustees, directors, or managers of any such corporation shall faithfully apply all the funds collected or the proceeds of the property belonging to the institution, according to their best judgment, in erecting or completing suitable buildings, supporting necessary officers, instructors, and servants, and procuring books, maps, charts, globes, and philosophical, chemical, and other apparatus necessary to the success of said institution.

Funds, how applied

SEC. 579. In case any donation, devise, or bequest shall be made for particular purposes, in accordance with the designs of the institution, and the corporation shall accept the same, such donation, devise, or bequest shall be applied in conformity with the express condition of the donor or devisor.

Specific donations.

SEC. 580. QUANTITY OF LAND.—No such corporation shall hold more land at any one time than necessary for the purposes of education, as set forth in its articles of association, unless it shall have received the same by gift, grant, or devise, and in such case the corporation shall be required to sell or dispose of the same within fifteen years from the time the title thereto is acquired.

Quantity of land which may be held.

SEC. 581. On failure to so dispose of the land, so much of the same over and above the amount necessary to be used as provided in the preceding section shall revert to the original donor, grantor, devisor, or their heirs.

Reversion of surplus.

SEC. 582. OFFICERS.—Such corporation shall have the power to appoint a president or principal for the institution and such professors or servants as may be necessary, and to displace any of them, as the interests of the institution require; to fill vacancies which may happen by death, resignation, or otherwise among such officers or servants, and to prescribe and direct the course of studies to be pursued in the institution.

Officers.

SEC. 583. TREASURER.—Such corporation may require the treasurer of the institution and all other agents thereof, before entering upon the duties of their appointment, to give bond for the security of the

Treasurer.

corporation in such sums and with such security as may be deemed sufficient by the corporation.

Annual statements.

SEC. 584. ANNUAL STATEMENTS.—It shall be the duty of the trustees of any institution, or a majority of them, to file, on or before the first Monday in January in each year, in the office of the recorder of deeds, who shall index the same, a statement of the trustees and officers of the institution, with an inventory of its property and liabilities and students, and such other information as will exhibit its condition or operation.

Suits.

SEC. 585. SUITS.—All process against any such corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the president, secretary, or treasurer, or at the office of the corporation at least sixty days before the return day thereof.

Quo warranto.

SEC. 586. QUO WARRANTO.—In case any such corporation shall at any time violate or fail to comply with any of the preceding provisions, upon complaint being made to the supreme court of the District, a writ of quo warranto shall issue, and the district attorney of the United States shall prosecute, in behalf of the people, for a forfeiture of all rights and privileges secured by this subchapter to such corporation.

## SUBCHAPTER TWO.

### RELIGIOUS SOCIETIES.

Religious societies.

Land to be acquired.

SEC. 587. LAND TO BE ACQUIRED.—It shall be lawful for the members of any society or congregation in the District, formed for the purpose of religious worship, to receive by gift, devise, or purchase a quantity of land not exceeding an acre, and to erect thereon such houses and buildings and to make such other use of the land and such other improvements thereon as may be deemed necessary for the purposes named, and for the comfort and convenience of the society or congregation.

Trustees.

SEC. 588. TRUSTEES.—Such society or congregation may assume a name, and any number of trustees, not exceeding ten, who shall be styled trustees of such society or congregation by the name so assumed, may be elected or appointed according to the rules or discipline governing the church or denomination to which said society or congregation may belong.

Certificate.

SEC. 589. CERTIFICATE.—The persons elected or appointed as trustees shall immediately thereafter make a certificate under their hands and seals, stating the date of their election or appointment, the name of the society or congregation, and length of time for which they were elected or appointed, which shall be verified by the affidavit of one of the persons making the same, and shall be filed and recorded in the office of the recorder of deeds of the District.

Tenure of office.

SEC. 590. TENURE OF OFFICE.—The trustees shall hold office during the period stated in their certificates, and vacancies in the office of trustee may be filled by election or appointment as above provided, and rules and regulations may be adopted in relation to the management of the estate and the duties of trustees, or for their removal from office, in accordance with the rules or discipline governing the church or denomination to which such society or congregation may belong, not inconsistent with the Constitution of the United States and the laws in force in the District.

Election of successors.

SEC. 591. At the expiration of the term of service of any of the trustees one or more successors may be elected or appointed, and a certificate of their appointment or election shall be made, verified, filed, and recorded as provided hereinbefore.

Failure to elect not to dissolve society.

SEC. 592. A failure to elect or appoint trustees at the proper time shall not work a dissolution of the society or congregation; but the

trustees last elected or appointed shall be considered as in office until another election or appointment shall take place.

SEC. 593. CORPORATE POWERS.—Such trustees and their successors shall have perpetual succession and existence, and shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law or equity whatsoever, in and by the name and style assumed as hereinbefore provided.

Corporate powers.

SEC. 594. TITLE VESTED IN TRUSTEES.—The title to land authorized to be purchased and to buildings and improvements thereon shall be vested in the trustees by their assumed name and their successors forever, and the same shall be held for the uses and purposes named and no other.

Title vested in trustees.

SEC. 595. POWERS OF TRUSTEES.—The trustees shall have power, under the direction of the society or congregation, or the authority by whom they were elected or appointed, to sell and execute deeds and conveyances of the property authorized to be held by the society or congregation; and such deeds or conveyances shall have the same effect as like deeds or conveyances made by natural persons; but no deed or conveyance shall be made so as to defeat or destroy the interest or effect of any grant, donation, or bequest, and all grants, donations, and bequests shall be appropriated and used as directed by the person making the same.

Powers of trustees.

SEC. 596. MORTGAGES.—The trustees shall have power, under the direction of the society or congregation, or the authority by whom they were elected or appointed, to execute mortgages, or deeds of trust in the nature of mortgages, upon the estate and property which any society or congregation are authorized to hold, or to lease the same for a term not exceeding ten years; and such mortgages, deeds, and conveyances shall have the same effect and be enforced by the same remedies and proceedings as like mortgages, deeds, leases, and conveyances made by natural persons.

Mortgages.

SEC. 597. DISSOLUTION.—Upon the dissolution of any society or congregation the estate and property of such society or congregation shall revert back to the persons, their heirs, and assigns who may have given or contributed to the purchase of or payment for the same, according to their respective rights.

Dissolution.

SEC. 598. RELIGIOUS SCHOOLS.—The provisions of the eleven preceding sections are intended to extend to members of societies formed to establish and maintain private schools for religious purposes, but shall not be construed as conferring privileges or any benefits to such societies under the school laws of the District.

Religious schools.

### SUBCHAPTER THREE.

### SOCIETIES, BENEVOLENT, EDUCATIONAL, AND SO FORTH.

Societies, benevolent, educational, etc.

SEC. 599. CERTIFICATE.—Any three or more persons of full age, citizens of the United States, a majority of whom shall be citizens of the District, who desire to associate themselves for benevolent, charitable, educational, literary, musical, scientific, religious, or missionary purposes, including societies formed for mutual improvement or for the promotion of the arts, may make, sign, and acknowledge, before any officer authorized to take acknowledgment of deeds in the District, and file in the office of the recorder of deeds, to be recorded by him, a certificate in writing, in which shall be stated—

Certificate.

First. The name or title by which such society shall be known in law. —contents.

Second. The term for which it is organized, which may be perpetual.

Third. The particular business and objects of the society.

Fourth. The number of its trustees, directors, or managers for the first year of its existence.

Signers incorporated.

—powers.

Proviso. Exemption from taxation.

Trustees.

SEC. 600. SIGNERS INCORPORATED.—Upon filing their certificates the persons who shall have signed and acknowledged the same and their associates and successors shall be a body politic and corporate, by the name stated in such certificate; and by that name they and their successors may have and use a common seal, and may alter and change the same at pleasure, and may make by-laws and elect officers and agents, and may take, receive, hold, and convey real and personal estate necessary for the purposes of the society as stated in their certificate, and other real and personal property the clear annual income from which shall not exceed in value twenty-five thousand dollars: *Provided, however*, That this section shall not be construed to exempt any property from taxation in addition to that now specifically exempted by law.

SEC. 601. TRUSTEES.—Such incorporated society may elect its trustees, directors, or managers at such time and place and in such manner as may be specified in its by-laws, who shall have the control and management of the affairs and funds of the society, and a majority of whom shall be a quorum for the transaction of business; and whenever any vacancy shall happen in such board of trustees, directors, or managers the vacancies shall be filled in such manner as shall be provided by the by-laws of the society.

Reincorporation.

SEC. 602. REINCORPORATION.—The trustees, directors, or stockholders of any existing benevolent, charitable, educational, musical, literary, scientific, religious, or missionary corporation, including societies formed for mutual improvement, may, by conforming to the requirements herein, reincorporate themselves, or continue their existing corporate powers under this subchapter, or may change their name, stating in their certificate the original name of such corporation as well as their new name assumed; and all the property and effects of such existing corporation shall vest in and belong to the corporation so reincorporated or continued.

Property, how managed.

SEC. 603. PROPERTY, HOW MANAGED.—Any property of the corporation may be leased, encumbered by mortgage or deed of trust in the nature of a mortgage, or sold and conveyed absolutely, when authorized by a vote of the majority of the shares of stock, if the same be a stock corporation, or by a vote of the majority of the directors, managers, or trustees, if the same be not a stock corporation, at a meeting called for the purpose, the proceedings of which meeting shall be duly entered in the records of the corporation, and the proceeds arising therefrom shall be applied or invested for the use and benefit of such corporation.

Name of corporation.

SEC. 604. NAME OF CORPORATION.—The provisions of this subchapter shall not extend or apply to any association or individual who shall in the certificate filed with the recorder of deeds use or specify a name or style the same as that of any other incorporated body in the District.

#### SUBCHAPTER FOUR.

Manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, market, and savings bank corporations. Certificate.

#### MANUFACTURING, AGRICULTURAL, MINING, MECHANICAL, INSURANCE, MERCANTILE, TRANSPORTATION, MARKET, AND SAVINGS BANK CORPORATIONS.

SEC. 605. CERTIFICATE.—Any three or more persons who desire to form a company for the purpose of carrying on any enterprise or business which may be lawfully conducted by an individual, excepting banks of circulation or discount, corporations to buy, sell, or deal with real property, railroads, and such other enterprise or business as may be otherwise specially provided for in this code, may make, sign, and



acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the officer of the recorder of deeds, a certificate in writing.

SEC. 606. In such certificate shall be stated—

—contents of.

First. The corporate name of the company and the object for which it is formed.

Second. The term of its existence, which may be perpetual.

Third. The amount of the capital stock of the company and the number of shares of which said stock shall consist.

Fourth. The number of trustees who shall manage the concerns of the company for the first year and their names.

Fifth. The name of the place in the District in which the operations of the company are to be carried on.

SEC. 607. SIGNERS INCORPORATED.—When the certificate shall have been filed, in accordance with the provisions of the preceding section, the persons who shall have signed and acknowledged the same and their successors shall be a body politic and corporate in fact and in name, by the name stated in such certificate, and by that name have succession and be capable of suing and being sued in any court of law or equity in the District; and they and their successors may have a common seal and make and alter the same at pleasure, and they shall by their corporate name be capable in law of purchasing, holding, and conveying any real or personal estate whatever which may be necessary to enable the company to carry on its operations named in such certificates, but shall not mortgage such estate or give any lien thereon, except in pursuance of a vote of the stockholders of the company.

Signers incorporated.

SEC. 608. TRUSTEES.—The stock, property, and concerns of such company shall be managed by not less than three nor more than fifteen trustees, who shall, respectively, be stockholders, and a majority citizens of the District, and shall, except for the first year, be annually elected by the stockholders, at such time and place as shall be determined by the by-laws of the company.

Trustees.

SEC. 609. ELECTIONS.—Public notice of the time and place of holding such election shall be published not less than thirty days previous thereto in some newspaper printed and published in the District, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All the elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the company, and the persons receiving the greatest number of votes shall be trustees; and when any vacancy shall happen among the trustees it shall be filled for the remainder of the year in such manner as may be provided by the by-laws of the company.

Elections.

SEC. 610. In case it shall happen at any time that an election of trustees shall not be made on the day designated by the by-laws of said company when it ought to have been made, the company shall not for that reason be dissolved, but it shall be lawful on any other day to hold an election for trustees, in such manner as shall be provided by the by-laws, and all acts of trustees shall be valid and binding as against said company until their successors shall be elected.

Failure to elect on day designated not to dissolve company.

SEC. 611. OFFICERS.—There shall be a president of the company, who shall be designated from the trustees: and also such subordinate officers as may be elected or appointed, and who may be required to give security for the faithful performance of the duties of their office, as the company by its by-laws may require.

Officers.

SEC. 612. BY-LAWS.—The trustees shall have power to make such prudential by-laws as they deem proper for the management and disposal of the stock and business affairs of such company, not inconsistent with the laws of the District and the Constitution of the United States, and prescribing the duties of officers, artificers, and servants that may be employed, for the appointment of all officers, and for car-

By-laws.

rying on all kinds of business within the objects and purposes of such company.

Calls.

SEC. 613. CALLS.—No company incorporated under this subchapter shall be authorized to transact any business until ten per centum of the capital stock shall have been actually paid in, either in money or in property at its actual value; and it shall be lawful for the trustees to call in and demand from the stockholders the residue of their subscriptions in money or property at such times and in such installments as the trustees shall deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the stockholder within sixty days after a personal demand or a notice requiring such payment shall have been published for six successive weeks in a newspaper in the District.

Stock.

SEC. 614. STOCK.—The stock of such company shall be deemed personal estate and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid in or the shares shall have been declared forfeited for nonpayment.

Liability of stockholders.

SEC. 615. LIABILITY OF STOCKHOLDERS.—All the stockholders of every company incorporated under this subchapter shall be severally individually liable to the creditors of the company in which they are stockholders for the unpaid amount due upon the shares of stock held by them, respectively, for all debts and contracts made by such company, until the whole amount of capital stock fixed and limited by such company shall have been paid in, and a certificate thereof shall have been made and recorded, as prescribed in the following section.

Payments on capital stock.

SEC. 616. PAYMENTS ON CAPITAL STOCK.—The president and a majority of the trustees, within thirty days after the payment of the last installment of the capital stock so fixed and limited, shall make a certificate stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the president and a majority of the trustees; and they shall within the said thirty days record the same in the office of the recorder of deeds of the District.

Annual reports.

SEC. 617. ANNUAL REPORTS.—Every such company shall annually, except insurance companies, within twenty days from the first of January, make a report, which shall be published in a newspaper in the District, which shall state the amount of capital and of the proportion actually paid and the amount of existing debts, which report shall be signed by the president and a majority of the trustees, and shall be verified by the oath of the president or secretary of the company, and filed in the office of the recorder of deeds of the District.

Penalty for failure.

SEC. 618. PENALTY FOR FAILURE.—If any company fails to comply with the provisions of the preceding section, all the trustees of such company shall be jointly and severally liable for the debts of the company then existing and for all that shall be contracted before such report shall be made.

False report.

SEC. 619. FALSE REPORT.—If any certificate or report made or public notice given by the officers of any company in pursuance of the provisions of this subchapter shall be false in any material representation, all the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all debts of the company contracted while they are stockholders or officers thereof.

Stock of other companies not to be bought.

SEC. 620. STOCK OF OTHER COMPANIES NOT TO BE BOUGHT.—It shall not be lawful for any company to use any of their funds in the purchase of any stock in any other corporation.

Loans to stockholders.

SEC. 621. LOANS TO STOCKHOLDERS.—No loan of money shall be made by any company upon the security, in whole or in part, of its own stock; and if any such loan shall be made to a stockholder, the officers who shall make it or who shall assent thereto shall be jointly and severally liable, to the extent of such loan and interest, for all

debts of the company contracted while they are stockholders or officers thereof.

SEC. 622. DIVIDENDS.—If the trustees of any company shall declare and pay any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing and for all that shall be thereafter contracted while they shall respectively remain in office. Dividends; trustees' liability.

SEC. 623. If any of the trustees shall object to declaring such dividend or the payment of the same, and shall, at any time before the time fixed for the payment thereof, file a certificate of their objection in writing with the secretary of the company and with the recorder of deeds of the District, they shall be exempt from the liability prescribed in the preceding section. —objections of, to declaring, etc.

SEC. 624. EXECUTORS, AND SO FORTH, NOT PERSONALLY LIABLE.—No person holding stock in such company as executor, administrator, guardian, or trustee shall be personally subject to any liability as stockholder of such company, but the estate and funds in the hands of such executor, administrator, guardian, or trustee shall be liable in like manner and to the same extent as the testator or intestate or the ward or person interested in such trust fund would have been if he had been living and competent to act and hold the stock in his own name. Executors, etc., not personally liable.

SEC. 625. EXECUTORS, AND SO FORTH, MAY VOTE.—Every such executor, administrator, guardian, or trustee shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a stockholder. Executors, etc., may vote.

SEC. 626. PLEDGES OF STOCK.—No person holding stock in such company as collateral security shall be personally subject to any liability as stockholder of such company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and every person who shall pledge his stock as collateral security may, nevertheless, represent the same at all meetings and vote as a stockholder. Pledges of stock.

SEC. 627. STOCK BOOK.—It shall be the duty of the trustees of every corporation formed under this subchapter to cause a book to be kept by the treasurer or secretary thereof, containing the names of all persons alphabetically arranged, who are or shall within six years have been stockholders of such company, and showing their place of residence, the number of shares of stock held by them respectively, the time when they became owners of such shares, and the amount of stock actually paid in. Stock book.

SEC. 628. Such book shall, during the usual business hours of the day, on every business day, be open for inspection of stockholders and creditors of the company and their personal representatives, at the office or principal place of business of such company in the District where its business operations shall be located, and any stockholder, creditor, or representative shall have a right to make extracts from such books. —open for inspection, etc.

SEC. 629. TRANSFERS.—A person in whose name shares of stock stand on the books of a company shall be deemed the owner thereof as regards the company, but if any such person shall in good faith sell, pledge, or otherwise dispose of any of his shares of stock to another and deliver to him the certificate for such shares, with written authority for the transfer of the same on the books, the title of the former shall vest in the latter so far as may be necessary to effect the purpose of the sale, pledge, or other disposition, not only as between the parties themselves, but also as against the creditors of and subsequent purchasers from the former, subject to the provisions of section six hundred and fourteen. Transfers.

SEC. 630. Such book shall be presumptive evidence of the facts therein stated in favor of the plaintiff in any suit or proceeding against such company or against any one or more stockholders. Weight of book as evidence.

Inspection of books.

SEC. 631. INSPECTION OF BOOKS.—Every officer or agent of any company who shall neglect to make any proper entry in such book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected and extracts to be taken therefrom, as herein provided, shall be deemed guilty of a misdemeanor, and the company shall pay to the party injured a penalty of fifty dollars for any such neglect or refusal, and all damages resulting therefrom.

Penalty for failure to keep book open to inspection.

SEC. 632. Every company that shall neglect to keep such book open for inspection, as provided in section six hundred and twenty-eight, shall forfeit to the United States the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the supreme court of the District.

Increase or diminution of stock.

SEC. 633. INCREASE OR DIMINUTION OF STOCK.—Any company which may be formed under this subchapter may increase or diminish its capital stock, by complying with the provisions of this subchapter, to any amount which may be deemed sufficient and proper for the purposes of the corporation, and may also extend its business to any other business authorized hereby, subject to the provisions and liabilities of this subchapter.

—condition of diminution.

SEC. 634. Before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital.

Meeting to increase, etc., stock, etc., notice of.

SEC. 635. Whenever any company shall desire to call a meeting of the stockholders for the purpose of increasing or diminishing the amount of its capital stock, or for extending or changing its business, it shall be the duty of the trustees or directors to publish a notice, signed by a majority of them, in a newspaper in the District, at least three successive weeks, and to deposit a notice thereof in the post-office addressed to each stockholder at his usual place of residence, at least three weeks previous to the day fixed upon for holding such meeting, specifying the object of the meeting and the time and place when and where such meeting shall be held.

—two-thirds of shares to be represented

SEC. 636. If, at any time and place specified in the notice provided for in the preceding section, stockholders shall appear by proxy or in person representing not less than two-thirds of all the shares of stock of the corporation, they shall organize and proceed to a vote of those present or by proxy.

—certificate of proceedings.

SEC. 637. If, on canvassing the votes, it shall appear that a sufficient number of votes are in favor of increasing or diminishing the amount of capital, or extending or changing the business of the company, a certificate of the proceedings, showing a compliance with the provisions of this subchapter, the amount of capital actually paid in, the business to which it is extended or changed, the whole amount of debts and liabilities of the company, and the amount to which the capital shall be increased or diminished, shall be made out, signed, and verified by the affidavit of the chairman, and be countersigned by the secretary.

—acknowledgment, filing of, etc.

SEC. 638. Such certificate shall be acknowledged by the chairman, and filed as required by section six hundred and six, and when so filed the capital stock of such corporation shall be increased or diminished to the amount specified in the certificate, and the business extended or changed accordingly; and the company shall be entitled to the privileges and provisions and be subject to the liabilities of this subchapter.

Vote of two-thirds of shares necessary.

SEC. 639. A vote of at least two-thirds of all the shares of the stock of a company shall be necessary to an increase or diminution of the amount of its capital stock or the extension or change of its business.

Copy of certificate to be evidence.

SEC. 640. COPY OF CERTIFICATE TO BE EVIDENCE.—A copy of any certificate of incorporation filed in pursuance of this subchapter, certified by the recorder of deeds to be a true copy and the whole of such

certificate, shall be received in all courts and places as presumptive legal evidence of the facts therein stated.

SEC. 641. TITLE AND FIRE INSURANCE COMPANIES MAY BECOME PERPETUAL.—Any company heretofore formed, agreeably to law, for the purpose of insuring titles to real estate, or for the purpose of carrying on fire insurance, may become perpetual by filing, in the office of the recorder of deeds, a certificate to that effect, in like manner as is provided by law for the filing of the original certificate of incorporation.

Title and fire insurance companies may become perpetual.

SEC. 642. SALE OF UNCLAIMED FREIGHT, AND SO FORTH.—Whenever any freight, baggage, or other property transported by a common carrier to, or deposited with a common carrier at, any point in the District of Columbia, shall remain unclaimed by the owner or consignee, or the charges thereon shall remain unpaid for the space of six months after arrival at the point to which the same shall have been directed or transported, or after deposit as aforesaid, and the owner or person to whom the same is consigned, or by whom the same shall have been deposited, shall, after notice of such arrival, or after notice to take away such property so deposited, neglect or refuse to receive the same and pay the charges thereon within such period of six months, then it shall be lawful for such carrier to sell such freight, baggage, or other property at public auction, after giving three weeks' notice of the time and place of sale, once a week for three successive weeks, in a newspaper published in the District of Columbia.

Sale of unclaimed freight, etc., by common carrier.

—notice to consignee.

SEC. 643. Upon the application of such carrier, verified by affidavit, to the supreme court of the District of Columbia holding a special term, setting forth that the place of residence of the owner or consignee of any such freight, baggage, or other property is unknown, or that such freight, baggage, or other property is of such perishable nature, or so damaged, or showing any other cause that shall render it impracticable to give the notice or delay the sale for the period provided in the next preceding section, then it shall be lawful for such court to make an order authorizing the sale of such freight, baggage, or other property upon such terms as to notice as the nature of the case may admit of and to such court shall seem meet: *Provided*, That in case of perishable property the affidavit and proceedings required and authorized by this section may be had before a justice of the peace.

—order of court where notice impracticable.

*Proviso*.—proceedings where property perishable.

SEC. 644. The residue of moneys arising from any such sale, under either of the two next preceding sections, after deducting the amount of charges, including charges for transportation, the cost of handling and storage, demurrage, and the costs and expenses of proceedings to authorize the sale, and of advertising and sale, shall be paid to the owner of such freight, baggage, or other property on demand.

Disposition of residue of moneys from sale.

### SUBCHAPTER FIVE.

### INSURANCE COMPANIES.

SEC. 645. DEPARTMENT OF INSURANCE.—There shall be, and is hereby, established in the District a department of insurance, under the direction of the Commissioners of the District. The said Commissioners are authorized and directed to appoint a superintendent of insurance, at an annual salary of two thousand five hundred dollars, and one clerk, at an annual salary of one thousand dollars. The said superintendent and clerk shall devote their services exclusively to the business of said department. Said superintendent shall have supervision of all matters pertaining to insurance, insurance companies, and beneficia, orders and associations, subject only to the general supervision of the Commissioners.

Insurance companies,

Department of insurance.

Superintendent, etc.

Duties of superintendent.

SEC. 646. DUTIES OF SUPERINTENDENT, AND SO FORTH.—It shall be the duty of said superintendent to see that all laws of the United States relating to insurance or insurance companies, benefit orders, and associations doing business in the District are faithfully executed; to keep on file in his office copies of the charters, declarations of organization, or articles of incorporation of every insurance company, benefit association or order, including life, fire, marine, accident, plate-glass, steam-boiler, burglary, cyclone, casualty, live-stock, credit, and maturity companies or associations doing business in the District; and before any such insurance company, association, or order shall be licensed to do business in the District it shall file with said superintendent a copy of its charter, declaration of organization, or articles of incorporation, duly certified in accordance with law by the insurance commissioners or other proper officer of the State, Territory, or nation where such company or association was organized; also a certificate setting forth that it is entitled to transact business and assume risks and issue policies of insurance therein; and if its principal office is located outside the District it shall appoint some suitable person, resident in said district, as its attorney, upon whom legal process may be served; and the fees for filing with the superintendent such papers as are required by this section shall be ten dollars, to be paid to the collector of taxes, and no other license fee shall be required of such insurance companies or associations except as provided in sections six hundred and fifty-four and six hundred and fifty-five of this subchapter. Said superintendent shall have power to make such rules and regulations, subject to the general supervision of the Commissioners, not inconsistent with law, as to make the conduct of each company in the same line of insurance conform in doing business in the District.

Papers to be filed with, before issue of license.

Outside companies to appoint Attorney.

Fees.

Regulations.

Annual statements of companies.—contents, etc.

SEC. 647. ANNUAL STATEMENTS.—The said superintendent shall furnish, in December of each year, to every company or association hereinbefore mentioned, or its agent or attorney in the District, the necessary blank forms for the annual statements for such company or association, which shall be returned to the superintendent on or before the first day of March in each year, signed and sworn to by the president and secretary, or if a foreign company by its manager or proper representative within the United States, showing its true financial condition as of the next preceding thirty-first day of December, which shall include a detailed statement of its assets and liabilities on that day, the amount and character of business transacted, losses sustained, and money received and expended during the year, and such other information as the said superintendent may deem necessary. Such annual statements shall be printed in at least one newspaper published in the District of Columbia, in the month of March in each year; and any such company or association failing to comply with the provisions aforesaid shall have its license to do business in the District revoked.

Paid-up capital required.

SEC. 648. PAID-UP CAPITAL REQUIRED, AND SO FORTH.—No fire insurance company, except mutual fire insurance companies organized in the District of Columbia under special act of Congress or the general laws of said District, or mutual companies of other States licensed to do business in the said District, which has a paid-up capital of less than one hundred thousand dollars, shall be permitted to do business therein, and all life and fire insurance companies or associations licensed to do business in said District shall be required to maintain a reinsurance reserve fund; and whenever any such company or association not excepted from the operations hereof shall become insolvent or impaired to the extent of twenty-five per centum of its capital stock it shall be the duty of the superintendent to suspend its license; and unless such impairment or insolvency shall be made good within sixty days thereafter, it shall be the duty of the superintendent of insurance to revoke its license to do busi-

Reinsurance reserve fund.

Suspension of license for insolvency.

ness in the District; and it shall be unlawful for any insurance company, association, or order to do business in the District without a license, or to continue business after the revocation of its license, and any such company or association violating this provision shall be liable to a penalty of twenty dollars for each day it transacts business without such license, to be recovered by the Commissioners of the District by an action of debt in any court of the District of competent jurisdiction. And any person who shall aid in carrying on the business of any such company, or shall act as agent or solicitor for any company not licensed to do business in said District, or whose license is revoked, shall be guilty of a misdemeanor, and on conviction thereof in the police court of said District shall be punished by a fine not exceeding one hundred dollars, or, in default of payment thereof, by imprisonment in the jail of the District for not less than ten nor more than sixty days. And the superintendent of insurance shall issue such license to any such insurance company or association whenever it shall have complied with the provisions of section six hundred and forty-six of this subchapter, subject, however, to the provisions of sections six hundred and fifty-four and six hundred and fifty-five thereof: *Provided*, That the superintendent of insurance shall have power to make an official examination into the affairs of any insurance company or association organized under the laws of the District of Columbia, or having its principal office therein, at his discretion, for the purpose of ascertaining whether such company is impaired or insolvent, as aforesaid.

Transacting business without license; penalty.

*Proviso.*  
Ascertaining insolvency.

SEC. 649. DEPOSIT REQUIRED OF FOREIGN COMPANIES.—No insurance company or association organized outside the territorial limits of the United States shall be licensed to do business in the District until it shall have complied with the laws of some one of said States requiring a deposit of not less than one hundred thousand dollars, or deposited in the registry of the supreme court of the District United States or municipal bonds, the market value of which shall be not less than one hundred thousand dollars, to be approved by the superintendent of insurance and the Commissioners of the District, to be held and maintained unimpaired in the registry of said court as a reserve fund for the liquidation of any judgment or judgments that may be obtained against such insurance company or association in said court or any inferior court of competent jurisdiction in said District; and the financial statements of insurance companies or associations, required hereby to be filed annually with the superintendent of insurance, shall set forth specifically the assets, liabilities, and conduct of the affairs of such companies or associations within the United States, and such statement shall be verified under oath by the manager and assistant manager or other proper officers of such companies or associations within the United States; and so much of this subchapter as requires the publication of annual statements shall only extend to the statements respecting the affairs of such foreign companies or associations within the United States.

Deposit required of foreign companies.

Financial statements to show assets, etc.

SEC. 650. STATEMENT OF BUSINESS IN DISTRICT OF COLUMBIA.—Every insurance company and association doing business in the District of Columbia shall, through its local agents or representatives, furnish to the superintendent, during the month of January of each year, a statement of its business in said District, setting forth specifically the net amount of its premium receipts, the amount of losses paid, the amount of expenses incurred, respecting the business done in the District during the calendar year next preceding, and said superintendent shall preserve a separate record of the same in his office for convenient reference, showing the ratio of such losses and expenses, respectively, to said premium receipts, "and all insurance companies of every description, except mutual fire insurance companies, shall pay to the

Statement of business in District of Columbia.

collector of taxes before March first of each year a sum equal to one and one-half per centum of said premium receipts of the last preceding calendar year, in lieu of all other taxes, except taxes upon real estate and any license fees provided for in sections six hundred and fifty-four and six hundred and fifty-five; and upon the failure of any company to pay said taxes before March first, as aforesaid, the license of said company shall be revoked and a penalty of eight per centum per month shall be charged against said company, which, together with said taxes, shall be collected before said company shall be allowed to resume business."

Superintendent to make annual report.

SEC. 651. SUPERINTENDENT TO MAKE ANNUAL REPORT.—The superintendent of insurance shall report annually to the Commissioners of the District, on or before the thirty-first day of March, the financial condition of each insurance company and association doing business in said District, as of the thirty-first day of December next preceding.

Inquiries as to District companies.

SEC. 652. INQUIRIES AS TO DISTRICT COMPANIES.—It shall be the duty of the said superintendent of insurance to ascertain whether the capital required by law or the charter of each insurance company or association organized under the laws of the District of Columbia has been actually paid up in cash and is held by its board of directors subject to their control, according to the provisions of their charter, or has been invested in property worth not less than the full amount of the capital stock required by its charter; or, if a mutual company, that it has received and is in actual possession of securities, as the case may be, to the full extent of the value required by its charter; and the president and secretary of such company or association shall make a declaration under oath to said superintendent, who is hereby empowered to administer oaths when hereby required, that the tangible assets exhibited to him represent bona fide the property of the company or association, which sworn declaration shall be filed and preserved in the office of said superintendent; and any such officer swearing falsely in regard to any of the provisions hereof shall be deemed guilty of perjury and shall be subject to all the penalties now prescribed by law in the District of Columbia for that crime.

Sworn statement of officers of company.

Assessment companies, exemption of.

SEC. 653. ASSESSMENT COMPANIES.—Insurance companies or associations transacting the business of life insurance on the assessment plan, organized under the laws of the District of Columbia or of any State of the United States, and doing business in said District, shall not be required to comply with the provisions of the next preceding section in regard to its assets; but such assessment companies or associations shall be required, as a condition of license to do business in said District, to file annually in the month of January with said superintendent a sworn statement setting forth that they are paying, and for the twelve months next preceding have paid, the maximum amount named in their policies or certificates of membership when and as the same become due and payable, and that one assessment upon their members is sufficient to pay the maximum amount for such certificate or policy issued, and such other information as he may require. Such assessment companies or associations shall also furnish said superintendent evidence that they hold an emergency or surplus fund as a guaranty for the payment of future death claims when the same is required by the charter or constitution of the company or association; and any such company or association licensed to do an insurance business refusing or neglecting to furnish such certificate shall have its license to do business in the District of Columbia revoked; but the provisions of this section shall apply only to associations transacting life insurance upon the assessment plan.

—sworn statement.

—certificate as to emergency fund.

Insurance agents' license.

SEC. 654. INSURANCE AGENTS.—No person, firm, or corporation shall act as agent for any insurance company or association, or act as insurance broker or agent for procuring or placing insurance for commis-



sions, compensation, gain, or profit, without first having obtained a license as an insurance agent or broker from the superintendent of insurance of the District. Every such license certificate shall have printed conspicuously upon its face the words "General insurance license," and for such license the sum of fifty dollars shall be paid annually in the month of March to the collector of taxes of said District. All licenses for insurance companies, their agents, or solicitors, who may apply for permission to do business in the District of Columbia shall date from the first of the month in which application is made and expire on the thirtieth day of April following, and payment shall be made in proportion. No person, firm, or corporation, or association shall allow or pay any commission, rebate, or compensation whatever, directly or indirectly, to, for, or in behalf of any person, firm, or corporation doing business in the District of Columbia not licensed as herein provided. Any violation of this section shall be a misdemeanor and, on conviction in the police court of said District, be subject to the penalties provided in section six hundred and forty-eight aforesaid for the misdemeanors therein described: *Provided*, That licenses to firms, corporations, or associations shall be held to extend only to the bona fide copartners, not exceeding two in one firm, and to the secretary and one assistant secretary of each corporation or association so licensed, any one of whom may be held and dealt with on behalf of such firm, corporation, or association for any violation of the provisions hereof: *And provided further*, That all moneys paid as fines under the provisions hereof shall be turned over to the proper custodian of the relief or pension fund of the fire department of the District, to be used and accounted for agreeably to the then existing rules for the use of such relief or pension fund.

—duration of.

Penalty.

*Provisos.*  
Licenses to firms, etc., extent of.

Disposition of moneys paid as fines.

SEC. 655. FRATERNAL ASSOCIATIONS, AND SO FORTH. — Nothing herein contained shall be held to interfere with or abridge the rights of, or apply to, any fraternal beneficial societies, orders, or associations under the act of Congress entitled "An act regulating fraternal beneficial associations in the District of Columbia," approved March third, eighteen hundred and ninety-seven, the provisions of which are embodied in subchapter twelve of this chapter, except that the superintendent of insurance herein provided for shall be substituted for and perform all the duties in said act of Congress assigned to the assessor of the District of Columbia: *Provided*, That any insurance company or agent licensed to do business in the District of Columbia may employ solicitors, and the license fee to be paid for each solicitor so employed shall be five dollars per year, payable in the month of March, and such license shall have printed on its face the words "Insurance solicitor's license," and shall contain the name of the company for which such solicitor is employed, and no other: *Provided*, That nothing herein contained shall be held to prevent any life or fire insurance company from carrying on the business commonly known as industrial insurance, and the license fee to be paid for solicitors for such industrial insurance shall be two dollars for every such solicitor, to be paid in the month of March in each year. Such license certificate shall have conspicuously printed on its face "Industrial insurance license," and shall also express upon its face the name of the company for which such solicitor is employed: and any certificate of license granted under this section or the next preceding section may be assigned, upon application to the superintendent of insurance, by canceling the old certificate and issuing a new one of like tenor to the assignee for the unexpired term, for which assignment a fee of twenty-five cents shall be paid to the collector of taxes; and any person who shall act as solicitor for any such insurance company, without having first procured such license therefor, or shall solicit for any company other than the one named in such license, shall be guilty of a misdemeanor and, on conviction thereof in

Fraternal associations; rights of, un-abridged.

Vol. 29, p. 630.

*Provisos.*  
Insurance solicitors.

—license of.

Industrial insurance.

—solicitors' license.

Assignment of certificate of license.

Penalty.

the police court of said District, be punished by a fine of not less than ten dollars nor more than fifty dollars, and in default of payment of such fine by imprisonment in the jail of said District for a term of not less than ten days nor more than thirty days, at the discretion of the court: *Provided*, That nothing in this subchapter shall be held to prevent any life insurance company organized in the District of Columbia under special act of Congress, but which has discontinued writing new insurance, from collecting premiums or dues upon any undetermined policies under which such company has liabilities, provided such company has sufficient assets and reserves to safely meet such liabilities.

*Proviso.*  
Collecting premiums on undetermined policies by discontinued companies.

Wagering policies.

SEC. 656. WAGERING POLICIES.—No insurance shall be made by any person or persons, bodies politic or corporate, on any ship or ships, or on any goods, merchandise, or effects laden or to be laden on board of any ship or ships, interest or no interest, or without further proof of interest than the policy, or by way of gaming or wagering, or without benefit of salvage to the insurer; and every such insurance shall be null and void to all intents and purposes.

Copy of application to be attached to policy.

SEC. 657. COPY OF APPLICATION TO BE ATTACHED TO POLICY.—Each life insurance company doing business in the District of Columbia shall attach to each policy issued by such company a copy of the application made by the insured, so that the whole contract may appear in said application and policy.

#### SUBCHAPTER SIX.

#### CEMETERY ASSOCIATIONS.

Cemetery associations.

How incorporated.

SEC. 658. HOW INCORPORATED.—When five or more persons shall associate themselves together for the purpose of forming a cemetery association in the District, such persons shall have the power to adopt a corporate name, and by that name shall be known as a body corporate, and by that name shall have perpetual succession and be invested with all powers, rights, privileges, liabilities, and immunities incident to corporations, and may have a common seal, and may alter or change the same at their pleasure.

Power to acquire land.

SEC. 659. POWERS.—Such persons so associated shall have power to acquire by gift, grant, or purchase any lot or lots of land not exceeding fifty acres, and lay out the same for a burial place for the dead, with convenient aisles, and to sell the same for such purpose and for no other purposes, reserving a sufficient portion thereof for the burial of the stranger and indigent.

—survey of.

SEC. 660. They shall cause the land designed as a burial ground to be surveyed and platted, and a plat of the ground so surveyed shall be recorded in the office of the surveyor of the District. Each lot shall be duly numbered by the surveyor and such number shall be marked on the plat and recorded.

—improvements.

SEC. 661. Such association shall have power to inclose and ornament their burial ground, to build and erect a hearse house, and keep the same in proper repair; to purchase a hearse or hearses, and to do all other necessary acts to the end that all the appliances, conveniences, and benefits of a public and private cemetery may be obtained.

Distribution of proceeds from sale of lots.

SEC. 662. The proceeds arising from the sale of lots, after deducting all expenses of purchasing and laying out the same, shall be applied, appropriated, and used in improving and ornamenting the burial ground, or for other purposes named in this subchapter.

Officers.

SEC. 663. OFFICERS.—The officers of any such corporation shall be a president, a treasurer (who shall act as a secretary), and not less than three directors, who shall be severally chosen annually by ballot, and shall hold office until their successors are chosen. Any neglect to choose officers on the day fixed upon for that purpose shall not operate

as a forfeiture of the act of incorporation, in accordance with the provisions of this subchapter.

SEC. 664. The first election of officers by the persons associating, according to and for the purpose specified in section six hundred and fifty-eight, shall be at the time and place designated and agreed upon by a majority of the persons so associating themselves together, and no other than such persons shall vote at such election. —first election of.

SEC. 665. VOTERS.—At each subsequent election of officers of any such corporation the owner of a lot in said burial ground shall be entitled to one vote in the election of officers of the corporation and no more, and shall, by virtue of such membership, be a member of the corporation. Voters.

SEC. 666. BY-LAWS.—Each corporation shall have power to establish and change by-laws and prescribe rules and regulations for its government and the duties of its officers and the management of its property. By-laws.

SEC. 667. EXEMPTION FROM TAXATION.—The property of any such corporation, its grounds, lots, and appliances, shall be exempt from taxation and shall not be liable to sale on execution. Exemption from taxation.

SEC. 668. DEDICATION.—Any person desiring to dedicate any lot of land, not exceeding five acres, as a burial place for the interment of the dead for the use of any society, association, or neighborhood may, by deed duly executed and recorded, convey such land to the District of Columbia, by the corporate name of said District of Columbia, specifying in such deed the society, association, or neighborhood for the use of which the dedication is desired to be made, and thereby (provided such conveyance shall be accepted by the Commissioners of the District of Columbia) vest the title to such land in perpetuity, for the uses stated in the deed, and such land shall be thereafter exempt from taxes for all purposes whatever. Dedication.

SEC. 669. GRANTS AND BEQUESTS FOR CARE OF LOTS.—It shall be lawful for such association to take and hold any grant, donation, or bequest upon trust to apply the income thereof, under the direction of the board of managers, for the embellishment, preservation, renewal, or repair of any tomb, monument, gravestone, or other structure, fence, railing, or other inclosure in or around any cemetery lot, or for the planting and cultivation of any trees, shrubs, flowers, or plants in or around any cemetery lot, according to the terms of such grant, donation, or bequest; and the supreme court of the District of Columbia shall have full power and jurisdiction to compel the due performance of such trusts, or any of them, upon a bill filed by the proprietor of any lot in such cemetery for that purpose. Grants and bequests for care of lots.

SEC. 670. DISTANCE FROM CITY AND FROM DWELLINGS.—No person or persons or cemetery association shall lay out any new cemetery, or part of any cemetery, within the city of Washington, in the District of Columbia, nor in said District, within one mile and a half from the boundaries of said city; no person or cemetery association shall, in said District, lay out any cemetery, or part of any cemetery, within less than two hundred yards of any dwelling house, except with the written consent of the owner, lessee, and occupant of such house, nor without a permit to do so from the Commissioners of said District. Distance from city and from dwellings.

SEC. 671. INCLOSURES.—It shall be the duty of the owner or owners of any cemetery or cemeteries in said District to inclose such cemetery or cemeteries with good and sufficient walls or fences to prevent entrance thereto or exit therefrom except by gates provided for that purpose. Such cemetery or cemeteries shall, if required by the Commissioners of said District, be underdrained to such a depth as will prevent water remaining in any grave or vault therein. Inclosures.

SEC. 672. LOTS AND PLATS.—It shall be the duty of the owner or owners of any cemetery or cemeteries in said District to divide the area to be used for graves into lots of reasonable size, to be perma- Lots and plats.

Plat to be filed. nently designated by conspicuous marks, so that the position of each may be readily determined, each lot to be duly numbered. A plat of such cemetery showing the area so divided, the division into lots, and the number of each such lot shall be filed in the office of the surveyor of said District; the grave spaces hereafter laid out for the burial of persons above ten years of age to be at least eight feet by three feet, and those for the burial of children under ten years of age at least six feet by two feet, or, if preferred by said owner or owners, one-half the measurement of the adult grave space, namely, four feet by three feet.

Register. SEC. 673. REGISTER.—It shall be the duty of the owner or owners of any cemetery or cemeteries in said District to cause to be kept in the office of the superintendent or person in charge of such cemetery or cemeteries a register showing the number of each lot, the name, age, cause of death, and date of burial of each person or persons buried in any such lot or grave space, and the number of the burial permit authorizing such burial. In cases of disinterment said register shall show the date of such disinterment and the number of the official permit therefor opposite the name of the person whose remains are disinterred. Such register shall be at all times open to inspection by duly authorized representatives of the health department and of the police department of said District.

Superintendent to register at health department. SEC. 674. SUPERINTENDENT TO REGISTER AT HEALTH DEPARTMENT.—It shall be the duty of the superintendent or person in charge of any cemetery or other place for the disposal of dead bodies of human beings in the District of Columbia to register his or her name at the office of the health department of said District, giving full name, residence, and place of business, and in case of removal from one place to another in said District to make change in such register accordingly.

Removal of dead bodies; permits. SEC. 675. REMOVAL OF DEAD BODIES.—No dead body of any human being or any part of such body shall, in said District, be removed from place to place, interred, disinterred, or in any manner disposed of without a permit for such removal, interment, disinterment, or disposal granted by the health officer of said District, nor otherwise than in accordance with the terms of said permit; permits for the removal, interment, or disposal to be issued upon the presentation of a proper death certificate, signed by a physician registered at the health department of said District, who has attended the deceased during his or her last illness, or by the coroner of said District or his deputy, or by the proper municipal, county, or State authorities at the place where the death occurred; permits for disinterment (including permission to reinter or transport the body disinterred) to be issued upon the written application of the nearest relative or the legal representative of the deceased; and no superintendent or other person in charge of any cemetery in said District or other place for the disposal of dead bodies shall assist in or assent to or allow any such interment, disinterment, or disposition to be made in such cemetery or place until permit shall be given as aforesaid. It shall be the duty of every such superintendent or other person who shall receive any such permit aforesaid to indorse thereon the date of the interment, disinterment, or disposal, and to preserve, sign, and return the same to the health officer of said District before six o'clock postmeridian of the Saturday following the day of burial, disinterment, or disposal.

Conveyance through the District. Permit of health officer. SEC. 676. CONVEYANCE THROUGH THE DISTRICT.—No dead body or part of the dead body of any human being shall be in any manner carried or conveyed from, in, to, or through said District by any person, or by means of any boat, vessel, car, stage, or other vehicle, or by any public or private conveyance, without a permit therefor first granted by the health officer of said District: *Provided*, That bodies or parts of dead bodies aforesaid, except such as have died of Asiatic cholera,

*Proviso.*  
—of authority at place of death.

yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, diphtheria, or scarlet fever, may be brought into said District, or carried through the same in transit, upon a permit of the proper municipal, county, or State authorities of the place at which such person died; and whenever the remains of any deceased person have been conveyed, transferred, or removed beyond the limits of said District it shall be the duty of the person or agent or officer of the corporation having charge of such conveyance, transfer, or removal to detach, date, sign, and return to the health officer the permit authorizing such conveyance, transfer, or removal before six o'clock postmeridian of the Saturday following the day of such conveyance, transfer, or removal of said remains.

Return of permit.

SEC. 677. REPORTS OF DEATH.—It shall be the duty of any person or persons having custody or control of the dead body of any human being or any part of such body to report in writing or cause to be reported in writing, to the health officer of said District, within forty-eight hours after the death of the deceased, the name of said deceased and the location of the body or part thereof. No such body or part thereof shall be kept in said District in such manner as to give rise to any offensive odors to the annoyance of any person or persons in the neighborhood or to the public, nor so as to be exposed to the public view; nor shall any such body or part thereof be permitted by the person or persons having custody or control of it to remain unburied for a longer period than one week after death without permission of the health officer, unless it has been cremated or deposited in the vault of some cemetery; nor shall any person publicly exhibit in said District, for pay or otherwise, any dead body of any human being or any part of such body without a permit from the health officer of said District so to do, except such exhibition be in connection with some Government museum or with some institution of learning permanently located in said District.

Reports of death.

Exposure of bodies odors, etc.

SEC. 678. PLACE OF BURIAL.—No person shall bury or cause to be buried within said District the body or part of the body of any deceased person, except in such grounds as are now known and used as public or private burial grounds, or such as shall hereafter be designated by the Commissioners of said District and authorized by them to be used as such.

Place of burial.

SEC. 679. MODE OF BURIAL.—No body shall be buried in said District in any vault unless the coffin be separately entombed in properly cemented stone or brick work, so as to render such vault air-tight; such vault, after having been sealed, shall not be opened within ten years; no body shall be temporarily deposited in any vault for a longer period than one month, unless such body is in an hermetically sealed metallic case, nor in any instance for a longer period than one year.

Mode of burial.

SEC. 680. REOPENING GRAVES.—No grave in said District shall be reopened, except for the purpose of disinterment, within ten years after the burial of a person above twelve years of age, or within eight years after the burial of a child under twelve years of age, unless the grave has been, in the first instance, of sufficient depth to permit subsequent interments, in which case a layer of earth of not less than one foot thick shall be left undisturbed over the previously buried coffin, unless such coffin has been separately entombed in properly cemented stone or brick work; but if on reopening any grave the soil be found to be offensive, such soil shall not be disturbed. In no case shall a grave be opened in which has been buried the body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, tetanus, diphtheria, or scarlet fever.

Reopening graves.

SEC. 681. DEPTH OF GRAVES.—No coffin shall be buried in said District so that any part thereof is within less than four feet of the ordi-

Depth of graves.

nary level of the ground, unless it contains the body of a child under twelve years of age, when it shall not be less than three feet below that level.

Cremation; permit,  
etc.

SEC. 682. CREMATION.—No person shall, in the District of Columbia, build or maintain a crematory or other device for destroying human bodies, except within the limits of some duly established cemetery in said District, unless such person or persons has in writing the consent of the owners of more than one-half of the property within a radius of two hundred feet from the place where such crematory is to be erected and maintained and a permit from the Commissioners of said District for the erection and maintenance of such crematory or other device; such permit to be for a term of years, not exceeding five, to be specified therein: *Provided*, That this section shall not apply to such crematories or other devices for destroying human bodies as may have been erected and are in operation at the time of the passage of this law.

*Proviso.*  
Existing cremato-  
ries unaffected.

Permit to cremate.

SEC. 683. PERMIT TO CREMATE; EMBALMING.—It shall be unlawful for any person or persons to cremate or otherwise to destroy the dead body, or part of the dead body, of any human being in said District before the issue of the burial permit by the health officer of said District, and then only when said permit is countersigned by the coroner of said District, authorizing such cremation or destruction. It shall be unlawful for any person or persons to embalm, inject, or by any similar method preserve the dead body, or part of the dead body, of any human being in said District within four hours after death or before the issue of the death certificate; and in case the death is believed to be due to other than natural causes, or the cause thereof is unknown, such embalming, injecting, or preserving shall at no time be done unless such death certificate has been signed or approved by the coroner of said District.

Embalming.

Penalty.

SEC. 684. PENALTY.—Any person who shall violate or aid and abet in violating any of the provisions of this subchapter shall, upon conviction thereof by competent judicial authority, be punished, for each offense, by a fine of not more than two hundred dollars, or by imprisonment for not more than ninety days, or both.

Prosecutions.

SEC. 685. PROSECUTIONS.—Prosecutions hereunder shall be in the police court of the District of Columbia, in the name of said District: *Provided*, That any person or persons so tried shall have the privilege, when demanded, of a trial by jury, as in other jury cases in said police court.

*Proviso.*  
—trial by jury.

Disinterment by or-  
der of court.

SEC. 686. DISINTERMENT BY ORDER OF COURT.—Nothing herein shall be construed to interfere with or prevent the disinterment of any body when such disinterment is ordered by one of the justices of the supreme court of the District of Columbia, or by the coroner of said District, for judicial purposes. The provisions hereof shall not be held to interfere with the disposal of the ashes of bodies which have been cremated.

#### SUBCHAPTER SEVEN.

#### BUILDING ASSOCIATIONS.

Building associa-  
tions.

Certificate of organi-  
zation.

SEC. 687. CERTIFICATE OF ORGANIZATION.—Any five or more persons who desire to form an incorporated building or homestead association, all being citizens of the United States, and a majority of them residents of the District of Columbia, may make, sign, seal, and acknowledge, before some officer authorized to take the acknowledgment of deeds, and file for record in the office of the recorder of deeds, a certificate, in writing, to the same effect as that required in subchapter four of this chapter, aforesaid, for the formation of the corporations therein mentioned.

SEC. 688. When such certificate shall have been filed for record as aforesaid, the persons who have signed and acknowledged the same, and their successors, shall become and be a body politic and corporate, in fact and in law, by the name stated in the certificate, and by that name have succession and be capable of suing and being sued in the courts of the District, and of purchasing, holding, and conveying such real estate as may be necessary to the conduct of its business, and to make reasonable by-laws not inconsistent herewith.

Incorporation, powers, etc.

SEC. 689. POWERS AS TO STOCK.—Such corporation shall have power, in its certificate of incorporation or in its by-laws, to provide that its shares of stock may be issued in series; to limit the number of shares which each stockholder may be allowed to hold; to prescribe the entrance fee to be paid by each stockholder at the time of subscribing, and to regulate the installments to be paid on each share and the times at which they shall be payable. It shall also have power to enforce the payment of all installments and other dues by such fines and forfeitures as its by-laws may from time to time provide.

Powers as to stock.

SEC. 690. Any person applying for membership or stock after a month from the time of the incorporation may be required to pay on subscribing such bonus or assessment as may be fixed by said by-laws in order to place said new members or stockholders on a footing with the original members and others holding stock at the time of such application.

Assessments, etc., of applicants for stock after incorporation.

SEC. 691. OBJECTS.—The object of such corporation shall be the accumulation of a capital in money, to be derived from the savings and accumulation by the members thereof, to be paid into said corporation in periodical installments, in fixed and certain sums, and in such amount as shall be designated by the by-laws, until the value of all the shares of stock in said corporation, and every series thereof, shall be equal to the nominal or par value thereof or of some multiple thereof, at which time said corporation shall cease to exist, and in the meantime to enable the members thereof, by obtaining advances upon their shares of stock, to purchase or erect homes for themselves.

Objects.

SEC. 692. ADVANCEMENTS.—The moneys accumulated from time to time shall be offered to such shareholder or shareholders as shall bid the highest premium for preference or priority of right to an advancement of the ultimate value of one or more of his or their respective shares. The said premium shall consist of a percentage on the amount of the advance and shall be deemed to be a consideration or bonus paid by the shareholder for the present and immediate use and possession of the future or ultimate value of the share so advanced, and shall not be deemed usurious. The said premium may either be deducted in advance from the amount to be advanced to the shareholder or be made payable in monthly installments, in addition to legal interest on the sum advanced, as the by-laws may provide.

Advancements.

SEC. 693. For every advance made as aforesaid a bond in a penalty equal to the ultimate value of the shares advanced may be required, secured by a first mortgage or deed of trust on real estate, and a pledge of the shares advanced upon, as additional or collateral security, which bond shall be conditioned for the payment at the stated meetings of the corporation of the monthly dues on the shares so advanced upon and the interest on the sum advanced, and the installments of premium, if made so payable, and all fines chargeable upon arrears of payments, until said shares shall reach their ultimate value aforesaid, or said advance be otherwise canceled or discharged.

Bond required on advancements.

SEC. 694. PROFITS.—The shares advanced upon shall participate equally with the other shares in the profits and the amounts paid by the advanced shareholders, together with such proportion of the profits accrued or such rate of interest as said by-laws may determine, the

Profits.

same as allowed on shares withdrawn not advanced upon, less all fines and a proportionate part of losses and other charges incurred.

Redemption of shares.

SEC. 695. REDEMPTION OF SHARES.—Where advances from the funds on hand can not be made on satisfactory terms, the shareholders failing to bid therefor, the by-laws may provide for the redemption of shares of stock, with the consent of the shareholders, and in case that can not be done, for the involuntary withdrawal and cancellation of shares, the said shares to be selected by lot, always from the oldest series, until exhausted, or the funds to be applied ratably among the owners of shares of the same series.

Withdrawal of shareholders.

SEC. 696. WITHDRAWAL.—A shareholder shall be entitled to withdraw at any time, by giving such notice as the by-laws may require, where no advance has been made on his shares, in which case he shall be entitled to receive the amount of dues paid in by him on each of his shares, together with such proportion of the profits accrued or such rate of interest as said by-laws may determine, less all fines due and a proportionate part of all losses and other charges incurred: *Provided*, That not more than one-half of the funds in the treasury at any time shall be applicable to the demands of the withdrawing shareholders without the consent of the board of trustees.

*Proviso.*  
—limit of funds applicable.

Repayment of advances by shareholders.

SEC. 697. REPAYMENT OF ADVANCES.—A shareholder who has been advanced may at any time repay his advance upon application to the corporation, whereupon, on settlement of his account, he shall be charged with the full amount of the advance and of the accrued installments of the premium, if that has been added to the advancement and made payable in installments, together with all monthly dues, interest, and fines accrued and charged, and shall receive credit for all monthly dues paid on his shares and the profits thereon the same as are allowed under the by-laws on shares withdrawn not advanced upon, and, if the premium has been deducted in advance, with such proportion of the premium as the by-laws may direct, and the balance remaining due, over and above such credits, shall be received by said corporation in satisfaction and discharge of said advance: *Provided*, That in case of the insolvency of the association, he shall not be entitled to credit for the full amount of dues paid by him, but shall only be entitled to a dividend upon said amount, in common with the nonadvanced shareholders.

*Proviso.*  
—credits where association insolvent.

Forfeiture.

SEC. 698. FORFEITURE.—Any nonadvanced shareholder failing to pay the installments due on his shares and the fines due from him for such time as the by-laws shall determine, shall forfeit his stock, but may, on application, receive a return of the amount paid in on account of his stock, less the accrued fines.

Foreclosure on advanced shareholder in arrears, etc.

SEC. 699. FORECLOSURE.—In case any advanced shareholder shall fail to pay all dues, interest, or premiums and shall be in arrears for any part of the same for the period of two months, the payment of the same and of the principal of the advance may be enforced by a foreclosure of the securities given for the same, and if upon a statement of account, as in case of a voluntary settlement of said advance, as hereinbefore authorized, there shall be any surplus of the proceeds of sale of the property given as security over the amount found due from such advanced shareholder, together with all costs incurred by the corporation, such surplus shall be paid to said defaulting shareholder, or his assigns, and his shares of stock so advanced upon shall be the property of the corporation.

Real estate; limit on acquisition of.

SEC. 700. REAL ESTATE.—Such corporation shall not invest its funds in any real estate except what is necessary for the conduct of its business, but may purchase such property at sales made upon foreclosure of mortgages or in satisfaction of judgments or other liens held by it: *Provided*, That such property so purchased be sold within a reasonable time thereafter.

*Proviso.*  
—subsequent sale.



SUBCHAPTER EIGHT.

BOARD OF TRADE.

Board of trade.

SEC. 701. HOW INCORPORATED.—Any number of persons, not less than twenty, residing in the District, may associate themselves together as a board of trade, and assemble at any time and place upon which a majority of the members so associating may agree, and elect a president and one or more vice-presidents, as they may see fit, and adopt a name, constitution, and by-laws, such as they may agree upon.

How incorporated.

SEC. 702. Such persons shall thereupon become a body corporate and politic in fact and in name, by the name and style or title which they may have adopted, and by that name shall have succession, shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all the courts of law and equity; and they and their successors shall have a common seal, and may alter and change the same at their discretion.

Powers, etc.

SEC. 703. Such corporation, by the name and style which shall be adopted, shall be capable in law of purchasing, holding, and conveying any estate, real or personal, for the use of the corporation, not exceeding in quantity one city lot and building in the District.

Limit on real estate holdings.

SEC. 704. OFFICERS.—The president, vice-president, secretary, and treasurer shall be ex officio members of the board of directors, and, together with the directors elected, shall manage the business of the corporation.

Officers.

SEC. 705. ELECTIONS.—All officers shall be elected by a plurality of votes given at any election, and a general election of officers shall be held at least once in each year; but in case of any accidental failure or neglect to hold such general election the corporation shall not thereby lapse or terminate, but shall continue and exist, and the old officers shall hold over until the next general election of officers provided for in the constitution adopted.

Elections.

SEC. 706. TENURE OF OFFICE.—The officers shall hold their offices for the time which shall be prescribed in the constitution adopted by the corporation and until others shall be elected and qualified as prescribed by such constitution.

Tenure of office.

SEC. 707. BY-LAWS.—Such corporation shall have the right to admit as members such persons as they may see fit, and expel any members as they may see fit; and in all cases a majority of the members present at any stated meetings shall have the right to pass, and also the right to repeal, any by-law of the corporation; and in all cases the constitution and by-laws adopted by the corporation shall be binding upon and control the same until altered, changed, or abrogated in the manner that may be prescribed in such constitution.

By-laws.

SEC. 708. FINES.—Such corporation may inflict fines upon any of its members, and collect the same, for breach of the provisions of the constitution or by-laws; but no fine shall in any case exceed twenty-five dollars. Such fines may be collected by action of debt, brought in the name of the corporation, before a justice of the peace, against the person upon whom the fine shall have been imposed.

Fines.

SEC. 709. WHAT BUSINESS TO BE CARRIED ON.—Such corporation shall have no power or authority to do or carry on any business excepting such as is usual in the management and conduct of boards of trade or chambers of commerce and is provided for in the preceding sections of this subchapter.

What business to be carried on.

## SUBCHAPTER NINE.

Street railways.

## STREET RAILWAYS.

Removal of disused tracks.

SEC. 710. REMOVAL OF DISUSED TRACKS.—Whenever the track or tracks, or any part thereof, of any street railway company in the District of Columbia shall not have been regularly operated for railway purposes upon a schedule approved by the Commissioners for a period of three months, the Commissioners of said District, in their discretion, may thereupon notify such company to remove said unused tracks and to place the street in good condition; and if such company shall neglect or refuse to remove said tracks and place the street in good condition within sixty days after such notice, the said company shall be deemed guilty of a misdemeanor and shall be liable to a fine of ten dollars for each and every day during which said tracks are permitted to remain upon the street or streets, or said roadway 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.

Penalty.

Using other company's lines to have same motive power.

SEC. 711. USING OTHER COMPANY'S LINES.—It shall be unlawful for any street railway company operating its system or parts of its system over any portion of the underground electric lines owned and operated by another street railway company in the city of Washington to continue such operation, or to enter into reciprocal trackage relations with any other company, as provided for under existing law, unless its motive power for the propulsion of its cars shall be the same as that of the company whose tracks are used or to be used. For every violation of this subchapter the company violating it shall be subject to a fine of ten dollars for every car operated in violation of the provisions of this subchapter, said fine to be collected and applied in the same manner as is provided by the preceding section.

—penalty.

Free transfers.

SEC. 712. FREE TRANSFERS.—All street railway companies within the District of Columbia now operating their systems, or parts of their systems, in the city of Washington by use of the tracks of one or more of such companies, under a reciprocal trackage agreement, as provided for under existing law, which shall be compelled to discontinue the use of the tracks of another company, shall issue free transfers to their patrons from one system to the other at such junctions of their respective lines as may be provided for by the Commissioners of the District of Columbia.

## SUBCHAPTER TEN.

Savings banks.

## SAVINGS BANKS.

Report to be made to Comptroller.

SEC. 713. REPORT TO BE MADE TO COMPTROLLER, AND TO BE SUBJECT TO PROVISIONS OF LAW APPLICABLE TO NATIONAL BANKS.—All savings banks or savings companies or institutions organized under authority of any act of Congress to do business in the District of Columbia shall be, and are hereby, required to make to the Comptroller of the Currency, and publish, all the reports which national banking associations are required to make and publish under the provisions of sections fifty-two hundred and eleven, fifty-two hundred and twelve, and fifty-two hundred and thirteen of the Revised Statutes, and shall be subject to the same penalties for failure to make or publish such reports as are therein provided; which penalties may be collected by suit before the supreme court of the District of Columbia.

R. S., secs. 5211, 5212, 5213, pp. 1007, 1008.

Subject to provisions of law applicable to national banks.

And all savings or other banks now organized, or which shall hereafter be organized, in the District of Columbia, under any act of Congress, which shall have capital stock paid up in whole or in part,

shall be subject to all the provisions of the Revised Statutes and of all acts of Congress applicable to national banking associations, so far as the same may be applicable to such savings or other banks: *Provided*, That any savings banks established before eighteen hundred and seventy-four shall not be required to have a paid-up capital exceeding one hundred thousand dollars.

*Proviso.*  
Capital if established before 1874.

SEC. 714. COMPTROLLER AUTHORIZED TO EXAMINE.—The Comptroller of the Currency, in addition to the powers now conferred upon him by law for the examination of national banks, is hereby further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any bank in the District of Columbia organized under act of Congress. The Comptroller, at his discretion, may report to Congress the results of such examination. The expense necessarily incurred in the execution of this section shall be paid out of any appropriation made by Congress for special bank examinations.

Comptroller may examine.

SUBCHAPTER ELEVEN.

TRUST, LOAN, MORTGAGE, AND CERTAIN OTHER CORPORATIONS.

Trust, loan, mortgage, and certain other corporations.

SEC. 715. FOR WHAT PURPOSES TO BE FORMED.—Corporations may be formed within the District of Columbia for the purposes hereinafter mentioned in the following manner:

For what purposes to be formed.

At any time hereafter any number of natural persons, citizens of the United States, not less than twenty-five, may associate themselves together to form a company for the purpose of carrying on, in the District of Columbia, any one of the three classes of business herein specified, to wit:

First. A safe deposit, trust, loan, and mortgage business.

Second. A title insurance, loan, and mortgage business.

Third. A security, guarantee, indemnity, loan, and mortgage business: *Provided*, That the capital stock of any of said companies shall not be less than one million dollars, and that any of said companies may also do a storage business when their capital stock amounts to the sum of not less than one million two hundred thousand dollars.

*Proviso.*  
Capital stock required.

SEC. 716. ORGANIZATION CERTIFICATE.—Such persons shall, under their hands and seals, execute before some officer in said District competent to take the acknowledgment of deeds, an organization certificate, which shall specifically state—

Organization certificate.

First. The name of the corporation.

Second. The purposes for which it is formed.

Third. The term for which it is to exist, which shall not exceed the term of fifty years, and be subject to alteration, amendment, or repeal by Congress at any time.

Fourth. The number of its directors and the names and residences of the officers who for the first year are to manage the affairs of the company.

Fifth. The amount of its capital stock and its subdivision into shares.

SEC. 717. POWER OF COMMISSIONERS OF THE DISTRICT.—This certificate shall be presented to the Commissioners of the District, who shall have power and discretion to grant or refuse to said persons a charter of incorporation upon the terms set forth in the said certificate and the provisions of this subchapter.

Power of Commissioners of the District of Columbia with reference to.

SEC. 718. NOTICE OF APPLICATION TO COMMISSIONERS.—Previous to the presentation of the said certificate to the said Commissioners, notice of the intention to apply for such charter shall be inserted in two newspapers of general circulation, printed in the District of Columbia, at least four times a week for three weeks, setting forth briefly the name of the proposed company, its character and object, the names of

Notice of application to Commissioners.

the proposed corporators, and the intention to make application for a charter on a specified day; and the proof of such publication shall be presented with said certificate when presentation thereof is made to said Commissioners.

Recording charter,  
etc.

SEC. 719. RECORDING CHARTER, AND SO FORTH.—If the charter be granted as aforesaid, it, together with the certificate of the Commissioners granting the same indorsed thereon, shall be filed for record in the office of the recorder of deeds for the District of Columbia, and shall be recorded by him. On the filing of the said certificate with the said recorder of deeds as herein provided, approved as aforesaid by the said Commissioners, the persons named therein and their successors shall thereupon and thereby be and become a body corporate and politic, and as such shall be vested with all the powers and charged with all the liabilities conferred upon and imposed by this subchapter upon companies organized under the provisions hereof: *Provided, however,* That no corporation created and organized under the provisions hereof, or availing itself of the provisions hereof as contained in section seven hundred and twenty-five, shall be authorized to transact the business of a trust company, or any business of a fiduciary character, until it shall have filed with the Comptroller of the Currency a copy of its certificate of organization and charter, and shall have obtained from him and filed the same for record with the said recorder of deeds, a certificate that the said capital stock of said company has been paid in and the deposit of securities made with said Comptroller in the manner and to the extent required by this subchapter.

*Proviso.*  
Papers to be filed by  
trust companies.

Comptroller, reports  
to.  
R. S., secs. 5211, 5212,  
and 5213, pp. 1007, 1008.

SEC. 720. REPORTS TO COMPTROLLER.—All companies organized hereunder, or which shall, under the provisions hereof, become entitled to transact the business of a trust company, shall report to the Comptroller of the Currency in the manner prescribed by sections fifty-two hundred and eleven, fifty-two hundred and twelve, and fifty-two hundred and thirteen of the Revised Statutes of the United States in the case of national banks, and all acts amendatory thereof or supplementary thereto, and with similar provisions for compensating examiners, and shall be subject to like penalties for failure to do so. The Comptroller shall have and exercise the same visitatorial powers over the affairs of the said corporation as is conferred upon him by section fifty-two hundred and forty of the Revised Statutes of the United States in the case of national banks. He shall also have power, when in his opinion it is necessary, to take possession of any such company for the reasons and in the manner and to the same extent as are provided in the laws of the United States with respect to national banks.

—visitatorial powers of.  
R. S., sec. 5240, p.  
1013.

Special powers of  
companies.

SEC. 721. SPECIAL POWERS.—All companies organized under this subchapter are hereby declared to be corporations possessed of the powers and functions of corporations generally, and shall have power—

—contracts.

First. To make contracts.

—sue and be sued.

Second. To sue and be sued, plead and be impleaded, in any court as fully as natural persons.

—seal.

Third. To make and use a common seal and alter the same at pleasure.

—loans.

Fourth. To loan money.

—safe deposit, trust,  
etc., companies; pow-  
ers of, etc.

Fifth. When organized under subdivision one of section seven hundred and fifteen of this subchapter, to accept and execute trusts of any and every description which may be committed or transferred to them, and to accept the office and perform the duties of receiver, assignee, executor, administrator, collector of estate or property of any decedent, guardian of the estate of minors with the consent of the guardian of the person of such minor, and committee of the estates of lunatics and idiots whenever any trusteeship or any such office or appointment is committed or transferred to them, with their consent, by any person, body politic or corporate, or by any court in the District of Columbia; and all such companies organized under the first subdivision

of section seven hundred and fifteen of this subchapter are further authorized to accept deposits of money for the purposes designated herein, upon such terms as may be agreed upon from time to time with depositors, and to act as agent for the purpose of issuing or countersigning the bonds or obligations of any corporation, association, municipality, or State, or other public authority, and to receive and manage any sinking fund on any such terms as may be agreed upon, and shall have power to issue its debenture bonds upon deeds of trust or mortgages of real estate to a sum not exceeding the face value of said deeds of trust or mortgages, and which shall not exceed fifty per centum of the fair cash value of the real estate covered by said deeds or mortgages, to be ascertained by the Comptroller of the Currency; but no debenture bonds shall be issued until the securities on which the same are based have been placed in the actual possession of the trustee named in the debenture bonds, who shall hold said securities until all of said bonds are paid; and when organized under the second subdivision of section seven hundred and fifteen of this subchapter said company is authorized to insure titles to real estate and to transact generally the business mentioned in said subdivision; and when organized under the third subdivision of section seven hundred and fifteen of this subchapter said company is hereby authorized, in addition to the loan and mortgage business therein mentioned, to secure, guarantee, and insure individuals, bodies politic, associations, and corporations against loss by or through trustees, agents, servants, or employees, and to guarantee the faithful performance of contracts and obligations of whatever kind entered into by or on the part of any person or persons, association, corporation, or corporations, and against loss of every kind: *Provided*, That any corporations formed under the provisions of this subchapter when acting as trustee shall be liable to account for the amounts actually earned by the moneys held by it in trust in addition to the principal so held; but such corporation may be allowed a reasonable compensation for services performed in the care of the trust estate.

Title insurance, loan, etc., companies; powers of, etc.

Security, guarantee, etc., companies; powers of, etc.

*Proviso.*  
Corporations acting as trustee accountable for amounts actually earned by trust funds, etc.

SEC. 722. MAY BE APPOINTED TRUSTEE, EXECUTOR, AND SO FORTH.—In all cases in which application shall be made to any court in the District of Columbia, or wherever it becomes necessary or proper for said court to appoint a trustee, receiver, administrator, collector, guardian of the estate of a minor, or committee of the estate of a lunatic, it shall and may be lawful for said court (but without prejudice to any preference in the order of any such appointments required by existing law) to appoint any such company organized under the first subdivision of section seven hundred and fifteen of this subchapter, with its assent, such trustee, receiver, administrator, collector, committee, or guardian, with the consent of the guardian of the person of such minor: *Provided, however*, That no court or judge who is an owner of or in any manner financially interested in the stock or business of such corporation shall commit by order or decree to any such corporation any trust or fiduciary duty.

Court may appoint company trustee, executor, etc.

*Proviso.*  
—not if financially interested.

SEC. 723. OATH.—Whenever any corporation operating under this code shall be appointed such trustee, executor, administrator, collector, receiver, assignee, guardian, or committee, as aforesaid, the president, vice-president, secretary, or treasurer of said company shall take the oath or affirmation now required by law to be made by any trustee, executor, administrator, collector, receiver, assignee, guardian, or committee.

Oath.

SEC. 724. STOCK TO BE SECURITY.—When any court shall appoint the said company a trustee, receiver, administrator, collector, or such guardian or committee, or shall order the deposit of money or other valuable with said company, or where any individual or corporation shall appoint any of said companies a trustee, executor, assignee, or

Stock to be security.

such guardian, the capital stock of said company subscribed for or taken, and all property owned by said company, together with the liability of the stockholders and officers as herein provided, shall be taken and considered as the security required by law for the faithful performance of its duties, and shall be absolutely liable in case of any default whatever.

Existing companies may avail themselves of present provisions.

—certificate required.

SEC. 725. EXISTING COMPANIES.—Any safe-deposit company, trust company, surety or guaranty company, or title insurance company now incorporated and operating under the laws of the United States in the District of Columbia or of any of the States, and now doing business in said District, may avail itself of the provisions of this subchapter on filing in the office of the recorder of deeds of the District of Columbia, or with the Comptroller of the Currency, a certificate of its intention to do so, which certificate shall specify which one of the three classes of business set out in section seven hundred and fifteen it will carry on, and shall be verified by the oath of its president to the effect that it has in every respect complied with the requirements of existing law, especially with the provisions of this subchapter, that its capital stock is paid in as provided in section seven hundred and thirty-five of this subchapter and is not impaired; and thereafter such company may exercise all powers and perform all duties authorized by any one of the subdivisions of section seven hundred and fifteen of this subchapter in addition to the powers now lawfully exercised by such company.

Real estate.

SEC. 726. REAL ESTATE.—Any company operating under this subchapter may lease, purchase, hold, and convey real estate, not exceeding in value five hundred thousand dollars, and such in addition as it may acquire in satisfaction of debts due the corporation under sales, decrees, judgments, and mortgages. But no such association shall hold the possession of any real estate under foreclosure of mortgage, or the title and possession of any real estate purchased to secure any debts due to it, for a longer period than five years.

Duration of charter.

SEC. 727. DURATION OF CHARTER.—The charters for incorporations named in this subchapter may be made perpetual, or may be limited in time by their provisions, subject to the approval of Congress.

Capital stock.

SEC. 728. CAPITAL STOCK.—The capital stock of every such company shall be at least one million dollars, and at least fifty per centum thereof must have been paid in, in cash or by the transfer of assets as hereinafter provided in section seven hundred and thirty-five of this subchapter, before any such company shall be entitled to transact business as a corporation, except with its own members, and before any company organized hereunder shall be entitled to transact the business of a trust company, or to become and act as an administrator, executor, guardian of the estate of a minor, or undertake any other kindred fiduciary duty, it shall deposit, either in money or in bonds, mortgages, deeds of trust, or other securities equal in actual value to one-fourth of the capital stock paid in, with the Comptroller of the Currency, to be kept by him upon the trust and for the purposes hereinafter provided; and the said Comptroller may from time to time require an additional deposit from any such company, to be held upon and for the same trust and purposes, not exceeding, however, in value one-half the paid-in capital stock; and the said Comptroller shall not issue to any corporation the certificate heretofore provided for until said deposit with him of securities required by this section. Within one year after the organization of any corporation under the provisions of this subchapter, or after any corporation heretofore existing shall have availed itself of the powers and rights given by this subchapter in the manner herein provided for, its entire capital stock shall have been paid in.

—trust companies.

Shares.

SEC. 729. SHARES.—The capital stock of every such company shall be divided into shares of one hundred dollars each. It shall be lawful

for such company to call for and demand from the stockholders, respectively, all sums of money by them subscribed, at such time and in such proportions as its board of directors shall deem proper, within the time specified in section seven hundred and twenty-eight, and it may enforce payment by all remedies provided by law; and if any stockholder shall refuse or neglect to pay any installment, as required by a resolution of the board of directors, after thirty days' notice of the same, the said board of directors may sell at public auction to the highest bidder so many shares of said stock as shall pay said installment, under such general regulations as may be adopted in the by-laws of said company, and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due.

SEC. 730. ANNUAL REPORTS TO COMPTROLLER.—Every such company shall annually, within twenty days after the first of January of each year, make a report to the Comptroller of the Currency, which shall be published in a newspaper in the District, which shall state the amount of capital and of the proportion actually paid, the amount of debts, and the gross earnings for the year ending December thirty-first then next previous, together with their expenses, which report shall be signed by the president and a majority of the directors or trustees, and shall be verified by the oath of the president, secretary, and at least three of the directors or trustees; and said company shall pay to the District of Columbia, in lieu of personal taxes for each next ensuing year, one and one-half per centum of its gross earnings for the preceding year, shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are payable.

Annual reports to Comptroller.

Taxes.

SEC. 731. LIABILITY OF TRUSTEES.—If any company fails to comply with the provisions of the preceding section, all the directors or trustees of such company shall be jointly and severally liable for the debts of the company then existing and for all that shall be contracted before such report shall be made: *Provided*, That in case of failure of the company in any year to comply with the provisions of section seven hundred and thirty of this subchapter, and any of the directors shall, on or before January fifteenth of such year, file his written request for such compliance with the secretary of the company, the Comptroller of the Currency, and the recorder of deeds of the District of Columbia, such director shall be exempt from the liability prescribed in this section.

Liability of trustees.

*Proviso.*  
—exemption.

SEC. 732. FALSE SWEARING.—Any willful false swearing in regard to any certificate or report or public notice required by the provisions of this subchapter shall be perjury and shall be punished as such according to the laws of the District of Columbia. Any misappropriation of any of the money of any corporation or company formed under this Act, or of any money, funds, or property intrusted to it, shall be held to be larceny, and shall be punished as such under the laws of said District.

False swearing.

SEC. 733. STOCK PERSONAL ESTATE.—The stock of such company shall be deemed personal estate, and shall be transferable only on the books of such company in such manner as shall be prescribed by the by-laws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid, and the said stock shall not be taxable in the hands of individual owners, the tax on the gross earnings of the company hereinbefore provided being in lieu of other personal tax. All certificates of the stock of any company organized under this subchapter shall show upon their face the par value of each share and the amount paid thereon.

Stock personal estate.

SEC. 734. LIABILITY OF STOCKHOLDERS.—All stockholders of every company incorporated under this subchapter, or availing itself of its

Liability of stockholders.

provisions under section seven hundred and twenty-five, shall be severally and individually liable to the creditors of such company to an amount equal to and in addition to the amount of stock held by them respectively for all debts and contracts made by such company.

Stock to be paid up in money only.

SEC. 735. STOCK TO BE PAID UP IN MONEY ONLY.—Nothing but money shall be considered as payment of any part of the capital stock, except that in the case of any company now doing business in the District of Columbia in any of the classes herein provided for, or under any act of Congress, or by virtue of the laws of any of the States, and which company has actually received full payment in money of at least fifty per centum of the capital stock required by this act, and which company desires to obtain a charter under this act, all the assets or property may be received and considered as money at a value to be appraised and fixed by the Comptroller of the Currency: *Provided*, That all such assets and property are also transferred to and are thereafter owned by the company organized under this act.

All assets of existing companies, etc., desiring new charter considered money.

*Proviso.*  
—transfer of assets required.

Number of trustees.

SEC. 736. NUMBER OF TRUSTEES.—The stock, property, and concerns of such company shall be managed by not less than nine nor more than thirty directors or trustees, who shall, respectively, be stockholders, and at least one-half residents and citizens of the District of Columbia, and shall, except the first year, be annually elected by the stockholders at such time and place and after such published notice as shall be determined by the by-laws of the company, and said directors or trustees shall hold until their successors are elected and qualified.

Officers.

SEC. 737. OFFICERS.—There shall be a president of the company, who shall be a director, also a secretary and a treasurer, all of whom shall be chosen by the directors or trustees: *Provided*, That only one of the above-named offices shall be held by the same person at the same time. Subordinate officers may be appointed by the directors or trustees, and all such officers may be required to give such security for the faithful performance of the duties of their offices as the directors or trustees may require.

*Proviso.*  
One office to be held at a time.

Subordinate officers.

By-laws.

SEC. 738. BY-LAWS.—The directors or trustees shall have power to make such by-laws as they deem proper for the management or disposal of the stock and business affairs of such company, not inconsistent with the provisions of this subchapter, and prescribing the duties of officers and servants that may be employed, for the appointment of all officers, and for carrying on all kinds of business within the objects and purposes of such company.

Dividends.

SEC. 739. DIVIDENDS.—If the directors or trustees of any company shall declare or pay any dividend the payment of which would render it insolvent, or which would create a debt against such company, they shall be jointly and severally liable as guarantors for all the debts of the company then existing, and for all that shall be thereafter contracted while they shall, respectively, remain in office.

—liability of trustees, etc.

—exemption.

SEC. 740. If any of the directors or trustees shall object to declaring such dividends or the payment of the same, and shall at any time before the time fixed for the payment thereof file a certificate of their objection in writing with the secretary of the company and with the recorder of deeds of the District, they shall be exempt from the liability prescribed in the preceding section.

Liabilities exceeding assets.

SEC. 741. LIABILITIES EXCEEDING ASSETS.—If the liabilities of any company shall at any time exceed the amount of the fair cash value of the assets, the directors or trustees of such company assenting thereto shall be personally and individually liable for such excess to the creditors of the company, after the additional liability of the stockholders has been enforced.

Executors, etc., holding stock.

SEC. 742. EXECUTORS, AND SO FORTH, HOLDING STOCK.—No person holding stock in such company as executor, administrator, guardian, or trustee shall be personally subject to any liability as stockholder of such company, but the estate and funds in the hands of such executor,



administrator, guardian, or trustee shall be liable in like manner and to the same extent as the testator or intestate or the ward or the person interested in such trust fund would have been if he had been living and competent to act and hold the stock in his own name.

SEC. 743. INCREASE OF CAPITAL STOCK.—Any corporation which may be formed under this subchapter may increase its capital stock by complying with the provisions of this subchapter to any amount which may be deemed sufficient and proper for the purposes of the corporation.

Increase of capital stock.

SEC. 744. COPY OF CERTIFICATE TO BE EVIDENCE.—A copy of any certificate of incorporation filed in pursuance of this subchapter, certified by the recorder of deeds to be a true copy and the whole of such certificate, shall be received in all courts and places as presumptive legal evidence of the facts therein stated.

Copy of certificate to be evidence.

SEC. 745. NO BOND TO BE REQUIRED WHEN COMPANY APPOINTED EXECUTOR, AND SO FORTH, EXCEPT, AND SO FORTH.—No bond or other collateral security, except as hereinafter stated, shall be required from any trust company incorporated under this subchapter for and in respect to any trust, nor when appointed trustee, guardian, receiver, executor, or administrator with or without the will annexed, collector, committee of the estate of a lunatic or idiot, or other fiduciary appointment; but the capital stock subscribed for or taken, and all property owned by said company and the amount for which said stockholders shall be liable in excess of their stock, shall be taken and considered as the security required by law for the faithful performance of its duties, and shall be absolutely liable in case of any default whatever; and in case of the insolvency or dissolution of said company, the debts due from the said company as trustee, guardian, receiver, executor, administrator, collector, or committee of the estate of lunatics, idiots, or any other fiduciary appointment shall have a preference.

No bond to be required when company appointed executor.

SEC. 746. BOND MAY BE REQUIRED.—The supreme court of the District of Columbia, or any justice thereof, shall have power to make orders respecting such company whenever it shall have been appointed trustee, guardian, receiver, executor, administrator with or without the will annexed, collector, committee of the estate of a lunatic, idiot, or any other fiduciary, and require the said company to render all accounts which might lawfully be made or required by any court or any justice thereof if such trustee, guardian, receiver, executor, administrator with or without the will annexed, collector, committee of the estate of a lunatic or idiot, or fiduciary were a natural person. And said court, or any justice thereof, at any time, on application of any person interested, may appoint some suitable person to examine into the affairs and standing of such companies, who shall make a full report thereof to the court, and said court, or any justice thereof, may at any time, in its discretion, require of said company a bond with sureties or other security for the faithful performance of its obligations, and such sureties or other security shall be liable to the same extent and in the same manner as if given or pledged by a natural person.

Court may require bond, etc., in fiduciary estates, etc.

—cause examination of company's affairs, etc.

SEC. 747. CORPORATIONS ORGANIZED UNDER STATE LAWS.—No corporation or company organized by virtue of the laws of any of the States of this Union and having its principal place of business within the District of Columbia shall carry on in the District of Columbia any of the kinds of business named in this subchapter without strict compliance in all particulars with the provisions of this subchapter for the government of such corporations formed under it, and each one of the officers of the corporation or company so offending shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding one year, or by both fine and imprisonment, in the discretion of the court.

Corporations organized under State laws.

SEC. 748. RIGHT TO AMEND OR REPEAL RESERVED TO CONGRESS.—Congress may at any time alter, amend, or repeal this subchapter, but

Right to amend or repeal reserved to Congress.

any such amendment or repeal shall not, nor shall the dissolution of any company formed under this subchapter, take away or impair any remedy given against such corporation, its stockholders, or officers for any liability or penalty which shall have been previously incurred.

## SUBCHAPTER TWELVE.

### FRATERNAL BENEFICIAL ASSOCIATIONS.

Fraternal benefit associations.

—defined.

—may pay benefits for physical disability, etc.

*Proviso.*  
—for old age not to be under 70 years.

Reserve emergency, etc., fund, etc.

To whom payments made.

Laws applicable to.

Outstanding agreements to pay unspecified benefits not to exclude company, etc.

Existing associations may continue.

*Proviso.*  
—compliance with certain provisions.

Nonresident association: papers to be filed before doing business.

SEC. 749. DEFINED.—A fraternal beneficial association is hereby declared to be a corporation, society, order, or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, having a lodge system with ritualistic form of work and representative form of government, making provision for the payment of benefits in case of death. Each such association may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability, either as a result of disease, accident, or old age: *Provided*, That the period in life at which physical disability benefits on account of old age commences shall not be under seventy years, or the age of expectancy from the time of entering, subject to their compliance with its laws. Any such association may create and maintain a reserve, emergency or benefit fund in accordance with its laws. Any such association having a reserve, emergency or benefit fund may, in addition to the benefits hereinbefore named, pay withdrawal benefits, not exceeding the contributions of such member, to a member unable or unwilling to continue membership, provided such membership shall continue not less than three successive years. Such association may also, after ten years of membership, apply its funds and accumulations as its laws provide or the association and members agree. The fund from which the payment of such benefits shall be made and the fund from which the expenses of such association shall be defrayed shall be derived from assessments, dues, and other payments collected from its members or otherwise. Payment of death benefits shall be to the families, heirs, blood relatives, affianced husband or affianced wife of or to persons dependent upon the member. Such association shall be governed by this subchapter, and shall be exempt from the provisions of insurance laws of the United States relating to the District of Columbia, and no law hereafter passed shall apply to them unless they be expressly designated therein: *Provided, however*, That the fact that any such association has outstanding agreements with its members for the payment of benefits other than those hereinbefore specified, if it is making no new contracts of that character and is retiring those already existing, shall not exclude such association from the operation of this subchapter.

SEC. 750. EXISTING ASSOCIATIONS.—All such associations coming within the description as set forth in section seven hundred and forty-nine of this subchapter, organized under the laws of the United States relating to said District, or of any State, country, province, or Territory, and now doing business in said District, may continue such business: *Provided*, That they hereafter comply with the provisions of this subchapter regulating annual reports and the designation of the superintendent of insurance of said District, provided for in subchapter five of this chapter, as the person upon whom process may be served as hereinafter provided.

SEC. 751. NONRESIDENT ASSOCIATIONS.—Any such association coming within the description as set forth in section seven hundred and forty-nine of this subchapter, organized under the laws of any State, country, province, or Territory, and not now doing business in said District, shall be admitted to do business within said District when it shall have filed with the superintendent of insurance a duly certified

copy of its charter and articles of association and a copy of its by-laws, certified to by its secretary or corresponding officer, together with an appointment of the said superintendent as the person upon whom process may be served as hereinafter provided: *Provided*, That such association shall be shown to be authorized to do business in the State, country, province, or Territory in which it is incorporated or organized, in case the laws of such State, country, province, or Territory shall provide for such authorization; and in case the laws of such State, country, province, or Territory do not provide for any formal authorization to do business on the part of any such association, then such association shall be shown to be conducting its business in accordance with the provisions of this subchapter; for which purpose the said superintendent may personally, or by some person to be designated by him, examine into the condition, affairs, character, and business methods, accounts, books, and investments of such association at its home office, which examination shall be at the expense of such association and shall be made within thirty days after demand therefor, and the expense of such examination shall be limited to fifty dollars. Any association doing business under this subchapter shall be permitted to do business upon filing annually with the superintendent of insurance the certificate of authority of the insurance department of the State, Province, or Territory in which it is incorporated or organized: *Provided, however*, That in case of failure to file said certificate by any such association, or in case the superintendent of insurance shall deem it necessary, he shall have power, either personally or by some person designated by him, to examine into the condition, affairs, character, business methods, accounts, books, and investments of such association, at its home office, which examination shall be at the expense of the association. The amount of such expense shall not exceed one hundred dollars for associations which have no reserve or emergency fund and two hundred dollars for associations with a reserve or emergency fund.

*Proviso.*  
—must show authority to act at place of incorporation.

Filing certificate of authority..

—examination at home office.

SEC. 752. ANNUAL REPORTS.—Every such association doing business in said District shall, on or before the first day of March of each year, make and file with the said superintendent a report of its affairs and operations during the year ending on the thirty-first day of December immediately preceding, which annual report shall be in lieu of all other reports required by any other law. Such report shall be upon blank forms to be provided by the said superintendent, or may be printed in pamphlet form, and shall be verified under oath by the duly authorized officers of such association, and shall be published, or the substance thereof, in the annual report of the said superintendent under a separate part entitled “Fraternal Beneficial Associations,” and shall contain answers to the following questions:

Annual reports.

First. Number of certificates issued during the year or members admitted.

Questions required to be answered.

Second. Amount of indemnity effected thereby.

Third. Number of losses or benefit liabilities incurred.

Fourth. Number of losses or benefit liabilities paid.

Fifth. The amount received from each assessment for the year.

Sixth. Total amount paid members, beneficiaries, legal representatives, or heirs.

Seventh. Number and kind of claims for which assessments have been made.

Eighth. Number and kind of claims compromised or resisted, and brief statement of reasons.

Ninth. Does the association charge annual or other periodical dues or admission fees?

Tenth. If so, how much on each one thousand dollars, annually or per capita, as the case may be?

Eleventh. Total amount received, from what source, and the disposition thereof.

Twelfth. Total amount of salaries paid to officers.

Thirteenth. Does the association guarantee in its certificates fixed amounts to be paid regardless of amount realized from assessments, dues, admission fees, and donations?

Fourteenth. If so, state amount guaranteed and the security of such guaranty.

Fifteenth. Has the association a reserve or emergency fund?

Sixteenth. If so, how is it created, and for what purpose, the amount thereof, and how invested?

Seventeenth. Has the association more than one class?

Eighteenth. If so, how many; and the amount of indemnity in each case.

Nineteenth. Number of members in each class.

Twentieth. If voluntary, so state; and give date of organization.

Twenty-first. If organized under the laws of said District, under what law and at what time, giving chapter and year, and date of passage of the act.

Twenty-second. If organized under the laws of any State, country, province, or Territory, state such fact and the date of organization, giving chapter and year, and date of passage of the act.

Twenty-third. Number of certificates of beneficial membership lapsed during the year.

Twenty-fourth. Number in force at beginning and end of year; if more than one class, number in each class.

Twenty-fifth. Names and addresses of its president, secretary, and treasurer, or corresponding officers.

Nonresident associations to name an attorney in the District.

SEC. 753. NONRESIDENT ASSOCIATIONS TO NAME AN ATTORNEY IN THE DISTRICT.—Each such association now doing or hereafter admitted to do business within said District, and not having its principal office within said District, and not being organized under the laws of the United States relating to said District, shall appoint, in writing, the said superintendent and his successors in office to be its true and lawful attorney, upon whom all lawful process in any action or proceeding against it may be served, and in such writing shall agree that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served upon the association, and that the authority shall continue in force so long as any liability remains outstanding in said District. Copies of said certificate certified by said superintendent shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service upon such attorney shall be deemed sufficient service upon such association. When legal process against such association is served upon said superintendent he shall immediately notify the association of such service by letter, prepaid and directed to its secretary or corresponding officer, and shall, within two days after such service, forward in the same manner a copy of the process served on him to such officer. The plaintiff in such process so served shall pay to the said superintendent at the time of such service a fee of three dollars, which shall be recovered by him as a part of the taxable costs if he prevails in his suit. The said superintendent shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

—service on, etc.

Permit from superintendent of insurance.

SEC. 754. PERMIT FROM SUPERINTENDENT OF INSURANCE.—The said superintendent shall, upon the application of any association having the right to do business within said District, as provided by this subchapter, issue to such association a permit in writing authorizing such association to do business within said District, for which certificate and all proceedings in connection therewith such association shall pay the said superintendent the fee of five dollars.

SEC. 755. CERTIFICATE OF ORGANIZATION; TRUSTEES.—Any nine or more persons, at least one-third of whom shall be residents of the District of Columbia, being desirous of forming a fraternal beneficial association for the purposes set forth in section seven hundred and forty-nine of this subchapter, may associate themselves together and effect such organization as hereinafter prescribed, and not otherwise. Such persons shall make, sign, and acknowledge before any officer authorized to take the acknowledgment of deeds in this District and file in the office of the recorder of deeds of said District a certificate or declaration in writing, to be recorded in a book kept for that purpose and open to public inspection, in which shall be stated the name or title by which said association shall be known to law; the mode and manner in which the corporate powers granted by this subchapter are to be exercised; the name or official title of the officers, trustees, representatives, or other persons by whatever name or title designated, who are to have and exercise the general control and management of its affairs; the place of doing business defined; the limit as to age of applicants for beneficial membership, which shall not exceed fifty-five years, and that medical examinations are required of applicants for life benefits, together with the sworn statement by three of said corporators that at least one hundred persons eligible under the proposed laws of such association to membership therein have in good faith made application in writing for membership. The recorder of deeds, upon the filing of said declaration, shall deliver to such association a certified copy of the papers so filed and recorded in his office, together with a certificate to such association, stating that the provisions of this subchapter relative to incorporation have been complied with and that said association becomes thereby authorized to carry on the work of a fraternal beneficial association. Upon filing the certificate or declaration as aforesaid, the persons who shall have signed and acknowledged the same, and their successors and associates, shall, by the provisions of this subchapter, be a body politic and corporate by the name and style stated in the certificate, and by that name and style shall have perpetual succession, and by said name may sue and be sued, and may have and use a common seal, and the same may alter and change at pleasure, and may make and alter, at times or from time to time, such laws, not inconsistent with the Constitution of the United States or the laws in force in said District, as they may deem necessary for the government of said association. And they and their successors, by their corporate name, shall in law be capable of creating, maintaining, and disbursing a reserve or emergency fund in accordance with its laws and the provisions of this subchapter, and of taking, receiving, purchasing, and holding real and personal estate necessary for the purpose of such association, and may let, place out at interest, or sell and convey the same as may seem most beneficial for said association. The association shall elect from its members trustees, directors, or managers, by whatever title known in its laws, at such time and place and in such manner as may be specified in its laws, who shall have the control and management of the affairs and funds of said association, a majority of whom shall be a quorum for the transaction of business; and whenever any vacancy shall happen among such trustees, directors, or managers, by death, resignation, or otherwise, such vacancy shall be filled in such manner as shall be provided by the laws of said association.

Certificate of organization.

—contents of, etc.

Powers of association.

Election of officers.

Reincorporation.

SEC. 756. REINCORPORATION.—The officers, trustees, directors, or governing body of any existing fraternal beneficial association may, by conforming to the requirements of the several provisions of this subchapter, reincorporate themselves or continue their existing corporate powers under this subchapter, or change their name, stating in their certificate the original name of such corporation as well as their

new name assumed, and all the property and effects of such existing corporation shall vest in and belong to the corporation so reincorporated or continued.

subordinate bodies.

—incorporation of.

**SEC. 757. SUBORDINATE BODIES.**—Any subordinate body of any fraternal beneficial association incorporated under the provisions of this subchapter, or of such association now doing business or which may hereafter be admitted to do business in this District under this subchapter, where the laws of the governing body of said association do not prohibit the incorporation of their subordinate bodies, may become a body corporate in the manner following: At some regular meeting of such subordinate body a resolution expressing the desire of such subordinate body to be incorporated, and directing its officers to perfect such incorporation, shall be submitted to a vote of the members present, and if two-thirds of the members present vote therefor the president and secretary of such subordinate body, or the officers holding relative offices therein, shall prepare articles of association, under their hands and the seal of such subordinate body, setting forth, first, the number of members of such subordinate body then in good standing; second, the name by which said subordinate body is known; third, the date of its organization and the period for which it is to be incorporated, not exceeding thirty years. A copy of such articles of association shall be filed with the recorder of deeds, and shall by him be recorded, together with the affidavit hereafter named, in a book to be kept for that purpose. On the execution of said articles of association and before the filing thereof with the recorder the secretary of such subordinate body shall annex thereto his affidavit, stating that he is a member in good standing in such subordinate body and occupies the position of secretary, or the office corresponding therewith, and that the resolution, a copy of which shall be set forth at length, was regularly passed at a regular meeting of said subordinate body and received the vote of two-thirds of the members present and voting, and that, to the best of his knowledge and belief, the statements made in the articles of association are true, and that such subordinate body is organized and acting under the laws of its respective association, giving the name by which such association is known. When the foregoing requirements are complied with such subordinate body shall be a body corporate by the name expressed in such articles, and by that name shall be a person in law, capable of suing and being sued in the courts, and taking and holding property of every kind the same as natural persons, and a copy of said articles of association, duly certified to by the recorder of deeds, shall be prima facie evidence in all courts and places of the existence and the due incorporation of such subordinate body.

—powers, etc.

Contract invalid if beneficiary to pay assessments.

**SEC. 758. CONTRACT INVALID IF BENEFICIARY TO PAY ASSESSMENTS.**—No contract with any such association shall be valid when there is a contract, agreement, or understanding between the member and the beneficiary prior to or at the time of becoming a member of the association that the beneficiary, or any person for him, shall pay such member's assessments and dues, or either of them.

Benefits exempt from attachment.

**SEC. 759. BENEFITS EXEMPT FROM ATTACHMENT.**—The money or other benefit, charity, relief, or aid to be paid, provided, or rendered by any association authorized to do business under this subchapter shall not be liable to attachment, garnishment, or other process, and shall not be seized, taken, appropriated, or applied by any legal or equitable process, or by operation of law to pay any debt or liability of a certificate holder or of any beneficiary named in a certificate, or any person who may have any right thereunder.

Meetings.

**SEC. 760. MEETINGS.**—Any such association organized under the laws of said District may provide for the meetings of its legislative or governing body in any State, country, province, or Territory wherein

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 where the laws of any such association provide for the election of its officers by votes to be cast in its subordinate bodies, the votes so cast in its subordinate bodies in any State, country, province or Territory shall be valid as if cast within said District.

SEC. 761. FRAUDULENT REPRESENTATIONS.—Any person, officer, member, or examining physician who shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for membership or for the purpose of obtaining any money or benefit in any association transacting business under this subchapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the United States jail in said District for not less than thirty days nor more than one year, or both, in the discretion of the court; and any person who shall willfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such association for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall willfully make any false statement in any verified report or declaration under oath required or authorized by this subchapter, shall be guilty of perjury.

Fraudulent representations.

—penalty.

SEC. 762. NEGLECT TO REPORT.—Any such association refusing or neglecting to make the report as provided in this subchapter shall be excluded from doing business within said District. Said superintendent of insurance must, within sixty days after failure to make such report, or in case any such association shall exceed its powers, or shall conduct its business fraudulently, or shall fail to comply with any of the provisions of this subchapter, give notice in writing to the attorney for said District, who shall immediately commence an action against such association to enjoin the same from carrying on any business. An injunction against any such association may be granted on application by the Commissioners of said District at the request of the said superintendent. No association so enjoined shall have authority to continue business until such report shall be made, or overt act or violation complained of shall have been corrected, nor until the costs of such action be paid by it, (provided, the court shall find that such association was in default, as charged,) whereupon the superintendent of insurance shall reinstate such association, and not until then shall such association be allowed again to do business in said District. Any officer, agent, or person acting for any association or subordinate body thereof, within said District, while such association shall be so enjoined or prohibited from doing business pursuant to this subchapter, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in said jail not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Neglect of association to report.

—injunction against continuance of business.

—penalty to officers.

SEC. 763. ACTING WITHOUT AUTHORITY.—Any person who shall act within said District as an officer, agent, or otherwise, for any association which shall have failed, neglected, or refused to comply with, or shall have violated any of the provisions of this subchapter, or shall have failed or neglected to procure from the said superintendent a proper certificate of authority to transact business as provided for in this subchapter, shall be subject to the penalty provided in the last preceding section for the misdemeanor therein specified. To “transact business” or “doing business” under this subchapter means the writing of applications and the soliciting of new members so far as the penalty

Acting without authority.

of this subchapter applies thereto. It shall not be unlawful for any organization under section seven hundred and forty-nine to continue the operation of its lodges or branches except in securing new members.

Law not to apply to associations for profit.

SEC. 764. THIS LAW NOT TO APPLY TO ASSOCIATIONS FOR PROFIT.—Nothing in this subchapter shall be construed to apply to any corporation, society, order, or association carrying on the business of life, health, casualty, or accident insurance for profit or gain, and it shall only apply to fraternal beneficial associations as defined by section seven hundred and forty-nine, and nothing in this subchapter contained shall be construed to affect any grand or subordinate lodge or branch of any such fraternal beneficial societies, orders, or associations which limits its certificate holders to a particular religious denomination or to the employees of a particular town or city, designated firm, business house, or corporation, or department or branch of the United States Government, nor the grand or subordinate lodges of the Independent Order of Odd Fellows, nor any grand or subordinate lodge, or other body of Free and Accepted Masons, nor the grand or any subordinate lodge of the Knights of Pythias, or similar orders, associations, or societies that do not have as their principal object the issuance of benefit certificates of membership in case of death or the payment of sick, funeral, or death benefits exceeding in amount one hundred dollars.

—nor to associations or individuals using name of previously existing corporation.

SEC. 765. NOR TO ASSOCIATIONS OR INDIVIDUALS USING NAME OF PREVIOUSLY EXISTING CORPORATION.—The provisions of this subchapter shall not extend to nor apply to any association or individual who shall, in the certificate filed with the recorder of deeds, use or specify a name or style the same as that of any previously existing incorporated fraternal beneficial association in the District of Columbia.

#### SUBCHAPTER THIRTEEN.

#### EXISTING CORPORATIONS.

Existing corporations.

Reorganization.

SEC. 766. REORGANIZATION.—Any corporation heretofore existing or doing business in the District of Columbia may come under and avail itself of the provisions of this chapter by giving to its stockholders, members, or associates notice as prescribed in section six hundred and thirty-five of subchapter four thereof and pursuing the same procedure and complying with the same requirements as are prescribed in said subchapter in respect to increase or diminution of capital stock; and upon filing its certificate of reorganization in such case, such company shall be entitled to the privileges and provisions and be subject to the liabilities of the class of corporations to which it belongs, as provided in and by this chapter.

Notice of application for charter, etc.

SEC. 767. NOTICE OF APPLICATION FOR CHARTER, AND SO FORTH.—Whoever, not being a Senator or Representative in Congress, intends to present to Congress a bill for an act of incorporation, or for an alteration or extension of the charter of a corporation in the District of Columbia, or of any special privileges in said District, shall give notice of such intention by publishing a copy of the bill at least once a week for four successive weeks, in a newspaper published in the District of Columbia, the last of said publications to be made at least fourteen days prior to the presentation of such bill. Such newspaper shall be designated by the person proposing the bill and approved by the Commissioners of the District of Columbia.

#### SUBCHAPTER FOURTEEN.

#### DISSOLUTION OF CORPORATIONS.

Dissolution of corporations.

Voluntary.

SEC. 768. VOLUNTARY. WHEN.—When a majority of the trustees, directors, or other officers having the management of the concerns of any corporation in the District, or stockholders representing not less



than one-third of the capital stock of any such corporation, discover that the property and effects of the corporation have been so far reduced, by losses or otherwise, that it will not be able to pay all just demands against it or offer a reasonable security to those who deal with it, or they shall deem it beneficial to the interests of the stockholders that the corporation be dissolved, or when such directors, trustees, or other officers are authorized by a majority of the stockholders to apply for a decree, as hereinafter provided, or when the objects of the corporation have wholly failed or are entirely abandoned or are impracticable, they may apply to the supreme court of the District by petition for the dissolution of said corporation.

Petition for dissolution.

SEC. 769. APPLICATION TO SUPREME COURT OF THE DISTRICT OF COLUMBIA.—Such application shall contain a statement of the reasons upon which it is founded, and there shall be annexed thereto—

—contents of, etc.

First. A full, just, and true inventory of all the estate, real and personal, of the corporation, and of all the books, vouchers, and securities relating thereto.

Second. A full, just, and true account of the capital stock of the corporation, specifying the names of the stockholders, their residences, when known, the number of shares belonging to each, the amounts paid in upon said shares, respectively, and the amounts still due thereon.

Third. A statement of all the incumbrances on the property of the corporation and of all the engagements entered into by it which have not been fully satisfied or canceled, specifying the place of residence of each creditor and of every person to whom such engagements were made, if known, the sum owing to each creditor and the nature and consideration of the indebtedness, and such application shall be verified by affidavit.

SEC. 770. PUBLICATION.—On the filing of such application, accounts, inventories, and affidavit, an order shall be passed requiring all persons interested in said corporation to appear in said court and show cause by a day named, if any they have, why it should not be dissolved, and a notice of said order shall be published in some newspaper of general circulation weekly for three successive weeks, the first insertion to be not less than one month before the day fixed for showing cause as aforesaid.

Publication of order to show cause.

SEC. 771. REFERENCE TO TAKE TESTIMONY.—Whether answer be made or not, the cause shall be referred to the auditor, who shall take testimony in relation to the allegations of the petition, and report to the court, with all convenient speed, with a statement of the property and effects, debts, credits, and engagements of the corporation and all other matters relative to the issues in said cause.

Reference to take testimony.

SEC. 772. DECREE OF DISSOLUTION.—If it appear to the court that the corporation is insolvent, or that a dissolution thereof will be beneficial to the stockholders and not injurious to the public interests, or that the objects of the corporation have wholly failed or been abandoned or are impracticable, a decree shall be entered dissolving the corporation and appointing one or more receivers of its estate and effects; and the corporation shall thereupon be dissolved and cease to exist.

Decree of dissolution.

SEC. 773. RECEIVER.—A director, trustee, or other officer of the corporation, or any of its stockholders, may be appointed a receiver, and any receiver so appointed shall give bond in such penalty, and with such surety or sureties, as may be approved by the court, conditioned for the due discharge of his duties as receiver.

Receiver.

—bond of.

SEC. 774. Upon his giving surety as aforesaid the receiver shall be vested with all the estate, real or personal, of the corporation, for the benefit of its creditors and stockholders.

SEC. 775. The said receiver shall proceed to collect and take into his possession all the assets and effects of the corporation, including any

—duties, etc.

sums due and unpaid upon the subscriptions to the capital stock of the corporation, and shall have authority to institute all needful actions for that object. He shall give public notice of his appointment and require all creditors of the corporation to present their claims to him.

Void assignments.

SEC. 776. VOID ASSIGNMENTS.—All sales, assignments, transfers, mortgages, and conveyances of any part of the estate, real or personal, of said corporation, including choses in action of every description, made after the filing of the petition for dissolution, in payment of or as security for any existing or prior debt, or for any other consideration, and all judgments confessed by said corporation after that time, shall be void as against the receiver appointed on said petition and as against the creditors of the corporation.

Controversies with debtors and creditors.

SEC. 777. CONTROVERSIES WITH DEBTORS AND CREDITORS.—The receiver may settle controversies that arise between him and the debtors or creditors of the corporation by arbitration. If there be any open and subsisting engagements or contracts of the corporation in the nature of insurance, or contingent engagements of any kind, the receiver may, with the consent of the party holding such engagements, cancel and discharge the same by refunding to such party the premium or consideration paid thereon to the corporation, or so much thereof as shall be in the same proportion to the time which remains of any risk assumed by such engagements as the whole premium bears to the whole term of such risk; and upon such amount being paid by the receiver to the person holding such engagement it shall be deemed canceled and discharged as against the receiver.

Distribution.

SEC. 778. DISTRIBUTION.—The receiver may retain out of the money in his hands the amounts necessary for the purpose of canceling and discharging any open and subsisting engagements and of satisfying any demands for which a suit may be pending against the corporation and the costs of the proceeding, and distribute the residue among the creditors of the corporation, giving preference to debts which are liens on the property of the corporation, and shall make dividends from time to time among the creditors until their debts are paid in full.

Dividends to stockholders.

SEC. 779. DIVIDENDS TO STOCKHOLDERS.—No dividends shall be paid to stockholders until after the final dividend to the creditors, and if, after such final dividend is made, there remain any surplus in the receiver's hands, he shall distribute the same among the stockholders in proportion to the respective amounts paid in by them severally on their shares of stock.

Receiver under court's direction.

SEC. 780. RECEIVER UNDER COURT'S DIRECTION.—The receiver shall be subject to the direction of the court as to making dividends and rendering his accounts and shall receive such commission as the court shall allow, not exceeding the rate allowed to executors and administrators, and reasonable counsel fees for services rendered to him.

Dissolution by stockholders.

SEC. 781. DISSOLUTION BY STOCKHOLDERS.—When a majority of the directors, trustees, or other officers of a corporation become satisfied that the objects of the corporation can not be accomplished, and no installment of the capital stock has been paid, and no investments have been made and no debts incurred which are unpaid, they may call a meeting of the stockholders, by a notice published in some newspaper of general circulation, and if a majority, in amount, of the stockholders present at such meeting, in person or by proxy, shall decide that the objects of the corporation can not be accomplished, the corporation shall thereupon be dissolved and cease.

Who to be trustees for creditors and stockholders.

SEC. 782. WHO TO BE TRUSTEES FOR CREDITORS AND STOCKHOLDERS.—Upon the dissolution of a corporation by the expiration of its charter, or otherwise, unless other persons be appointed by the stockholders, directors, or trustees of the corporation, or by a decree of the supreme court of the District, the directors or trustees acting last before the dissolution, and their survivors, shall be the trustees for

the creditors and stockholders of the dissolved corporation, and shall have full power to settle the affairs of the same, to collect its assets and pay its outstanding debts, and divide among its stockholders the money or other property remaining, in proportion to the stock of each stockholder paid up; and in case of the refusal of said trustees or directors, or a majority of them, to act, the said court may, upon the application of any person interested, appoint trustees in their place.

SEC. 783. ACTIONS NOT TO ABATE.—No action pending in favor of or against any corporation shall be discontinued or abate by the dissolution of the corporation, whether such dissolution occur by the expiration of its charter or otherwise, but all such actions may be prosecuted to final judgment in its corporate name; and on all judgments so obtained, whether before or after its dissolution, execution may be had and satisfaction enforced in such corporate name.

Action not to abate by dissolution of corporation.

SEC. 784. A corporation may, after its dissolution, prosecute any action in and by its corporate name, for the use of the person or persons entitled to receive the proceeds of such action, upon any cause of action accrued, or which, but for such dissolution, would have accrued in favor of the corporation, in the same manner and with the like effect as if it had not been dissolved.

—suits where proceeds of action would have accrued to corporation but for dissolution.

SEC. 785. SUITS AFTER DISSOLUTION.—Any such dissolved corporation may be sued by its corporate name for or upon any cause of action accrued or which, but for such dissolution, would have accrued against it in the same manner and with the like effect as if it were not dissolved; and process in such action may be served upon any one of the assignees, trustees, or receivers having the management of the assets of the corporation.

Suits after dissolution.

—process.

SEC. 786. INVOLUNTARY DISSOLUTION AT THE SUIT OF THE UNITED STATES.—Whenever the district attorney of the United States for the District of Columbia shall become satisfied that any corporation organized under the laws of said District has been guilty of such misuse, abuse, or nonuser of its corporate powers and franchises, or such violation of law as would authorize and make proper the forfeiture of its charter, corporate powers, and franchises, the said district attorney shall file in the supreme court of the District a petition in the name of the United States, setting forth, fully and in detail, the alleged abuse, misuse, or nonuser by reason whereof such forfeiture is sought, which petition shall be supported by affidavits of credible persons; and upon the filing of such petition the said court shall lay a rule requiring such defendant corporation to show cause, within such time as the court may deem proper, why a decree should not issue as prayed in said petition, a copy of which rule and petition shall be served on said corporation by a day therein limited.

Involuntary dissolution at the suit of the United States.

SEC. 787. ANSWER OF CORPORATION.—The said corporation, by the day named in said order, unless further time be granted by the court, shall file an answer to said petition, fully setting forth all the defenses upon which it intends to rely in resisting the application, which shall be verified by affidavit of some officer of the corporation.

—answer of corporation.

SEC. 788. PLEADING.—The petitioners may thereupon plead to or traverse all or any of the material averments set forth in the answer, and the defendant shall join issue with or demur to said plea or traverse within five days thereafter.

—pleading.

SEC. 789. TRIAL.—If issue or issues be joined on such proceedings, the same shall stand for trial at such time as the court shall direct and shall be tried by a jury if either party desire it; otherwise, they shall be heard and determined by the court. If, from the findings of the jury or upon consideration and determination of the case by the court, the court shall be of opinion that legal cause of forfeiture has been shown and the public interests require that said forfeiture shall be declared, a decree of forfeiture shall be entered and the charter of

—trial.

—decree of forfeiture.

—receiver. said corporation shall thereby be annulled and vacated and its corporate franchises and powers shall cease and be void; and the court shall thereupon appoint a receiver or receivers of the assets and estate of said corporation, who shall proceed to wind up the affairs of said corporation, for the benefit of its creditors and stockholders, under the direction of the court.

Ex parte hearing. SEC. 790. If any corporation upon which a petition and rule to show cause shall have been served as aforesaid, shall neglect to file an answer thereto at the time appointed by the court, the court shall proceed to hear the application ex parte within five days thereafter, and if it shall be of opinion that good cause of forfeiture is shown it shall proceed to decree as provided in the preceding section.

Judgment. SEC. 791. JUDGMENT.—If the court, either upon a hearing ex parte or after answer, shall be of opinion that no cause of forfeiture is shown or that the public interests do not demand that such forfeiture be decreed, though legal cause therefor has been shown, it shall dismiss the petition. And if the court shall determine that legal cause of forfeiture has been shown, it may, in its discretion, before passing a final decree of forfeiture, pass orders requiring the said corporation, within a time to be therein fixed, to remedy the grievance complained of, and may suspend the passage of the final decree of forfeiture until the time so fixed, and may afterwards refuse to pass such decree if the grievance shall have been remedied by the time so fixed.

Appeal. SEC. 792. APPEAL.—From any judgment or determination of the court on petitions filed for forfeiture, as aforesaid, either party may appeal to the court of appeals, subject to such regulations as may be prescribed by said court.

Injunction. SEC. 793. INJUNCTION.—The district attorney may file a bill in the name of the United States in said supreme court for the purpose of restraining by injunction any corporation organized under the laws of the District from assuming or exercising any franchise, liberty, or privilege or transacting any business not allowed by its charter or certificate of incorporation or not by law allowed to be assumed or exercised by said corporation; and in the same manner may file a bill to restrain any individuals from exercising any corporate rights, privileges, or franchises not granted to them by law; and on the filing of any such bill the said supreme court shall have power to issue an injunction as prayed and to exercise all the powers of a court of equity over the subject-matter of such bill.

Involuntary dissolution at the suit of creditors. SEC. 794. INVOLUNTARY DISSOLUTION AT THE SUIT OF CREDITORS.—When any corporation in the District has remained insolvent for a year, or has neglected or refused for that period to pay and discharge its notes or other evidences of debt, or has, for that period, suspended its ordinary and lawful business, a bill may be filed by the district attorney, as aforesaid, for the dissolution of said corporation, or, if he shall decline to do so, on the application of any judgment creditor of said corporation, the said judgment creditor, if an execution upon his judgment shall be returned unsatisfied, in whole or in part, may file such bill.

—Injunction. SEC. 795. Upon prima facie proof of the facts necessary to sustain such suit the court may issue an injunction restraining the corporation, its trustees, directors, and officers from collecting or receiving any debt or demand and from paying out or transferring or delivering to any person any of its property or effects and from exercising any of its corporate rights and franchises during the pendency of the suit, unless by permission of the court. And at any stage of the proceeding the court may appoint a receiver to collect and preserve the property of the corporation and dispose of and manage the same, under the direction of the court, until final decree in the cause.

—receiver.

SEC. 796. PARTIES.—Where the action is brought by a creditor, the stockholders, directors, trustees, or other officers, or any of them who may be made liable by law for the payment of the complainant's debt, may be made parties defendant by the original or a supplemental bill, and their liability may be declared and enforced by the decree; but nothing herein shall prevent any creditor from enforcing such liability in a separate suit against such parties.

—parties.

SEC. 797. ACCOUNT AND DISTRIBUTION.—In such suit, if the court shall be of opinion that the complainant is entitled to the relief prayed, and that such corporation ought to be dissolved, the court shall cause an account to be taken of the assets and debts of the corporation and shall decree an equal distribution of the assets among the creditors, subject to existing liens; but if said corporation has no property to satisfy its creditors, or to the extent to which its property is insufficient therefor, the court may require the stockholders, who are parties defendant to the suit, to pay into court the amounts due and unpaid on the shares of stock held by them, and shall ascertain the amounts properly chargeable, in favor of creditors, to said stockholders and the trustees, directors, or other officers who are parties to the suit, and in the final decree for the dissolution shall adjudge and decree that said amounts shall be paid into court by the parties respectively liable therefor, to be applied to the payment of the debts of the corporation.

—account and distribution.

CHAPTER NINETEEN.

CRIMES AND PUNISHMENTS.

Crimes and punishments.

SUBCHAPTER ONE.

OFFENSES AGAINST THE PERSON.

Offenses against the person.

SEC. 798. MURDER IN FIRST DEGREE.—Whoever, being of sound memory and discretion, purposely, and either of deliberate and premeditated malice or by means of poison, or in perpetrating or in attempting to perpetrate any offense punishable by imprisonment in the penitentiary, kills another, is guilty of murder in the first degree.

Murder in first degree.

SEC. 799. Whoever maliciously places an obstruction upon a railroad or street railroad, or displaces or injures anything appertaining thereto, or does any other act with intent to endanger the passage of any locomotive or car, and thereby occasions the death of another, is guilty of murder in the first degree.

—placing obstruction on a railroad.

SEC. 800. MURDER IN SECOND DEGREE.—Whoever with malice aforethought, except as provided in the last two sections, kills another is guilty of murder in the second degree.

Murder in second degree.

SEC. 801. PUNISHMENT.—The punishment of murder in the first degree shall be death by hanging. The punishment of murder in the second degree shall be imprisonment for life, or for not less than twenty years.

Punishment.

SEC. 802. MANSLAUGHTER.—Whoever commits manslaughter shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding fifteen years, or by both such fine and imprisonment.

Manslaughter.

SEC. 803. ASSAULT WITH INTENT TO KILL, AND SO FORTH.—Every person convicted of any assault with intent to kill or to commit rape, or to commit robbery, or mingling poison with food, drink, or medicine with intent to kill, or willfully poisoning any well, spring, or cistern of water, shall be sentenced to imprisonment for not more than fifteen years.

Assault with intent to kill, etc.

SEC. 804. MAYHEM.—Every person convicted of an assault with intent to commit mayhem, or of an assault with a dangerous weapon, shall be sentenced to imprisonment for not more than ten years.

Mayhem.

- Assault. SEC. 805. ASSAULT.—Whoever assaults another with intent to commit any other offense which may be punished by imprisonment in the penitentiary shall be imprisoned not more than five years.
- penalty. SEC. 806. Whoever unlawfully assaults, or threatens another in a menacing manner, shall be fined not more than five hundred dollars, or be imprisoned not more than twelve months, or both.
- mayhem. SEC. 807. Every person convicted of mayhem or of maliciously disfiguring another shall be imprisoned for not more than ten years.
- Rape; penalty. SEC. 808. RAPE.—Whoever has carnal knowledge of a female forcibly and against her will, or carnally knows and abuses a female child under sixteen years of age, shall be imprisoned for not less than five nor more than thirty years: *Provided*, That in any case of rape the jury may add to their verdict, if it be guilty, the words “with the death penalty,” in which case the punishment shall be death by hanging: *Provided further*, That if the jury fail to agree as to the punishment, the verdict of guilty shall be received and the punishment shall be imprisonment as provided in this section.
- jury may add death. SEC. 809. PROCURING MISCARRIAGE.—Whoever, with intent to procure the miscarriage of any woman, prescribes or administers to her any medicine, drug, or substance whatever, or with like intent uses any instrument or means, unless when necessary to preserve her life or health and under the direction of a competent licensed practitioner of medicine, shall be imprisoned for not more than five years; or if the woman or her child dies in consequence of such act, by imprisonment for not less than three nor more than twenty years.
- failure of to agree. SEC. 810. ROBBERY.—Whoever by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, shall take from the person or immediate actual possession of another anything of value, is guilty of robbery, and any person convicted thereof shall suffer imprisonment for not less than six months nor more than fifteen years.
- Procuring miscarriage. SEC. 811. Whoever attempts to commit robbery, as defined in the preceding section, by an overt act, shall be imprisoned for not more than three years or be fined not more than five hundred dollars, or both.
- Robbery. SEC. 812. ABDUCTION.—Whoever unlawfully and forcibly or fraudulently carries off or decoys out of the District any person, or arrests or imprisons any person with the intention of having such person carried out of the District, shall be imprisoned for not less than one nor more than seven years, or fined not exceeding one thousand dollars, or both: *Provided*, That whoever leads, carries, or entices away a child under the age of sixteen years, with the intent unlawfully to detain or conceal such child so lead, taken, or enticed away, shall be imprisoned for not more than twenty years or fined not exceeding one thousand dollars, or both.
- attempt. SEC. 813. Any person who, for purposes of prostitution, persuades, entices, or forcibly abducts from her home or usual abode, or from the custody and control of her parents or guardian, any female under sixteen years of age shall be punished by imprisonment for not less than two nor more than twenty years; and whoever knowingly secretes or harbors any such female so persuaded, enticed, or abducted as aforesaid shall suffer imprisonment for not more than eight years.
- Abduction. SEC. 814. CRUELTY TO CHILDREN.—Any person who shall torture, cruelly beat, abuse, or otherwise willfully maltreat any child under the age of eighteen years; or any person, having the custody and possession of a child under the age of fourteen years, who shall expose, or aid and abet in exposing, such child in any highway, street, field, house, outhouse, or other place, with intent to abandon it; or any person, having in his custody or control a child under the age of fourteen years, who shall in any way dispose of it with a view to its being
- Proviso.*  
—of child under 16 years, etc.
- for purposes of prostitution.
- Cruelty to children.

employed as an acrobat, or a gymnast, or a contortionist, or a circus rider, or a ropewalker, or in any exhibition of like dangerous character, or as a beggar, or mendicant, or pauper, or street singer, or street musician; or any person who shall take, receive, hire, employ, use, exhibit, or have in custody any child of the age last named for any of the purposes last enumerated, shall be deemed guilty of a misdemeanor, and, when convicted thereof, shall be subject to punishment by a fine of not more than two hundred and fifty dollars, or by imprisonment for a term not exceeding two years, or both.

—penalty.

SEC. 815. LIBEL.—Whoever publishes a libel shall be punished by a fine not exceeding one thousand dollars or imprisonment for a term not exceeding five years, or both.

Libel.

SEC. 816. WHAT IS PUBLICATION.—To knowingly send or deliver any libelous communication to the party libeled is a sufficient publication to subject the person sending or delivering the same to punishment as aforesaid.

What is publication.

SEC. 817. JUSTIFICATION.—Any publication of a libel shall be justified if it appear that the matter charged as libelous was true and was published with good motives and for justifiable ends.

Justification.

SEC. 818. FALSE CHARGES OF UNCHASTITY.—Whoever wrongfully accuses any woman of unchastity shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or both, and shall also be liable to a civil action for damages by the party injured.

False charges of unchastity.

SEC. 819. BLACKMAIL.—Whoever verbally or in writing accuses or threatens to accuse any other person of a crime or of any conduct which, if true, would tend to disgrace such other person, or in any way subject him to the ridicule or contempt of society, or threatens to expose or publish any of his infirmities or failings, with intent to extort from such other person anything of value or any pecuniary advantage whatever, or to compel the person accused or threatened to do or to refrain from doing any act, and whoever with such intent publishes any such accusation against any other person shall be imprisoned for not more than five years or be fined not more than one thousand dollars, or both.

Blackmail.

## SUBCHAPTER TWO.

### OFFENSES AGAINST PROPERTY.

SEC. 820. ARSON.—Whoever shall maliciously burn or attempt to burn any dwelling, or house, barn, or stable adjoining thereto, or any store, barn, or outhouse, or any shop, office, stable, store, warehouse, or any other building, or any steamboat, vessel, canal boat, or other water craft, or any railroad car, the property, in whole or in part, of another person, or any church, meetinghouse, schoolhouse, or any of the public buildings in the District, belonging to the United States or to the District of Columbia, shall suffer imprisonment for not less than one year nor more than ten years.

Offenses against property.

Arson.

SEC. 821. Whoever maliciously burns or sets fire to any dwelling, shop, barn, stable, store, or warehouse or other building, or any steamboat, vessel, canal boat, or other water craft, or any goods, wares, or merchandise, the same being his own property, in whole or in part, with intent to defraud or injure any other person, shall be imprisoned for not more than fifteen years.

—burning his own property.

SEC. 822. Whoever shall maliciously burn or set fire to any fences, woods, stacks of hay, grain, or straw, or growing crops, the property, in whole or in part, of another, shall be imprisoned for not more than thirty days or be fined not more than five hundred dollars, or both.

—fences, stacks of hay, etc.

SEC. 823. HOUSEBREAKING.—Whoever shall, either in the night or in the daytime, break and enter, or enter without breaking, any

Housebreaking.

dwelling, bank, store, warehouse, shop, stable, or other building, or any apartment or room, whether at the time occupied or not, or any steamboat, canal boat, vessel, or other water craft, or railroad car, or any yard where any lumber, coal, or other goods or chattels are deposited and kept for the purpose of trade, with intent to break and carry away any part thereof or any fixture or other thing attached to or connected with the same, or to commit any criminal offense, shall be imprisoned for not more than fifteen years.

Unlawful entry on private property.

SEC. 824. UNLAWFUL ENTRY ON PRIVATE PROPERTY.—Any person who, without lawful authority, shall enter, or attempt to enter, a private dwelling against the will of the lawful occupant thereof, or being therein without lawful authority to remain therein, shall refuse to quit the same on the demand of the lawful occupant thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars or imprisonment in the jail for not more than six months, or both, in the discretion of the court.

Depredation on fixtures in houses.

SEC. 825. DEPREDAATION ON FIXTURES IN HOUSES.—Whoever shall willfully and without color of right enter into any occupied or unoccupied dwelling house or other building, property of another, and shall cut, break, or tear from its place any gas pipe, water pipe, door-bell, or other fixture therein; or whoever shall in such dwelling house or other building willfully and without color of right cut, break, or tear down any wall or part of a wall, or door, with intent to cut, break, or tear from its place any pipe or fixture therein, shall be fined not more than two hundred dollars, or be imprisoned not more than two years, or both.

Grand larceny.

SEC. 826. GRAND LARCENY.—Whoever shall feloniously take and carry away anything of value of the amount or value of thirty-five dollars or upward, including things savoring of the realty, shall suffer imprisonment for not less than one nor more than ten years.

Petit larceny.

SEC. 827. PETIT LARCENY.—Whoever shall feloniously take and carry away anything of value of the amount or value of less than thirty-five dollars, including things savoring of the realty, shall be fined not more than two hundred dollars, or be imprisoned for not more than one year, or both.

Destroying stolen property.

SEC. 828. DESTROYING STOLEN PROPERTY.—Whoever shall maliciously destroy anything of value of the amount or value of thirty-five dollars or upward which shall have been stolen, knowing the same to have been stolen, shall suffer imprisonment for not less than one year nor more than three years.

Receiving stolen goods.

SEC. 829. RECEIVING STOLEN GOODS.—Any person who shall receive or buy anything of value which shall have been stolen or obtained by robbery, knowing the same to be so stolen or so obtained by robbery, with intent to defraud the owner thereof, if the thing or things received or bought shall be of the value of thirty-five dollars or upward, shall suffer imprisonment for not less than one year nor more than ten years; or if the value of the thing or things so received or bought be less than thirty-five dollars, shall suffer imprisonment for not more than two years.

Stealing will.

SEC. 830. STEALING WILL.—Whoever, during the life of a testator or after his death, shall, for a fraudulent purpose, take and carry away a will, codicil, or other testamentary instrument, or destroy, mutilate, or secrete the same, whether it relates to personal or real property, shall suffer imprisonment for not more than five years.

Stealing property of District of Columbia.

SEC. 831. STEALING PROPERTY OF DISTRICT OF COLUMBIA.—Whoever shall embezzle, steal, or purloin any money, property, or writing, the property of the District of Columbia, shall suffer imprisonment for not exceeding five years, or be fined not more than five thousand dollars, or both.



SEC. 832. RECEIVING PROPERTY STOLEN FROM THE DISTRICT OF COLUMBIA.—Whoever shall receive, conceal, or aid in concealing, or have in possession, with intent to convert to his own use, any money, property, or writing, the property of the District of Columbia, knowing the same to have been embezzled, stolen, or purloined from the District of Columbia by any other person, shall be punished by a fine not exceeding five thousand dollars, or imprisonment not exceeding five years, or both.

Receiving property stolen from the District of Columbia.

SEC. 833. EMBEZZLEMENT.—Whoever, being charged with the collection, receipt, safe-keeping, transfer, or disbursement of public money or other property or effects belonging or payable to the District of Columbia or in the custody of the same, fraudulently converts to his own use, or to the use of any other person, body corporate, or association whatever, or uses, by way of investment, in any kind of security, stock, loan, property, or in any other manner or form loans, with or without interest, to any company, corporation, association or individual, excepting by depositing in bank to said party's own credit, in the usual course of business, any public money, funds, property, bonds, securities, assets, or effects received, controlled, or held by him for safe-keeping or for any other purpose, shall forfeit all right, by way of commissions or compensation, to any part of the said money or other property and shall be deemed guilty of embezzlement of the whole of the money or other property thus converted, used, invested, loaned, deposited, or paid out, and shall be imprisoned for not more than twenty years and fined in a sum not exceeding double the value of the money or property embezzled.

Embezzlement defined.

SEC. 834. EMBEZZLEMENT BY AGENT, ATTORNEY, CLERK, OR SERVANT.—If any agent, attorney, clerk, or servant of a private person or copartnership, or any officer, attorney, agent, clerk, or servant of any association or incorporated company, shall wrongfully convert to his own use, or fraudulently take, make way with, or secrete, with intent to convert to his own use, anything of value which shall come into his possession or under his care by virtue of his employment or office, whether the thing so converted be the property of his master or employer or that of any other person, copartnership, association, or corporation, he shall be deemed guilty of embezzlement, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for not more than ten years, or both.

Embezzlement by agent, attorney, clerk, or servant

SEC. 835. EMBEZZLEMENT OF NOTE NOT DELIVERED.—Every embezzlement of any evidence of debt negotiable by delivery only, actually executed by the master or employer of any such clerk, attorney, agent, officer, or servant, but not delivered or issued as a valid instrument, shall be deemed an offense within the meaning of the last preceding section.

Embezzlement of note not delivered.

SEC. 836. RECEIVING WITH KNOWLEDGE.—Every person who shall buy or in any way receive anything of value, knowing the same to have been embezzled, taken, or secreted contrary to the provisions of any of the three next preceding sections, shall be punished in the same manner and to the same extent as prescribed in said sections, respectively.

Receiving with knowledge.

SEC. 837. CARRIERS AND INNKEEPERS.—Any person intrusted with anything of value, to be carried for hire, or being an innkeeper and intrusted by his guest with anything of value for safe-keeping, who fraudulently converts the same to his own use, shall be deemed guilty of embezzlement and punished as provided in section eight hundred and thirty-four.

Embezzlement by carriers and innkeepers.

SEC. 838. WAREHOUSEMAN, AND SO FORTH.—Any warehouseman, factor, storage, forwarding, or commission merchant, or his clerk, agent, or employee, who, with intent to defraud the owner thereof,

By warehouseman, etc.

sells, disposes of, or applies or converts to his own use any property intrusted or consigned to him, or the proceeds or profits of any sale of such property, shall be deemed guilty of embezzlement, and shall suffer imprisonment for not more than ten years.

By mortgagor in possession.

SEC. 839. MORTGAGOR IN POSSESSION.—Any mortgagor of personal property in possession of the same, who, with intent to defraud the owner of the claim secured by the mortgage, removes any of the mortgaged property out of the District, or secretes or sells the same, or converts the same to his own use, shall be deemed guilty of embezzlement, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for not more than five years, or both.

Taking away or concealing writings.

SEC. 840. TAKING AWAY OR CONCEALING WRITINGS.—Whoever, with intent to defraud or injure another person, shall take away or conceal any writing whereby the estate or right of such other person shall or may be defeated, injured, or altered shall suffer imprisonment for not more than seven years.

Embezzlement by executors and other fiduciaries.

SEC. 841. EXECUTORS AND OTHER FIDUCIARIES.—Any executor, administrator, guardian, trustee, receiver, collector, or other officer into whose possession money, securities, or other property of the property or estate of any other person may come by virtue of his office or employment, who shall fraudulently convert or appropriate the same to his own use, shall forfeit all right or claim to any commissions, costs, and charges thereon, and shall be deemed guilty of embezzlement of the entire amount or value of the money or other property so coming into his possession and converted or appropriated to his own use, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding ten years, or both.

False pretenses.

SEC. 842. FALSE PRETENSES.—Whoever, by any false pretense, with intent to defraud, obtains from any person anything of value, or procures the execution and delivery of any instrument of writing or conveyance of real or personal property, or the signature of any person, as maker, indorser, or guarantor, to or upon any bond, bill, receipt, promissory note, draft, or check, or any other evidence of indebtedness, and whoever fraudulently sells, barter, or disposes of any bond, bill, receipt, promissory note, draft, or check, or other evidence of indebtedness, for value, knowing the same to be worthless, or knowing the signature of the maker, indorser, or guarantor thereof to have been obtained by any false pretenses, shall, if the value of the property or the sum or value of the money or property mentioned or described in the instrument so obtained, procured, sold, bartered, or disposed of is thirty-five dollars or upward, be imprisoned not less than one year nor more than three years; or, if less than that sum, shall be fined not more than two hundred dollars or imprisoned for not more than six months, or both. Any person who obtains any lodging, food, or accommodation at an inn, boarding house, or lodging house, without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at such an inn, boarding house, or lodging house by the use of any false pretense, or who, after obtaining credit or accommodation at such an inn, boarding house, or lodging house, absconds or surreptitiously removes his baggage therefrom without paying for his food, accommodation, or lodging, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the police court of the District of Columbia be fined not more than one hundred dollars or imprisoned not more than six months, or both, in the discretion of said court.

—penalty.

Forgery.

SEC. 843. FORGERY.—Whoever, with intent to defraud or injure another, falsely makes or alters any writing of a public or private nature, which might operate to the prejudice of another, or passes, utters, or publishes, or attempts to pass, utter, or publish as true and genuine, any paper so falsely made or altered, knowing the same to

be false or forged, with the intent to defraud or prejudice the right of another, shall be imprisoned for not less than one year nor more than ten years.

SEC. 844. DESTROYING OR DEFAACING PUBLIC RECORDS.—Whoever maliciously or with intent to injure or defraud any other person defaces, mutilates, destroys, abstracts, or conceals the whole or any part of any record authorized by law to be made, or pertaining to any court or public office in the District, or any paper duly filed in such court or office, shall be fined not more than three hundred dollars or imprisoned not more than two years, or both.

Destroying or defacing public records.

SEC. 845. FALSE CERTIFICATE OF ACKNOWLEDGMENT.—Any officer authorized to take the proof or acknowledgment of an instrument which, by law, may be recorded, who willfully certifies falsely that the instrument was acknowledged by any party thereto, or who willfully certifies falsely as to any other material matter in such acknowledgment, shall be imprisoned for not less than one year nor more than ten years.

False certificate of acknowledgment.

SEC. 846. MALICIOUS INJURY.—Whoever maliciously places an obstruction on or near the track of any steam or street railway, or displaces or injures anything appertaining to such track, with intent to endanger the passage of any locomotive or car, shall be imprisoned for not more than ten years.

Malicious injury.  
—to steam or street railways.

SEC. 847. Whoever maliciously cuts down or destroys, by girdling or otherwise, any standing or growing vine, bush, shrub, sapling, or tree on the land of another, or severs from the land of another any product standing or growing thereon, or any other thing attached thereto, shall, if the value of the thing destroyed or the amount of damage done to any such thing or to the land is thirty-five dollars or more, be imprisoned for not less than one year nor more than three years, or, if such value or amount is less than that sum, shall be fined not less than five dollars nor more than one hundred dollars, or be imprisoned not more than one year, or both.

—to trees, etc.

SEC. 848. Whoever maliciously injures or destroys, or attempts to injure or destroy, by fire or otherwise, any movable property not his own, of the value of thirty-five dollars or more, shall be punished by imprisonment for not less than one year and not more than ten years, and if the value of the property be less than thirty-five dollars, by a fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or both.

—to any movable property.

SEC. 849. STEALING OR INJURING BOOKS, AND SO FORTH.—Any person who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, or manuscript, or any portion thereof belonging to the Library of Congress, or to any public library in the District of Columbia, whether the property of the United States or of any individual or corporation in said District, or who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, document, manuscript, print, engraving, medal, newspaper, or work of art, the property of the United States, shall be held guilty of a misdemeanor, and, on conviction thereof, shall, when the offense is not otherwise punishable by some statute of the United States, be punished by a fine of not less than ten dollars nor more than one thousand dollars, and by imprisonment for not less than one month nor more than one year, or both, for every such offense.

Stealing or injuring books, etc.

SEC. 850. If any person shall maliciously cut down, demolish, or otherwise injure any railing, fence, or inclosure around or upon any cemetery, or shall injure or deface any tomb or inscription thereon, he shall be fined not more than one hundred dollars.

Injuring tombs, cemeteries, etc.

SEC. 851. FORCIBLE ENTRY AND DETAINER.—Whoever shall forcibly enter upon any premises, or, having entered without force, shall unlawfully detain the same by force against any person previously in the

Forcible entry and detainer.

peaceable possession of the same and claiming right thereto, shall be punished by imprisonment for not more than one year or a fine of not more than one hundred dollars, or both.

### SUBCHAPTER THREE.

#### OFFENSES AGAINST THE PUBLIC PEACE.

Offenses against the public peace.

Challenging to fight a duel.

SEC. 852. CHALLENGING TO FIGHT A DUEL.—If any person shall in the District challenge another to fight a duel, or send or deliver any written or verbal message purporting or intended to be such challenge, or shall accept any such challenge or message, or shall knowingly carry or deliver an acceptance of such challenge or message to fight a duel in or out of the District, he shall be punished by imprisonment for a term not exceeding ten years.

Assaulting for refusal.

SEC. 853. ASSAULTING FOR REFUSAL.—If any person shall assault, beat, or wound, or cause to be assaulted, beaten, or wounded, any person in the District for refusing to accept such challenge, or cause him to be published or posted as a coward, or use other opprobrious language in such publication tending to degrade and disgrace him for so declining or refusing such challenge, he shall be punished by imprisonment for a term not exceeding three years.

Leaving the District to fight.

SEC. 854. LEAVING THE DISTRICT TO FIGHT.—If any person, for the purpose of evading the provisions aforesaid, shall leave the District, by previous arrangement or concert within the same, with intent to give or receive any such challenge without the District, and shall give or receive the same accordingly, the person or persons so offending shall be punished in the same manner as if said challenge had been given and received within the District.

Carrying weapons.—penalty.

SEC. 855. CARRYING WEAPONS.—Any person who shall within the District of Columbia have concealed about his person any deadly or dangerous weapon, or who shall carry openly any such weapon, with intent to unlawfully use the same, shall be fined not less than fifty dollars nor more than five hundred dollars, or be imprisoned not exceeding one year, or both: *Provided*, That the officers, noncommissioned officers, and privates of the United States Army, Navy, or Marine Corps, or of any regularly organized militia company, police officers, officers guarding prisoners, officials of the United States or the District of Columbia engaged in the execution of the laws for the protection of persons or property, when any of such persons are on duty, shall not be liable for carrying necessary arms for use in performance of their duty: *Provided further*, That nothing contained in this section shall be so construed as to prevent any person from keeping or carrying about his place of business, dwelling house, or premises any such dangerous or deadly weapon, or from carrying the same from place of purchase to his dwelling house or place of business, or from his dwelling house or place of business to any place where repairing is done to have the same repaired and back again: *Provided further*, That nothing contained in this section shall be so construed as to apply to any person who shall have been granted a written permit to carry such weapon or weapons by any judge of the police court of the District of Columbia; and authority is hereby given to any such judge to grant such permit for a period of not more than one month at any one time, upon satisfactory proof to him of the necessity for the granting thereof, and, further, upon the filing with such judge of a bond, with sureties to be approved by said judge, by the applicant for such permit, conditioned to the United States in such penal sum as said judge shall require for the keeping of the peace, save in the case of necessary self-defense by such applicant during the continuance of said

*Provisos.*  
—exceptions: police, etc.

—carrying in place of business, etc.

—permit to carry.

permit, which bond shall be put in suit by the United States for its benefit upon any breach of such condition.

SEC. 856. All such weapons, as hereinbefore described, which may be taken from any person offending against any of the provisions of the last preceding section shall, upon conviction of such person, be disposed of as may be ordered by the judge trying the case, and the record shall show any and all such orders relating thereto as a part of the judgment in the case.

Disposition of weapons taken.

SEC. 857. SELLING, AND SO FORTH, TO MINORS.—Any person or persons who shall, within the District of Columbia, sell, barter, hire, lend, or give to any minor under the age of twenty-one years any such weapon as hereinbefore described shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than one hundred dollars or be imprisoned not more than three months, or both. No person shall engage in or conduct the business of selling, bartering, hiring, lending, or giving any weapon or weapons of the kind hereinbefore named without having previously obtained from the Commissioners of the District of Columbia a special license authorizing the conduct of such business by such person, and the said Commissioners are hereby authorized to grant such license, without fee therefor, upon the filing with them by the applicant therefor of a bond, with sureties to be by them approved, conditioned in such penal sum as they shall fix, to the United States, for the compliance by said applicant with all the provisions of this section, and upon any breach or breaches of said condition said bond shall be put in suit by said United States for its benefit, and said Commissioners may revoke said license.

Selling, etc., to minors.

Special license to sell, etc., required.

Any person engaging in said business without having previously obtained said special license shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars, of which one-half shall be paid to the informer, if any, whose information shall lead to the conviction of the person paying said fine; and in default of payment of said fine shall be imprisoned for not more than six months. All persons whose business is to sell, barter, hire, lend, or give any such weapon or weapons shall be, and they hereby are, required to keep a written register of the name and residence of every purchaser, barterer, hirer, borrower, or donee of any such weapon or weapons, together with a full description of such weapon, which register shall be subject to the inspection of the major and superintendent of the Metropolitan police of the District of Columbia; and, further, to make a report, under oath, on or before the first Tuesday of each and every month, to said major and superintendent of all such sales, barterings, hirings, lendings, or gifts, together with the respective names and residences of the person buying or receiving such weapon. Any person failing to keep such register or to make such reports shall be fined not more than one hundred dollars and the Commissioners may revoke his license.

—penalty.

Register of purchasers.

Report of sales, etc.

SUBCHAPTER FOUR.

OFFENSES AGAINST PUBLIC JUSTICE.

Offenses against public justice.

SEC. 858. PERJURY.—Every person who, having taken an oath or affirmation before a competent tribunal, officer, or person, in any case in which the law authorized such oath or affirmation to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath or affirmation states or subscribes any material matter which he does not believe to be true, shall be guilty of perjury; and any person convicted of perjury or

Perjury.

subornation of perjury shall be punished by imprisonment in the penitentiary for not less than two nor more than ten years. Any such false testimony, declaration, deposition, or certificate given in the District of Columbia, but intended to be used in a judicial proceeding elsewhere, shall also be perjury within the meaning of this section.

False personation  
before courts, etc.

SEC. 859. FALSE PERSONATION.—Whoever falsely personates another person before any court of record or judge thereof, or clerk of court, or justice of the peace, or any officer in the District authorized to administer oaths or take the acknowledgment of deeds or other instruments or to grant marriage licenses, with intent to defraud, shall be imprisoned for not less than one year nor more than five years.

—of public officer,  
minister, etc.

SEC. 860. Whoever falsely represents himself to be a justice of the peace, notary public, police officer, constable, or other public officer, or a minister qualified to celebrate marriage, and attempts to perform the duty or exercise the authority pertaining to any such office or character, or having been duly appointed to any of such offices shall knowingly attempt to act as any of such officers after his appointment or commission has expired or he has been dismissed from such office, shall suffer imprisonment in the penitentiary for not less than one year nor more than three years.

Bribery.

SEC. 861. BRIBERY.—Whoever promises, offers, or gives, or causes or procures to be promised, offered, or given, any money or other thing of value, or makes or tenders any contract, undertaking, obligation, credit, or security for the payment of money, or for the delivery or conveyance of anything of value, to any executive, judicial, or other officer, or to any person acting in any official function, or to any juror or witness, with intent to influence the decision, action, verdict, or evidence of any such person on any question, matter, cause, or proceeding or with intent to influence him to commit or aid in committing, or to collude in or allow any fraud, or make any opportunity for the commission of any fraud, shall be fined not more than five hundred dollars, or be imprisoned not more than three years, or both.

Threats.

SEC. 862. THREATS.—Whoever corruptly, by threats or force, endeavors to influence, intimidate, or impede any juror, witness, or officer in any court in the District in the discharge of his duties, or, by threats or force, in any other way obstructs or impedes or endeavors to obstruct or impede the due administration of justice therein, shall be fined not more than two hundred dollars or imprisoned not more than three years, or both.

#### SUBCHAPTER FIVE.

Offenses against  
public policy.

#### OFFENSES AGAINST PUBLIC POLICY.

Lotteries.  
—penalty.

SEC. 863. LOTTERIES.—If any person shall within the District keep, set up, or promote, or be concerned as owner, agent, or clerk, or in any other manner, in managing any policy lottery or policy shop, or shall sell or transfer any ticket, certificate, bill, token, or other device purporting or intended to guarantee or assure to any person or entitle him to a chance of drawing or obtaining a prize, to be drawn in any lottery, or in the game or device commonly known as policy lottery or policy, or shall, for himself or another person, sell or transfer, or have in his possession for the purpose of sale or transfer, or shall aid in selling, exchanging, negotiating, or transferring a chance or ticket in or share of a ticket in any policy lottery or any such bill, certificate, token, or other device, he shall be fined not more than five hundred dollars or be imprisoned not more than one year, or both.

—for permitting on  
premises.

SEC. 864. If any person shall knowingly permit, on any premises under his control in the District, the sale of any chance or ticket in or share of a ticket in any lottery or policy lottery, or shall knowingly

permit any lottery or policy lottery or policy shop on such premises, he shall be fined not less than fifty dollars nor more than five hundred dollars, or be imprisoned not more than one year, or both.

SEC. 865. GAMING.—Whoever shall in the District set up or keep any gaming table, or any house, vessel, or place, on land or water, for the purpose of gaming, or gambling device commonly called A B C, faro bank, E O, roulette, equality, keno, thimbles, or little joker, or any kind of gaming table or gambling device adapted, devised, and designed for the purpose of playing any game of chance for money or property, or shall induce, entice, and permit any person to bet or play at or upon any such gaming table or gambling device, or on the side of or against the keeper thereof, shall be punished by imprisonment for a term of not more than five years.

Gaming.  
—penalty.

SEC. 866. Whoever in the District knowingly permits any gaming table, bank, or device to be set up or used for the purpose of gaming in any house, building, vessel, shed, booth, shelter, lot, or other premises to him belonging or by him occupied, or of which at the time he has possession or control, shall be punished by imprisonment in the jail for not more than one year or by a fine not exceeding five hundred dollars, or both.

—for permitting on premises.

SEC. 867. THREE-CARD MONTE, AND SO FORTH.—Whoever shall in the District deal, play, or practice, or be in any manner accessory to the dealing or practicing, of the confidence game or swindle known as three-card monte, or of any such game, play, or practice, or any other confidence game, play, or practice, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars and by imprisonment for not more than five years.

Three-card monte,  
etc.

SEC. 868. WHAT IS GAMING TABLE.—All games, devices, or contrivances at which money or any other thing shall be bet or wagered shall be deemed a gaming table within the meaning of these sections; and the courts shall construe the preceding sections liberally, so as to prevent the mischief intended to be guarded against.

What is gaming table.

SEC. 869. POOL SELLING, AND SO FORTH.—It shall be unlawful for any person or association of persons in the cities of Washington and Georgetown, in the District of Columbia, or within said District within one mile of the boundaries of said cities, to bet, gamble, or make books or pools on the result of any trotting race or running race of horses, or boat race, or race of any kind, or on any election or any contest of any kind, or game of base ball. Any person or association of persons violating the provisions of this section shall be fined not exceeding five hundred dollars or be imprisoned not more than ninety days, or both.

Pool selling, etc.

SUBCHAPTER SIX.

OFFENSES AGAINST MORALITY.

SEC. 870. BIGAMY.—Whoever, having a husband or wife living, marries another shall be deemed guilty of bigamy, and on conviction thereof shall suffer imprisonment for not less than two nor more than seven years: *Provided*, That this section shall not apply to any person whose husband or wife has been continually absent for five successive years next before such marriage without being known to such person to be living within that time, or whose marriage to said living husband or wife shall have been dissolved by a valid decree of a competent court, or shall have been pronounced void by a valid decree of a competent court on the ground of the nullity of the marriage contract.

Offenses against morality.

Bigamy.

*Proviso.*

—exceptions.

SEC. 871. SEDUCTION BY TEACHER.—Any male person, over twenty-one years of age, who is superintendent, tutor, or teacher in any public or private school, seminary, or other institution, or instructor of any female in any branch of instruction, who has sexual intercourse with

Seduction by teacher.

any female under twenty-one years of age, with her consent, while under his instruction during the term of his engagement as superintendent, tutor, or teacher, shall be imprisoned for not less than one year nor more than ten.

Indecent publica-  
tions.

SEC. 872. INDECENT PUBLICATIONS.—Whoever sells, or offers to sell, or give away, in the District, or has in his possession with intent to sell or give away or to exhibit to another, any obscene, lewd, or indecent book, pamphlet, drawing, engraving, picture, photograph, instrument, or article of indecent or immoral use, or advertises the same for sale, or writes or prints any letter, circular, handbill, book, pamphlet, or notice of any kind stating by what means any of such articles may be obtained, or advertises any drug, nostrum, or instrument intended to produce abortion, or gives or participates in, or by bill, poster, or otherwise advertises, any public exhibition, show, performance, or play containing obscene, indecent, or lascivious language, postures, or suggestions, or otherwise offending public decency, shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned not more than one year, or both.

Seduction.

SEC. 873. SEDUCTION.—If any person shall seduce and carnally know any female of previous chaste character, between the ages of sixteen and twenty-one years, out of wedlock, such seduction and carnal knowledge shall be deemed a misdemeanor, and the offender, being convicted thereof, shall be punished by imprisonment for a term not exceeding three years, or fined not exceeding two hundred dollars, or may be punished by both such fine and imprisonment.

Adultery.

SEC. 874. ADULTERY.—Whoever commits adultery in the District shall, on conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both; and when the act is committed between a married woman and a man who is unmarried both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man only shall be deemed guilty of adultery.

Incest.

SEC. 875. INCEST.—If any person in the District related to another person within and not including the fourth degree of consanguinity, computed according to the rules of the Roman or civil law, shall marry or cohabit with or have sexual intercourse with such other so-related person, knowing him or her to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and, on conviction thereof, shall be punished by imprisonment for not more than twelve years.

#### SUBCHAPTER SEVEN.

Miscellaneous.

#### MISCELLANEOUS.

Prize fighting, etc.

SEC. 876. PRIZE FIGHTING, AND SO FORTH.—Any person who shall voluntarily engage in a pugilistic encounter between man and man or a fight between a man and a bull or any other animal, for money or for other thing of value, or for any championship, or upon the result of which any money or any thing of value is bet or wagered, or to see which any admission fee is charged, either directly or indirectly, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment not less than one nor more than five years.

—“pugilistic encounter” defined.

By the term “pugilistic encounter,” as used in this section, is meant any voluntary fight by blows by means of fists or otherwise, whether with or without gloves, between two or more men, for money or for a prize of any character, or for any other thing of value, or for any championship, or upon the result of which any money or thing of value is bet or wagered, or to see which any admission fee is charged, either directly or indirectly.



SEC. 877. USING BOTTLES OF DEALERS IN MINERAL WATERS.—All manufacturers and vendors of mineral waters and other beverages allowed by law to be sold in bottles, upon which their names or marks shall be respectively impressed, may file with the clerk of the supreme court of the District a description of such bottles and of the names or marks thereon, and shall cause the same to be published for not less than two weeks successively in a daily or weekly newspaper published in the District.

Mineral water bottles.  
Filing description of, etc.

SEC. 878. It shall be unlawful for any person, without the permission of the owner thereof, to fill with mineral waters or other beverages any such bottles so marked, for sale, or to traffic in any such bottles so marked and not bought by him of such owner; and every person so offending shall be liable to a penalty of fifty cents for every bottle so filled, or sold, or used, or disposed of, or bought, or trafficked in, for the first offense, and of five dollars for every subsequent offense, to be recovered as other fines are recovered in the District.

—sale, etc., of by others prohibited.

SEC. 879. FORGING OR IMITATING LABELS, AND SO FORTH.—Whoever willfully forges or counterfeits or makes use of any imitation calculated to deceive the public, though with colorable difference or deviation therefrom, of the private brand, wrapper, label, trade-mark, bottle, or package usually affixed or used by any person to or with the goods, wares, merchandise, preparation, or mixture of such person, with the intent to pass off any work, goods, manufacture, compound, preparation, or mixture as the manufacture or production of such person which is not really such, shall be fined not more than five hundred dollars or imprisoned not more than one year, or both.

Forging or imitating labels, etc.

SEC. 880. DESTROYING BOUNDARY TREES.—Whoever maliciously cuts down, destroys, or removes any boundary tree, stone, or other mark or monument, or maliciously effaces any inscription thereon, either of his own lands or of the lands of any other person whatsoever, even though such boundary or bounded trees should stand within the person's own land so cutting down and destroying the same, shall be fined not more than one thousand dollars and imprisoned not exceeding one year.

Destroying boundary trees.

SEC. 881. TRESPASSING ON CAPITOL GROUNDS.—Public travel in and occupancy of the Capitol grounds shall be restricted to the roads, walks, and places prepared for the purpose by flagging, paving, or otherwise.

Capitol grounds. Public use restricted.

SEC. 882. It is forbidden to occupy the roads therein in such manner as to obstruct or hinder their proper use; to drive violently upon them or with animals not under perfect control, or to use them for the conveyance of goods or merchandise except to or from the Capitol on Government service.

—of roads.

SEC. 883. It is forbidden to offer or expose any article for sale; to display any sign, placard, or other form of advertisement; to solicit fares, alms, subscriptions, or contributions therein.

Begging, etc., forbidden.

SEC. 884. It is forbidden to step or climb upon, remove, or in any way injure any statue, seat, wall, or other erection, or any tree, shrub, plant, or turf therein.

Injuring statues, etc.

SEC. 885. It is forbidden to discharge any firearms, firework, or explosive, set fire to any combustible, make any harangue or oration, or utter loud, threatening, or abusive language therein.

Discharging firearms, etc.

SEC. 886. It is forbidden to parade, stand, or move in processions or assemblages, or display any flag, banner, or device designed or adapted to bring into public notice any party or organization or movement therein.

Parading in processions, etc.

SEC. 887. Offenses against the six preceding sections shall be punishable by fine or imprisonment, or both, the fine not to exceed one hundred dollars, the imprisonment not to exceed sixty days; but in the case of heinous offenses, by reason of which public property shall have suffered damage to an amount exceeding one hundred dollars in value,

Penalties.

the offense shall be punishable by imprisonment in the penitentiary for a period of not less than six months nor more than five years.

Arrests by District  
police.

SEC. 888. It shall be the duty of all policemen and watchmen having authority to make arrests in the District of Columbia to be watchful for offenses against these sections, and to arrest and bring before the proper tribunal those who shall offend against them under their observation or of whose offenses they shall be advised by witnesses.

—Capitol employees  
to aid, etc.

SEC. 889. It shall be the duty of all persons employed in the service of the Government in the Capitol or on its grounds to prevent, as far as may be in their power, offenses against these sections, and to aid the police, by information or otherwise, in securing the arrest and conviction of the offenders.

Who may suspend  
prohibition.

SEC. 890. WHO MAY SUSPEND PROHIBITION.—In order to admit of the due observance within the Capitol grounds of occasions of national interest becoming the cognizance and entertainment of Congress, the President of the Senate and the Speaker of the House of Representatives, acting concurrently, are hereby authorized to suspend for such proper occasion so much of the above prohibitions as would prevent the use of the roads and walks of the said grounds by processions or assemblages and the use upon them of suitable decorations, music, addresses, and ceremonies: *Provided*, That responsible officers shall have been appointed and arrangements determined adequate in the judgment of the said President of the Senate and Speaker of the House of Representatives for the maintenance of suitable order and decorum in the proceedings and for guarding the Capitol and its grounds from injury. In the absence from Washington of either of the officers designated in this section the authority therein given to suspend certain prohibitions of this subchapter shall devolve upon the other, and in the absence from Washington of both it shall devolve upon the Capitol police commission.

*Proviso.*  
Maintenance of order.

When Capitol police  
commission may act.

Grave robbery.

SEC. 891. GRAVE ROBBERY.—Whoever, without legal authority or without the consent of the nearest surviving relative, shall disturb or remove any dead body from a grave for the purpose of dissecting, or of buying, selling, or in any way trafficking in the same, shall be imprisoned not less than one year nor more than three years.

Eight hours daily  
service for laborers on  
public works.

SEC. 892. LIMITATION OF HOURS OF DAILY SERVICE FOR LABORERS AND MECHANICS ON PUBLIC WORKS.—The service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor, whose duty it shall be to employ, direct, or control the service of such laborers or mechanics, to employ, direct, or require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.

Penalty to contract-  
ors, etc.

SEC. 893. Any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor, whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia who shall intentionally violate any provision of the last preceding section for each and every such offense shall be punished by a fine not to exceed one thousand dollars or by imprisonment for not more than six months, or both.

Not applicable to  
contracts prior to Au-  
gust 1, 1892.

SEC. 894. The provisions of the two next preceding sections shall not be so construed as to in any manner apply to or affect contractors or subcontractors or to limit the hours of daily service of laborers or

mechanics engaged upon the public works of the United States or of the District of Columbia for which contracts were entered into prior to August first, eighteen hundred and ninety-two.

SEC. 895. HARBOR REGULATIONS.—Every vessel coming to anchor in the Potomac River between the junction of the Washington and Georgetown channels of said river and the extension of the south line of P street southwest, in the city of Washington, shall anchor as near the flats in said river as possible, so that the channel of said river will not be obstructed; and if such vessel is to remain over twelve hours it shall be moored with both anchors, so as to give room for passing vessels and so as not to swing and obstruct said channel. No vessel shall be permitted to anchor in the Washington channel of the Potomac River between the extended lines of P or K street south. Vessels coming to anchor above the line of K street south aforesaid shall come to anchor as near the flats as possible and so that the channel will not be obstructed; and all vessels coming to anchor shall be so moored by the use of both anchors as to prevent obstruction of the channel within four hundred feet of the nearest wharf, the said anchorage to continue only twenty-four hours unless otherwise ordered or directed by the harbor master. No vessel shall be permitted to lie in Seventeenth street canal, New Jersey avenue canal, James Creek canal, or at the entrance thereof, so as to obstruct the passage of any vessel going into or out of the same or moving from one place to another therein, unless such obstructing vessel is actually engaged in loading or unloading, and shall then, if deemed expedient by the harbor master, be removed to such place as shall be necessary to give room to passing vessels. Any captain or owner of or anyone in charge of any barge, sand scow, or any vessel that may sink in said canals shall raise and remove the same in five days. Any vessel at the end of wharves or in docks shall, when required by the harbor master, haul either way to accommodate vessels going in or coming out from such wharves or docks. They shall not occupy regular steamers or sailing packets' berths without permission from the recognized occupants of such wharves and dock, and they are required to rig in all fore-and-aft spars, have boats hoisted up under the bow, and davits turned up, as the harbor master may direct. Vessels when not engaged in loading or discharging cargo shall give place to such vessels as are ready to receive or deliver freights; and if the captain or person in charge of any vessel refuse to move said vessel when notified by the occupant of the wharf at which she is lying, the harbor master shall order him to haul to some other berth or into the stream. The powers and authority herein conferred upon the harbor master may, in his absence or temporary disability, be exercised by the pilot of the harbor police boat. Any person refusing to obey the instructions of the harbor master or, in case of his absence or temporary disability, the said pilot of the harbor police boat, or any person failing to comply with any of the provisions of this section, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or both.

Harbor regulations.—vessels anchoring.

—removing sunken vessels.

—giving place to other vessels, etc.

Penalty.

SEC. 896. NET FISHING IN POTOMAC RIVER, AND SO FORTH.—It shall not be lawful for any person to fish with fyke net, pound net, stake net, weir, float net, gill net, haul seine, dip net, or any other contrivance, stationary or floating, in the waters of the Potomac River and its tributaries within the District of Columbia: *Provided*, That this section shall not be construed to prevent the use of barrel nets or pots for the catching or killing of eels or prevent the United States Commissioner of Fish and Fisheries or his agents from taking from said waters, in any manner desired, fish of any kind for scientific purposes or for purposes of propagation, and that nothing herein contained shall apply to persons employed in catching young catfish, smelt, chub, bull minnows, and crayfish for use as bait in fishing with

Net fishing in Potomac River, etc.

Provisos.

—barrel nets or pots may be used for eels.

—fish for propagation, etc.

**Permit required for taking bait.** hook and line: *Provided further*, That any person engaged in taking such catfish, smelt, chub, bull minnows, and crayfish shall first have procured a written permit from the said Commissioner of Fish and Fisheries to take such bait for hook and-line fishing.

**Bass.** SEC. 897. **BASS.**—No person shall catch or kill in the waters of the Potomac River or its tributaries within the District of Columbia any black bass (otherwise known as green bass and chub) or crappie (otherwise known as calico bass and strawberry bass), between the first day of April and the first day of June of each year, nor have in possession nor expose for sale any of said species between the dates aforesaid, nor catch or kill any of said species of fish at any other time during the year except by angling, nor catch nor kill any of the aforesaid species by what are known as out lines or trot lines having a succession of hooks or devices.

**Shad or herring.** SEC. 898. **SHAD OR HERRING.**—It shall be unlawful for any person to have in possession or expose for sale in the District of Columbia after the tenth day of June in any year any fresh fish of the shad or herring species.

**Small fish.** SEC. 899. **SMALL FISH.**—It shall be unlawful for any person to expose for sale in the District of Columbia at any time during the year any striped bass or rockfish or black bass having a length of less than nine inches.

**Use of explosives, etc.** SEC. 900. **USE OF EXPLOSIVES, AND SO FORTH.**—It shall be unlawful for any person to catch or kill in the waters of the Potomac River or its tributaries within the District of Columbia any fish by means of explosives, drugs, or poisons.

**Deposits of deleterious matter.** SEC. 901. **DEPOSITS OF DELETERIOUS MATTER.**—No person shall allow any tar, oil, ammoniacal liquor, or other waste products of any gas works or works engaged in using such products, or any waste product whatever of any mechanical, chemical, manufacturing, or refining establishment to flow into or be deposited in Rock Creek or the Potomac River or any of its tributaries within the District of Columbia or into any pipe or conduit leading to the same.

**Penalties.** SEC. 902. **PENALTIES.**—Any person who shall violate any of the provisions of the six next preceding sections shall be fined for each and every such offense not less than ten dollars nor more than one hundred dollars, and in default of payment of fine shall be imprisoned for a period not exceeding six months; and any officer or other person securing such conviction shall be entitled to and receive one-half of any fine or fines imposed upon and paid by the party or parties adjudged guilty.

**One-half fine to informer, etc.**  
**Disposition of nets, etc., taken.** SEC. 903. All nets, boats, or other contrivances the property of any person convicted under the provisions of the preceding sections shall be returned to the property clerk of the Metropolitan police department, to be delivered to the owner upon the order of the court, and if not called for within six months by the claimant the same shall be treated as other abandoned property coming into the hands of the police.

SUBCHAPTER EIGHT.

GENERAL PROVISIONS.

General provisions.

**Definition of terms**  
—“writing” and “paper.” SEC. 904. **DEFINITION OF TERMS.**—Except where such a construction would be unreasonable, the words “writing” and “paper,” wherever mentioned in this chapter, are to be taken to include instruments wholly in writing or wholly printed, or partly printed and partly in writing.

—“anything of value.” SEC. 905. The words “anything of value,” wherever they occur in this chapter, shall be held to include not only things possessing intrinsic value, but bank notes and other forms of paper money, and commercial paper and other writings which represent value.

SEC. 906. ATTEMPTS TO COMMIT CRIME.—Whoever shall attempt to commit any crime, which attempt is not otherwise made punishable by this chapter, shall be punished by a fine not exceeding one thousand dollars or by imprisonment for not more than one year, or both.

Attempts to commit crime.

SEC. 907. SECOND CONVICTION.—Every person upon his second conviction of any criminal offense punishable by fine or imprisonment or both may be sentenced to pay a fine not exceeding fifty per centum greater, and to suffer imprisonment for a period not more than one-half longer than the maximum fine and imprisonment for the first offense.

Second conviction.

SEC. 908. PERSONS ADVISING, INCITING, OR CONNIVING AT CRIMINAL OFFENSE TO BE CHARGED AS PRINCIPALS.—In prosecutions for any criminal offense all persons advising, inciting, or conniving at the offense, or aiding or abetting the principal offender, shall be charged as principals and not as accessories, the intent of this section being that as to all accessories before the fact the law heretofore applicable in cases of misdemeanor only shall apply to all crimes, whatever the punishment may be.

Persons advising, inciting, or conniving at criminal offense to be charged as principals.

SEC. 909. ACCESSORIES.—Whoever shall be convicted of being an accessory after the fact to any crime punishable by death shall be punished by imprisonment for not more than twenty years. Whoever shall be convicted of being accessory after the fact to any crime punishable by imprisonment shall be punished by a fine or imprisonment, or both, as the case may be, not more than one-half the maximum fine or imprisonment, or both, to which the principal offender may be subjected.

Accessories.

SEC. 910. PUNISHMENT FOR OFFENSES NOT COVERED BY PROVISIONS OF CODE.—Whoever shall be convicted of any criminal offense not covered by the provisions of any section of this code, or of any general law of the United States not locally inapplicable in the District of Columbia, shall be punished by a fine not exceeding one thousand dollars or by imprisonment for not more than five years, or both.

Punishment for offenses not covered by provisions of code.

## CHAPTER TWENTY.

### CRIMINAL PROCEDURE.

Criminal procedure.

SEC. 911. SEARCHES.—Upon complaint, under oath, before the police court, or a justice of the peace, setting forth that the affiant believes and has good cause to believe that there are concealed in any house or place articles stolen, taken by robbers, embezzled, or obtained by false pretenses, forged or counterfeited coin, stamps, labels, bank bills or other instruments, or dies, plates, stamps, or brands for making the same, books or printed papers, drawings, engravings, photographs, or pictures of an indecent or obscene character, or instruments for immoral use, or any gaming table, device, or apparatus kept for the purpose of unlawful gaming, or any lottery tickets or lottery policies, particularly describing the house or place to be searched, the things to be seized, substantially alleging the offense in relation thereto and describing the person to be seized, the said court or justice may issue a warrant to the marshal or any officer of the police commanding him to search such house or place for the property or other things, and, if found, to bring the same, together with the person to be seized, before the police court.

Warrant to search suspected house, etc.

—form of, etc.

The said warrant shall have annexed to it or inserted therein a copy of the affidavit upon which it is issued, and may be substantially in the form following:

Whereas there has been filed before ----- an affidavit, of which the following is a copy (here insert): These are therefore to

command you to enter (here describe the place) and there diligently search for the said articles, goods or chattels in the said affidavit described, and that you bring the same, or any part thereof, found on said search and also the body of -----, before the police court, to be dealt with and disposed of according to law.

Custody of seized property.

SEC. 912. When the warrant is executed by the seizure of the property or things described therein, the said property or things shall be delivered to the marshal, and shall be safely kept to be used as evidence.

—to continue until trial, etc.

SEC. 913. If upon the examination the court is satisfied that the offense charged with reference to the things seized has been committed, the party accused shall be committed for trial or held to bail, and said things shall remain in the custody of the marshal until the accused is tried or the right of the claimant to said things is otherwise ascertained.

—final disposition.

SEC. 914. If the accused be discharged, the property or other things seized shall be returned to the person in whose possession they were found. If he be convicted, the property stolen, embezzled, or obtained by false pretenses shall be returned to its owner, and the other articles before described shall be destroyed, under direction of the court.

Offenses that may be joined.

SEC. 915. OFFENSES THAT MAY BE JOINED.—An indictment for larceny may contain a count for obtaining the same property by false pretenses, a count for embezzlement thereof, and a count for receiving or concealing the same property, knowing it to be stolen or embezzled, or any of such counts, and the jury may convict of any of such offenses, and may find any or all of the persons indicted guilty of any of said offenses.

Description of money.

SEC. 916. DESCRIPTION OF MONEY.—In every indictment, except for forgery, in which it is necessary to make an averment as to any money or bank bill or notes, United States Treasury notes, postal and fractional currency, or other bills, bonds, or notes, issued by lawful authority and intended to pass and circulate as money, it shall be sufficient to describe such money, bills, notes, currency, or bonds simply as money, without specifying any particular coin, note, bill, or bond; and such allegation shall be sustained by proof that the accused has stolen or embezzled any amount of coin, or any such note, bill, currency, or bond, although the particular amount or species of such coin, note, bill, currency, or bond be not proved.

Intent to defraud.

SEC. 917. INTENT TO DEFRAUD.—In an indictment in which it is necessary to allege an intent to defraud, it shall be sufficient to allege that the party accused did the act complained of with intent to defraud, without alleging an intent to defraud any particular person or body corporate; and on the trial of such an indictment it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove a general intent to defraud.

Peremptory challenges.

SEC. 918. PEREMPTORY CHALLENGES.—In all trials for capital offenses the accused and the United States shall each be entitled to twenty peremptory challenges. In trials for offenses punishable by imprisonment in the penitentiary the accused and the United States shall each be entitled to ten peremptory challenges. In all other cases, civil as well as criminal, in which the plaintiff is the United States, each party shall be entitled to three peremptory challenges; and if there are several defendants, they shall be treated as one person in the allowance of such challenges.

Cause of challenge not available after verdict.

SEC. 919. CAUSE OF CHALLENGE NOT AVAILABLE AFTER VERDICT.—No verdict shall be set aside for any cause which might be alleged as ground for challenge of a juror before the jury are sworn, except when the objection to the juror is that he had a bias against the defendant such as would have disqualified him, and such disqualification was

not known to or suspected by the defendant or his counsel before the juror was sworn.

SEC. 920. WITNESSES FOR DEFENSE.—In any criminal trial the justice trying the case may allow such number of witnesses on behalf of the defendant as may appear to be necessary, the fees of such witnesses to be paid in the same manner as the fees of the witnesses for the Government: *Provided*, That the defendant makes application under oath before the trial, or, in cases of manifest necessity, during the trial, setting forth that he is not possessed of sufficient means and is actually unable to pay the fees of such witnesses, and setting forth also the names of such witnesses and what he expects to prove by them, in order that the court may be advised whether or not the testimony be material to the issue.

Witness for defendant.

*Provided*.—Inability of, to pay fees, etc.

SEC. 921. DISCHARGING DEFENDANTS DURING TRIAL.—When two or more persons are jointly indicted the court may, before a defendant has gone into his defense, direct any such defendant to be discharged, that he may be a witness for the United States. An accused party may also, when there is not sufficient evidence to put him upon his defense, be discharged by the court, or, if not discharged by the court, shall be entitled to the immediate verdict of the jury for the purpose of giving evidence for the other parties accused with him; and such order of discharge, in either case, equally with the verdict of acquittal, shall be a bar to another prosecution for the same offense.

Discharging defendants during trial.

SEC. 922. DEPOSITIONS.—If a material witness for the defendant resides more than a hundred miles from the city of Washington, or is sick or infirm, or about to leave the District, the defendant may apply in writing to the court for a commission to examine such witness upon interrogatories thereto annexed when the deposition is to be taken beyond the District of Columbia, and orally in other cases, and the court may grant the same and pass an order stating for what length of time notice shall be given to the district attorney before said witness shall be examined. At or before the time fixed in said notice, when the examination is upon written interrogatories, the district attorney may file cross-interrogatories; but if he fail to do so the clerk shall file the following:

Depositions.

Cross-interrogatories.

First. Are all your statements in the foregoing answers made from your own personal knowledge? And if not, show what is stated upon information and give its source.

Second. State everything you know in addition to what is stated in your above answers concerning this case favorable to either the United States or the defendant.

For good cause shown the court may order in any case that the examination be conducted orally.

Oral examination.

SEC. 923. The commission shall issue from the clerk's office, the examination of the witnesses shall be made and certified, and the return thereof made in the same manner as in civil cases, and unimportant irregularities or errors in the proceedings under said commission shall not cause the deposition to be excluded where no substantial prejudice can be wrought to the Government by such irregularities or errors.

Procedure the same as in civil cases, etc.

SEC. 924. SENTENCE.—If a new trial be not granted nor the judgment arrested the court may pronounce sentence upon the party convicted; but the execution of such sentence shall be postponed for a sufficient time to enable the defendant to prosecute an appeal, on the application of the defendant, if he shall give notice of his intention to appeal from the judgment to the court of appeals.

Sentence.

SEC. 925. Whenever the punishment shall be imprisonment for more than one year, it shall be sufficient for the court to sentence the defendant to imprisonment in the penitentiary without specifying the

Penitentiary; designation of.

particular prison, and the imprisonment shall be in such penitentiary as the Attorney-General shall from time to time designate.

Time of execution.

SEC. 926. TIME OF EXECUTION.—In case of a sentence of death, the time fixed for the execution of the sentence shall not be considered an essential part of the sentence, and if it be not executed at the time therein appointed, by reason of the pendency of an appeal or for other cause, the court may appoint another day for carrying the same into execution.

Insanity of criminals.  
—at the time offense committed.

SEC. 927. INSANE CRIMINALS.—When any person tried upon an indictment for an offense is acquitted on the sole ground that he was insane at the time of its commission, that fact shall be set forth by the jury in their verdict; and whenever a person is indicted for an offense and before trial or after a verdict of guilty prima facie evidence is submitted to the court that the accused is then insane, the court may cause a jury to be impaneled from the jurors then in attendance on the court or, if the regular jurors have been discharged, may cause a sufficient number of jurors to be drawn to inquire into the insanity of the accused, and said inquiry shall be conducted in the presence and under the direction of the court. If the jury shall find the accused to be then insane (or if an accused person shall be acquitted by the jury solely on the ground of insanity) the court may certify the fact to the Secretary of the Interior, who may order such person to be confined in the hospital for the insane, and said person and his estate shall be charged with the expenses of his support in the said hospital. The person whose sanity is in question shall be entitled to his bill of exceptions and an appeal, as in other cases.

—after indictment, etc.

—confinement of, etc.

—appeal.

Becoming insane while undergoing sentence.

SEC. 928. Any person becoming insane while undergoing a sentence of any court of the District of Columbia for crime may, in like manner, be committed to said hospital for the insane, by order of the Secretary of the Interior, to receive the same treatment as other patients during the continuance of his disorder.

Restoration to sanity.

SEC. 929. RESTORATION TO SANITY.—When any person confined in the hospital for the insane, charged with crime and subject to be tried therefor or undergoing sentence therefor, shall be restored to sanity the superintendent of the hospital shall give notice thereof to the justice holding the criminal court and deliver him to the court according to its proper precept.

Extradition.

SEC. 930. EXTRADITION.—In all cases where the laws of the United States provide that fugitives from justice shall be delivered up, the chief justice of the supreme court of the District of Columbia shall cause to be apprehended and delivered up such fugitive from justice who shall be found within the District, in the same manner and under the same regulations as the executive authorities of the several States are required to do by the provisions of sections fifty-two hundred and seventy-eight and fifty-two hundred and seventy-nine, title sixty-six, of the Revised Statutes of the United States, "Extradition," and all executive and judicial officers are required to obey the lawful precepts or other process issued for that purpose, and to aid and assist in such delivery.

R. S., secs. 5278, 5279  
pp. 1022, 1023.

Associate justices may act, etc.

SEC. 931. Any associate justice of said court shall have like power, in case of the illness, absence, or other disability of the chief justice, or when any such application shall be certified to him by the chief justice.

Attorney for the District to be known as the city solicitor.

SEC. 932. CONDUCT OF PROSECUTIONS, AND SO FORTH.—The attorney for the District of Columbia shall hereafter be known as the city solicitor.

Prosecutions conducted by city solicitor.

Prosecutions for violations of all police or municipal ordinances or regulations and for violation of all penal statutes in the nature of police or municipal regulations, where the maximum punishment is a fine only, or imprisonment not exceeding one year, shall be conducted in the name of the District of Columbia and by the city solicitor or his



assistants. All other criminal prosecutions shall be conducted in the name of the United States and by the attorney for the United States for the District of Columbia or his assistants.

—by United States attorney.

SEC. 933. If in any case any question shall arise as to whether under the preceding section the prosecution should be conducted by the city solicitor or by the attorney of the United States for the District of Columbia, the presiding justice shall forthwith, either of his own motion or upon suggestion of the city solicitor or the attorney of the United States, certify the case to the court of appeals of the District of Columbia, which court shall hear and determine the question in a summary way. In every such case the defendant or defendants shall have the right to be heard in the court of appeals. The decision of such court shall be final.

—where doubtful as to who shall conduct.

SEC. 934. PLACE OF IMPRISONMENT.—When any person shall be sentenced to imprisonment for a term not exceeding six months the court may direct that such imprisonment shall be either in the workhouse or in the jail. When any person is sentenced for a term longer than six months and not longer than one year such imprisonment shall be in the jail, and where the sentence is imprisonment for more than one year it shall be in the penitentiary. Cumulative sentences aggregating more than one year shall be deemed one sentence for the purposes of the foregoing provision. When the punishment of an offense may be imprisonment for more than one year the prosecution shall be in the supreme court of the District. When the maximum punishment is imprisonment for one year or less the prosecution may be in the police court.

Place of imprisonment.

Prosecution, etc.

SEC. 935. APPEALS BY UNITED STATES AND DISTRICT OF COLUMBIA.—In all criminal prosecutions the United States or the District of Columbia, as the case may be, shall have the same right of appeal that is given to the defendant, including the right to a bill of exceptions: *Provided*, That if on such appeal it shall be found that there was error in the rulings of the court during the trial, a verdict in favor of the defendant shall not be set aside.

Government allowed same right of appeal as defendant.

*Proviso.*—verdict for defendant not to be set aside, etc.

SEC. 936. COMMUTATION OF FINE.—In all cases in the District of Columbia where a defendant is sent to jail or to the workhouse in default of the payment of a fine he shall be released upon the payment of the balance of the fine due by him after crediting thereon as paid an amount equal to the proportion the time thus served by him in the jail or workhouse bears to the whole time he was to serve under the sentence.

Commutation of fine.

SEC. 937. DEDUCTION FOR GOOD CONDUCT.—All persons sentenced to and imprisoned in the jail or in the workhouse of the District of Columbia, and confined there for a term of one month or longer, who conduct themselves so that no charge of misconduct shall be sustained against them, shall have a deduction of five days in each month made from the term of their sentence and shall be entitled to their discharge so much the earlier upon the certificate of the warden of the jail for those confined in the jail and the certificate of the intendant of the Washington Asylum for those confined in the workhouse of their good conduct during their imprisonment (with the approval of the judge making the commitment); and it shall be the duty of said judge to write or cause to be written in the docket of his court, across the face of the commitment of the person to be so discharged, the following words: "Discharged by order of the court (giving date) on account of good conduct during imprisonment."

Deduction for good conduct.

SEC. 938. BAIL.—Whenever a person charged with crime is held to bail the court shall have power to allow a deposit with the clerk of such court of money in the amount of the bail instead of requiring a bond or recognizance, and in case of default to declare such deposit forfeited to the United States or the District of Columbia as the case may be.

Bail.

Failure to take action an abandonment of prosecution.

SEC. 939. ABANDONMENT OF PROSECUTION.—If any person charged with a criminal offense shall have been committed or held to bail to await the action of the grand jury, and within nine months thereafter the grand jury shall not have taken action on the case, either by ignoring the charge or by returning an indictment into the proper court, the prosecution of such charge shall be deemed to have been abandoned and the accused shall be set free or his bail discharged, as the case may be: *Provided, however,* That the supreme court of the District of Columbia holding a special term as a criminal court, or, in vacation, any justice of said court, upon good cause shown in writing, and, when practicable, upon due notice to the accused, may from time to time enlarge the time for the taking action in such case by the grand jury.

*Proviso.*  
—enlargement of time.

## CHAPTER TWENTY-ONE.

### DESCENTS.

Descents.

Children.

SEC. 940. CHILDREN.—On the death of any person seized of an estate in fee simple in lands, tenements, or hereditaments in the District of Columbia, and intestate thereof, the same shall descend in fee simple to such person's kindred in the following order, namely: First. To his child or children and their descendants, if any, equally.

Estate descended from father.

SEC. 941. ESTATE DESCENDED FROM FATHER.—If there be no child or descendant of a child, and the estate descended to the intestate on the part of the father, then to the brothers and sisters of the intestate, of the blood of the father, and their descendants equally.

SEC. 942. If there be no brother or sister, as aforesaid, or descendant from a brother or sister, then to the grandfather on the part of the father; and if no such grandfather living, then to the descendants of such grandfather and their descendants in equal degree equally; and if no descendant of such grandfather, then to the father of such grandfather, and if none such living, then to the descendants of such father in equal degree; and so on, passing to the next lineal male paternal ancestor, and if none such, to his descendants in equal degree equally, without end.

SEC. 943. If there be no paternal ancestor or descendant from such ancestor, then to the mother of the intestate, and if no mother living, then to her descendants in equal degree equally.

SEC. 944. If there be no mother living, or descendants from such mother, then to the maternal ancestors and their descendants, in the same manner as is above directed as to the paternal ancestors and their descendants.

Estate descended from mother.

SEC. 945. ESTATE DESCENDED FROM MOTHER.—If the estate descended to the intestate on the part of the mother, and said intestate shall leave no child or descendant of a child surviving him, then the estate shall go to his brothers and sisters, of the blood of the mother, and their descendants in equal degree equally.

SEC. 946. If there be no such brother or sister or descendant of such brother or sister, then to the grandfather on the part of the mother, and if no such grandfather living, then to his descendants in equal degree equally; if no such descendant of such grandfather, then to the father of such grandfather, and if none such living, then to his descendants in equal degree; and so on, passing to the next male maternal ancestor, and, if none such living, to his descendants in equal degree equally.

SEC. 947. If there be no such maternal ancestor or descendant from such maternal ancestor, then to the father, and if no father living, then to his descendants in equal degree equally; and if no father or descendant from the father, then to the paternal ancestors and their descendants, in the same manner as hereinbefore directed as to the maternal ancestors.

**SEC. 948. ESTATE ACQUIRED BY PURCHASE.**—If the estate was acquired by the intestate by purchase, or descended to or vested in him in any other manner than as hereinbefore mentioned, and there be no child or descendant of a child of such intestate, then the estate shall descend to his brothers and sisters of the whole blood and their descendants in equal degree equally. Estate acquired by purchase.

**SEC. 949. HALF-BLOOD BROTHERS AND SISTERS.**—If there be no brother or sister of the whole blood, or descendant of such brother or sister, then to the brothers and sisters of the half blood and their descendants in equal degree equally. Half-blood brothers and sisters.

**SEC. 950. PATERNAL AND MATERNAL ANCESTORS ALTERNATELY.**—If there be no brother or sister of the whole or the half blood, or any descendant from such, then to the father, and if no father living, then to the mother, and if no mother living, then to the grandfather on the part of the father, and if no such grandfather living, then to the descendants of such grandfather in equal degree equally; and if no such grandfather or any descendant from him, then to the grandfather on the part of the mother, and if no such grandfather, then to his descendants in equal degree equally; and so on without end, alternating the next male paternal ancestor and his descendants, and the next male maternal ancestor and his descendants, and giving preference to the paternal ancestor and his descendants. Paternal and maternal ancestors alternately.

**SEC. 951. HUSBAND AND WIFE.**—If there be no descendants or kindred of the intestate, as aforesaid, to take the estate, then the same shall go to the husband or wife, if any, as the case may be; and if the husband or wife be dead, then to his or her kindred, in the like course as if such husband or wife had survived the intestate and had then died entitled to the estate by purchase; and if the intestate has had more husbands or wives than one, and all shall have died before such intestate, then the estate shall be equally divided among the kindred of the several husbands or wives in equal degree equally. Husband and wife.

**SEC. 952. TRUST ESTATES.**—Whenever a trustee is seized of the naked legal estate in any lands, tenements, or hereditaments in fee simple, and shall die intestate thereof, the said legal estate shall be deemed to have descended to such person or persons as would inherit the beneficial estate if the same were vested in him according to the provisions aforesaid. Trust estates.

**SEC. 953. HEIR MUST BE SUCH AT TIME OF DEATH OF ANCESTOR.**—No right in the inheritance shall accrue to or vest in any person other than the children of the intestate and their descendants, unless such person is in being and capable in law to take as heir at the time of the intestate's death; but any child or descendant of the intestate born after the death of the intestate shall have the same right of inheritance as if born before his death. Heir must be such at time of death of ancestor.

**SEC. 954. WHEN WHOLE AND HALF BLOOD TAKE EQUALLY.**—There shall be no distinction between brothers and sisters of the whole and of the half blood, all being descendants of the same father, where the estate descended on the part of the father, nor between the brothers and sisters of the whole and the half blood, all being descendants of the same mother, where the estate descended on the part of the mother. When whole and half blood take equally.

**SEC. 955. REPRESENTATION.**—If in the descending or collateral line any father or mother shall be dead, leaving a child or children, such child or children shall, by representation, be considered in the same degree as the father or mother would have been if living, and shall have the same share of the estate as the father or mother if living would have been entitled to, and no more; and in such case, when there are more children than one, the share aforesaid shall be equally divided among such children. Representation.

**SEC. 956. COPARCENARY.**—There shall be no estate in coparcenary in the District, and where two or more persons inherit from an intes- Coparcenary.

tate by virtue of the provisions aforesaid they shall be tenants in common.

Antenuptial children.

SEC. 957. ANTENUPTIAL CHILDREN.—If any man shall have a child or children by any woman whom he shall afterwards marry, such child or children, if acknowledged by the man, shall, in virtue of such marriage and acknowledgment, be legitimated and capable in law of inheriting and transmitting heritable property as if born in wedlock.

Illegitimate children.

SEC. 958. ILLEGITIMATE CHILDREN.—The illegitimate child or children of any female and the issue of such illegitimate child or children shall be capable in law of taking real estate by inheritance from their mother, or from each other, or from the descendants of each other, as the case may be; and where such illegitimate child or children shall die leaving no descendants or brothers or sisters, or the descendants of such brothers or sisters, then and in that case the mother of such illegitimate child or children, if living, shall be entitled as heir to the real estate of such illegitimate child or children, and if the mother be dead, the heirs of the mother shall take in like manner as if such illegitimate child or children had been born in lawful wedlock.

Advancement to be brought into hotchpot.

SEC. 959. ADVANCEMENTS.—Any child or children of an intestate, or their issue, who may have received from the intestate any real estate by way of advancement may elect to come into partition with his other heirs on bringing such advancement, or the value thereof at the time such advancement was received, into hotchpot with the estate descended; but such child or children, or their issue, shall not be entitled to claim a share by descent without bringing such advancement, or the value thereof as aforesaid, into the common stock or hotchpot, if there be another child or children unprovided for: *Provided*, That if any child or children or descendant shall have been advanced by the intestate by settlement or portion of personalty, which shall not be equalized under the provisions of section three hundred and seventy-nine of this code, such advance shall be treated as real estate for the purposes of this section.

*Proviso.*  
Where personalty treated as real estate.

Alien ancestors.

SEC. 960. ALIEN ANCESTORS.—In making title by descent it shall be no bar to a party claiming as heir that any ancestor, whether living or dead, through whom he derives his descent from the intestate is or has been an alien.

Party committing murder or manslaughter takes no interest in estate of deceased.

SEC. 961. PARTY COMMITTING MURDER OR MANSLAUGHTER TAKES NO INTEREST IN ESTATE OF DECEASED.—No person who shall be convicted of the felonious homicide of another, either by way of murder or manslaughter, shall take any estate or interest of any kind whatsoever in any kind of property whatsoever from that other by way of inheritance, distribution, devise, or bequest, or shall take any remainder, reversion, or executory interest dependent upon the death of that other; and the estate or interest or property to which the person so convicted would have succeeded or would have taken in any way from or after the death of the person so killed by him shall go as if the person so convicted had died before the person whom he shall be convicted of killing. And every policy of insurance procured, directly or indirectly, by the person so convicted for his own benefit or payable to him upon the life of the person so killed shall be void. This act shall not affect the rights of bona fide purchasers of any such property for value without notice.

When lands escheat.

SEC. 962. WHEN LANDS ESCHATE.—Any lands within the District of Columbia of which any person has died or shall hereafter die seized in fee simple, without any heir of the whole blood who could have inherited if he had been a citizen of the United States, or without leaving any relation of the half blood within two degrees, that is, first cousins as the same are reckoned by the common law, shall escheat to the United States.

CHAPTER TWENTY-TWO.

DIVORCE.

SEC. 963. PETITION.—All applications for divorce or for a decree annulling a marriage shall be made by petition to the supreme court of the District, and the proceedings thereupon shall be the same as in equity causes, except so far as otherwise herein provided.

Divorce.

Petition.

SEC. 964. PROOF REQUIRED.—No decree for a divorce, or decree annulling a marriage, shall be rendered on default, without proof; nor shall any admission contained in the answer of the defendant be taken as proof of the facts charged as the ground of the application, but the same shall, in all cases, be proved by other evidence.

Proof required.

SEC. 965. DECREE ANNULING MARRIAGE.—A decree annulling the marriage as illegal and void may be rendered on any of the grounds mentioned in chapter forty-three as invalidating a marriage.

Decree annulling marriage.

SEC. 966. CAUSES FOR DIVORCE A VINCULO AND FOR DIVORCE A MENSA ET THORO.—A divorce from the bond of marriage may be granted only where one of the parties has committed adultery during the marriage: *Provided*, That in such case the innocent party only may remarry, but nothing herein contained shall prevent the remarriage of the divorced parties to each other: *And provided*, That legal separation from bed and board may be granted for drunkenness, cruelty, or desertion: *And provided*, That marriage contracts may be declared void in the following cases:

Adultery only a cause for divorce a vinculo.

—innocent party may remarry.  
—divorced parties may remarry each other.

Avoidance of marriage contracts.

First. Where such marriage was contracted while either of the parties thereto had a former wife or husband living, unless the former marriage had been lawfully dissolved.

Second. Where such marriage was contracted during the lunacy of either party (unless there has been voluntary cohabitation after the lunacy) or was procured by fraud or coercion.

Third. Where either party was matrimonially incapacitated at the time of marriage and has continued so.

Fourth. Where either of the parties had not arrived at the age of legal consent to the contract of marriage (unless there has been voluntary cohabitation after coming to legal age), but in such cases only at the suit of the party not capable of consenting.

SEC. 967. FOREGOING SECTION NOT RETROACTIVE.—The provisions of this Act shall not invalidate any marriage heretofore solemnized according to law, or affect the validity of any decree or judgment of divorce heretofore pronounced.

—existing marriages etc., unaffected.

SEC. 968. IN SUITS FOR DIVORCE A VINCULO DIVORCE A MENSA ET THORO MAY BE DECREED.—Where a divorce from the bond of marriage is prayed for the court shall have authority to decree a divorce from bed and board if the causes proved be sufficient to entitle the party to such relief only.

In suits for divorce a vinculo divorce a mensa et thoro may be decreed.

SEC. 969. REVOCATION OF DIVORCE A MENSA ET THORO.—In all cases where a divorce from bed and board is decreed it may at any time thereafter be revoked by the court upon the joint application of the parties to be discharged from the operation of the decree.

Revocation of divorce a mensa et thoro.

SEC. 970. CAUSES ARISING AFTER DIVORCE A MENSA ET THORO.—Where a divorce from bed and board has been decreed the court may afterwards decree an absolute divorce between the parties for any cause arising since the first decree and sufficient to entitle the complaining party to such decree.

Causes arising after divorce a mensa et thoro.

SEC. 971. ONLY RESIDENTS DIVORCED.—No decree of nullity of marriage or divorce shall be rendered in favor of anyone not a resident of the District of Columbia, and no divorce shall be decreed in favor of any person who has not been a bona fide resident of said District for at least three years next before the application therefor for any cause

Only residents divorced.

which shall have occurred out of said District and prior to residence therein.

Issue of a marriage annulled.

SEC. 972. **ISSUE OF A MARRIAGE ANNULLED.**—In case any marriage shall be declared by decree to have been void on account of either party having a former wife or husband living, if it shall appear that said marriage was contracted in good faith by the other party and in ignorance of said obstacle to the marriage, that fact shall be found and declared by the decree, and in such case the issue of said marriage shall be deemed to be the legitimate issue of the parent who was capable of contracting.

Issue of a lunatic's marriage.

SEC. 973. **ISSUE OF A LUNATIC'S MARRIAGE.**—Where a marriage is declared null and void on account of the idiocy or lunacy of either party at the time of the marriage the issue of the marriage shall be deemed legitimate.

Legitimacy of issue of a marriage dissolved.

SEC. 974. **LEGITIMACY OF ISSUE OF A MARRIAGE DISSOLVED.**—A divorce for any of the causes herein provided for shall not affect the legitimacy of the issue of the marriage dissolved by such divorce, but the legitimacy of such issue, if questioned, shall be tried and determined according to the course of the common law.

Alimony pendente lite.

SEC. 975. **ALIMONY PENDENTE LITE.**—During the pendency of a suit for divorce, or a suit by the husband to declare the marriage null and void, where the nullity is denied by the wife, the court shall have power to require the husband to pay alimony to the wife for the maintenance of herself and their minor children committed to her care, and suit money, including counsel fees, to enable her to conduct her case, whether she be plaintiff or defendant, and to enforce obedience to any order in regard thereto by attachment and imprisonment for disobedience. The court may also enjoin any disposition of the husband's property to avoid the collection of said allowances, and may, in case of the husband's failure or refusal to pay such alimony and suit money, sequester his property and apply the income thereof to such objects. The court may also determine whether the husband or wife shall have the care and custody of infant children pending the proceedings.

Permanent alimony.

SEC. 976. **PERMANENT ALIMONY.**—When a divorce is granted to the wife, the court shall have authority to decree her permanent alimony sufficient for her support and that of any minor children whom the court may assign to her care, and to secure and enforce the payment of said alimony in the manner before mentioned, and may, if it shall seem fit, retain to the wife her right of dower in the husband's estate.

Where application made by husband.

SEC. 977. If the divorce is granted on the application of the husband, the court may, nevertheless, require him to pay alimony to the wife, if it shall seem just and proper; but in such case the husband may appeal.

Case open for future orders as to alimony.

SEC. 978. After a decree of divorce in any case granting alimony and providing for the care and custody of children, the case shall still be considered open for any future orders in those respects.

Maiden name of wife restored.

SEC. 979. **MAIDEN NAME OF WIFE RESTORED.**—In granting a divorce from the bond of marriage the court may restore to the wife her maiden or other previous name.

Maintenance of wife.

SEC. 980. **MAINTENANCE OF WIFE.**—Whenever any husband shall fail or refuse to maintain his wife and minor children, if any, although able so to do, the court, on application of the wife, may decree that he shall pay her, periodically, such sums as would be allowed to her as permanent alimony in case of divorce for the maintenance of herself and the minor children committed to her care by the court, and the payment thereof may be enforced in the same manner as directed in regard to such permanent alimony.

Suit to declare a marriage valid.

SEC. 981. **SUIT TO DECLARE A MARRIAGE VALID.**—When the validity of any alleged marriage shall be denied by either of the parties thereto the other party may institute a suit for affirming the marriage, and

upon due proof of the validity thereof it shall be decreed to be valid, and such decree shall be conclusive upon all parties concerned.

SEC. 982. COURT TO ASSIGN ATTORNEY IN UNCONTESTED CASES.—In all uncontested divorce cases, and in any other divorce case where the court may deem it necessary or proper, a disinterested attorney shall be assigned by the court to enter his appearance for the defendant and actively defend the cause, and such attorney shall receive such compensation for his services as the court may determine to be proper, such compensation to be paid by the parties as the court may direct.

Court to assign attorney in uncontested cases.

SEC. 983. CORRESPONDENTS.—In all divorce cases where adultery is charged the person or persons with whom the adultery is charged to have been committed shall be made defendant or defendants and brought in by personal service of process or by publication as in other cases.

Correspondents.

CHAPTER TWENTY-THREE.

EJECTMENT.

Ejectment.

SEC. 984. PARTIES.—Every action of ejectment shall be brought in the name of the real claimant and may be brought against the person actually occupying the premises claimed, either in person or by tenant, or, if they be not actually occupied, against some person exercising acts of ownership thereon adversely to the plaintiff. If a lessee be made a defendant at the suit of a party claiming against the title of his landlord such landlord may appear and be made a party defendant in the place of his lessee. And any person claiming to be in possession may, on motion, be admitted to defend the action.

Parties.

SEC. 985. FORM OF DECLARATION.—The plaintiff in his declaration must describe the premises claimed with reasonable certainty, and set forth distinctly the nature and quantity of the estate claimed by him in the same, and it shall be sufficient for him to state in addition thereto that the plaintiff was possessed of the premises, and while he was so possessed the defendant entered wrongfully into possession of the same and withholds the possession thereof from the plaintiff, or wrongfully detains such possession, or that the defendant is wrongfully exercising acts of ownership thereon. Such acts of ownership, however, unaccompanied with possession shall not, except as herein-after provided, be held to amount to an adversary possession, so as to make it necessary for the plaintiff to sue in order to avoid the bar of the statute of limitations.

Form of declaration.

SEC. 986. COUNTS.—The declaration may contain several counts and several parties may be named as plaintiffs, jointly in one count and separately in others.

Counts.

SEC. 987. PLEADING.—The defendant may demur or may plead the general issue of "not guilty," which shall put in issue the plaintiff's title and right to the possession and under which all matters of defense may be given in evidence.

Pleading.

SEC. 988. EVIDENCE.—It shall be sufficient to entitle the plaintiff to a verdict to show that he is entitled, as against the defendant, to the immediate possession of the premises claimed and that the defendant is in possession thereof, holding adversely to the plaintiff, or is exercising acts of ownership over the same adversely to the plaintiff; except that in an action by one or more joint tenants or tenants in common against their cotenants, the plaintiffs shall be required to prove an actual ouster or some other act amounting to a denial of the plaintiff's title and his exclusion from the enjoyment of the property.

Evidence.

SEC. 989. OUTSTANDING LEGAL TITLE.—It shall be no bar to the plaintiff's recovery that the legal title to the property claimed is outstanding in another as mortgagee or trustee, if the mortgage or deed of trust has been satisfied and the plaintiff would be entitled to an

Outstanding legal title.

unconditional decree for the release or reconveyance of the property to him, nor shall the mortgagee or trustee in such case be entitled to maintain an action of ejectment against the party so entitled.

Where vendee entitled to equitable decree of conveyance, etc.

SEC. 990. Where real property has been sold under a written contract executed by the vendor, and there has been such a performance of its terms by the vendee as would entitle him to a decree in equity for a conveyance of the legal title, without condition, such vendor shall not be entitled at law, any more than in equity, to recover said property from the vendee.

Mortgagor.

SEC. 991. MORTGAGOR.—Wherever, by the terms of a mortgage or deed of trust, the debtor is entitled to retain possession of the property conveyed until default in the payment of the debts secured, said mortgage or deed of trust shall be no bar to the recovery of possession of the property in ejectment, before such default, by the mortgagor or grantor, against either the mortgagee or trustee or a stranger.

Several judgments against defendants.

SEC. 992. SEVERAL JUDGMENTS AGAINST DEFENDANTS.—If it appears on the trial that some of the defendants occupy distinct parcels of the property claimed, in severalty, the plaintiff, if entitled to recover, may have several judgments against the respective parties, according to the proof of occupancy.

Recovery of less than is claimed.

SEC. 993. RECOVERY OF LESS THAN IS CLAIMED.—The plaintiff, under a claim to certain described premises, may recover less than the whole property claimed, and, under a claim to an entire property, may recover an undivided part thereof.

Joint tenants and tenants in common.

SEC. 994. JOINT TENANTS AND TENANTS IN COMMON.—Joint tenants must sue jointly in ejectment, but tenants in common may sue either jointly or separately, and any numbers of tenants in common, less than the whole number entitled, may sue jointly in reference to their undivided interests.

Mesne profits and damages.

SEC. 995. MESNE PROFITS AND DAMAGES.—The plaintiff may embody in his declaration, in a separate count, a claim for the mesne profits received by the defendant from the property sued for or for the clear value of the use and occupation thereof to the defendant during his occupation thereof, and during the plaintiff's ownership thereof, within a period commencing three years before the commencement of the suit and extending to the time of the verdict, and also damages for waste or injury to the premises during said period; and if the jury find for the plaintiff they may, at the same time, find and assess the said mesne profits, or the value of said use and occupation and the amount of said damages and, besides a judgment for the recovery of the property, there shall be rendered a judgment against the defendant for the amount so found by the jury, except in the case provided for in section ten hundred and three hereafter.

Landlord and tenant.—action by landlord; what may be embodied in declaration.

SEC. 996. LANDLORD AND TENANT.—If the action be by a landlord against his tenant, the plaintiff may embody in his declaration, in separate counts, a claim for furniture if leased with the realty, for arrears of rent due at the termination of the tenancy, a claim for double rent in cases authorized by this code from the termination of the tenancy to the verdict for possession, and a claim for damages for waste or injury to the premises or furniture during the defendant's occupancy of the same and before the commencement of the suit; and if the jury find for the plaintiff, they may at the same time find the amounts due for arrears of rent and for double rent and for damages as aforesaid; and judgment shall be rendered accordingly.

Plaintiff may sue separately for rent or damages.

SEC. 997. PLAINTIFF MAY SUE SEPARATELY FOR RENT OR DAMAGES.—The plaintiff in ejectment shall not be bound to join his claim for rent or damages with his claim for the recovery of the land, and his omission to do so shall not prevent him from suing for the same separately.



SEC. 998. EXPIRATION OF TITLE PENDING SUIT.—If the title of the plaintiff in ejectment shall expire after the commencement of the suit but before the trial, and but for said expiration he would have been entitled to recover, the verdict shall find such facts, and the plaintiff shall be entitled to recover his damages sustained by the wrongful withholding of the possession.

Expiration of title pending suit.

SEC. 999. ADVERSE POSSESSION.—In an action to recover vacant and unimproved lots of ground it shall not be necessary, in order to maintain the defense of adversary possession, to show that the premises in controversy had been inclosed; but if it appear that the property had been assessed for taxation to the defendant, or those under whom he claims, and that he or they had regularly paid the taxes on the same and were the only persons who had exercised control over the same for a period of fifteen years before the bringing of the action, such facts shall be the equivalent of possession by actual inclosure.

Adverse possession.

SEC. 1000. VERDICT.—If the plaintiff's title be established by proof, the verdict of the jury shall be generally for the plaintiff as to the whole or part of the property claimed in the declaration, as the case may be; if, on the contrary, the plaintiff fail to make satisfactory proof of title, the verdict shall be for the defendant as to the whole or part of the property, as the case may be, and it may be for the plaintiff as to part and for the defendant as to other part thereof, and judgment shall be rendered according to the verdict, except as hereinafter provided.

Verdict for plaintiff.

—for defendant, etc.

SEC. 1001. If it appear on the trial that the defendant did not wrongfully enter into possession of the property sued for, or exercise acts of ownership over the same adversely to the plaintiff, as aforesaid, the verdict of the jury shall be that the defendant is not guilty, and thereupon judgment shall be rendered in favor of the defendant against the plaintiff for the costs of the action, but such judgment shall not be a bar to a future action by the plaintiff against the defendant for the recovery of the property.

Judgment.

SEC. 1002. JUDGMENT.—Any final judgment rendered in an action of ejectment shall be conclusive as to the title thereby established as between the parties to the action and all persons claiming under them since the commencement of the action.

Improvements.

SEC. 1003. IMPROVEMENTS.—If at any time before the trial the defendant shall give notice that if the verdict of the jury shall be in favor of the plaintiff's title the defendant will claim the benefit of permanent improvements that may have been placed on the property by the defendant or those under whom he claims, and shall offer evidence at the trial tending to show that he or those under whom he claims had peaceably entered into possession of the premises in controversy under a title which he or they had reason to believe and did believe to be good, and had erected valuable and permanent improvements on said property, which were begun in good faith before the commencement of the suit, the jury shall be directed, in case they find in favor of the plaintiff's title and also find that such permanent improvements were made by the defendant, or those under whom he claims under the circumstances aforesaid, to assess—

First. The damages of the plaintiff, being the clear value over and above taxes and necessary expenses of the use and occupation of the property, exclusive of said improvements, to the defendant and those under whom he claims, during the whole period of their occupation of the same to the date of the verdict, and also any damage done to the property, by waste or otherwise, by said parties during said occupation.

—assessment of damages for, etc.

Second. The present value to the plaintiffs of any permanent improvements which may have been placed on the premises by the defendant or those under whom he claims.

Third. The present value to the defendant of the property of the plaintiff without and exclusive of the said improvements.

—jury may view premises, etc.

SEC. 1004. In addition to evidence offered at the trial as to said values, the jury may be directed to view the premises, and their said assessments shall be returned with their verdict and recorded with the same. If either party shall feel aggrieved by said assessment he may, within three days after the verdict, move to set the assessment aside, and the court may, for good cause shown, set the same aside and order another jury to be impaneled in the cause to make a new assessment.

—appeal.

—where damages exceed value of improvements.

SEC. 1005. If the damages of the plaintiff, assessed as aforesaid, shall exceed the value of said permanent improvements as ascertained by the jury, the plaintiff shall be entitled to a judgment for the excess in like manner as directed in section nine hundred and ninety-five aforesaid.

—equal.

SEC. 1006. If the value of said improvements, so ascertained, shall equal but not exceed the plaintiff's damages, as found by the jury, the plaintiff shall only be entitled to judgment for the recovery of the property sued for and costs.

—election of plaintiff.

SEC. 1007. ELECTION OF PLAINTIFF.—If the value of said improvements shall be found by the jury to exceed the damages of the plaintiff, the plaintiff may elect either to pay to the defendant the amount of said excess or to demand of the defendant the value of the plaintiff's property, without the improvements, as fixed by the jury, and tender to the defendant a deed for said property, with all the plaintiff's right, title, and interest in the same.

Payment for improvements.

SEC. 1008. PAYMENT FOR IMPROVEMENTS.—If the said plaintiff shall pay to the defendant, within the time fixed therefor by the court, or, in case of his refusal to accept the same, shall pay into court for his use the amount of such excess of the value of said improvements over the damages of the plaintiff, the plaintiff shall be entitled forthwith to a judgment and writ of possession.

Tender of deed by plaintiff.

SEC. 1009. TENDER OF DEED BY PLAINTIFF.—If the plaintiff shall tender a deed as aforesaid to the defendant and demand the value of his property without the said improvements, as found by the jury, and the defendant shall fail or refuse to pay the same within the time fixed therefor by the court, the plaintiff shall, in like manner, be entitled to a judgment and writ of possession; and in case the plaintiff shall be a minor, the court may authorize said deed to be executed by his guardian.

Judgment for defendant.

SEC. 1010. JUDGMENT FOR DEFENDANT.—If the plaintiff shall fail or refuse either to pay the defendant the excess of the value of the improvements over the amount of the plaintiff's damages, or to tender a deed to the defendant, as aforesaid, and accept from him the value of the plaintiff's property, exclusive of the improvements, as aforesaid, the defendant may pay said value into court for the use of the plaintiff, and thereupon the defendant shall be entitled to a judgment in his favor, but without costs, which judgment shall be a bar to any future action by the plaintiff against the defendant to recover said property for cause theretofore existing.

## CHAPTER TWENTY-FOUR.

### SUBCHAPTER ONE.

#### ESTATES.

Estates.

What estates in District.

SEC. 1011. WHAT ESTATES IN DISTRICT.—Estates in land in the District shall be estates of inheritance, estates for life, estates for years, estates at will, and estates by sufferance.

Fee simple estates.

SEC. 1012. FEE SIMPLE ESTATES.—All estates of inheritance, including such as were formerly estates tail, shall be adjudged estates in fee simple.

SEC. 1013. An estate in fee simple may be either absolute or qualified, as to one and his heirs during an existing condition of things of uncertain duration. —may be absolute, etc.

SEC. 1014. FREEHOLDS.—Estates of inheritance and estates for life shall continue to be denominated freeholds, and estates for years shall be chattels real; estates at will or by sufferance shall be chattel interests, but shall not be liable, as such, to sale under execution; and all estates may be subject to conditions precedent or subsequent. Freeholds.

SEC. 1015. ESTATES PUR AUTRE VIE.—An estate for the life of a third person, whether limited to heirs or otherwise, shall be deemed a freehold only during the life of the grantee or devisee, but after his death it shall be deemed a chattel real and be a part of his personal estate. Estates pour autre vie.

SEC. 1016. ESTATES CLASSIFIED.—Estates are either in possession or in expectancy. Estates classified.

SEC. 1017. An estate in possession exists when the owner has an immediate right to the possession of the land. —possession.

SEC. 1018. An estate in expectancy is either a reversion or a future estate. —expectancy.

SEC. 1019. REVERSIONS.—A reversion is the residue of an estate left in the grantor who has conveyed, or in the heirs of the devisor who has devised a particular estate less than his own, and which residue returns to his or their possession on the expiration of the particular estate. Reversions.

SEC. 1020. FUTURE ESTATES.—A future estate is one limited to commence at a future day, either without the intervention of a precedent estate or after the expiration or determination of a precedent estate created at the same time and by the same conveyance or devise. Future estates.

SEC. 1021. If it is to commence upon the full expiration of such precedent estate, it is a remainder and may be transferred by that name. If it is to commence on a contingency which, if it happen, will abridge or determine such precedent estate before its expiration, it shall be known as a conditional limitation. —when a remainder.  
—when a conditional limitation.

SEC. 1022. VESTED AND CONTINGENT FUTURE ESTATES.—A future estate is vested when there is a person in being who would have an immediate right to the possession of the land upon the expiration of the intermediate or precedent estate, or upon the arrival of a certain period or event when it is to commence in possession. It is contingent when the person to whom or the event upon which it is limited to take effect in possession or become a vested estate is uncertain. Vested and contingent future estates.

SEC. 1023. PERPETUITIES.—Except in the case of gifts or devises to charitable uses, every future estate, whether of freehold or leasehold, whether by way of remainder or without a precedent estate, and whether vested or contingent, shall be void in its creation which shall suspend, or may by possibility suspend, the power of absolute alienation of the property, so that there shall be no person or persons in being by whom an absolute fee in the same, in possession, can be conveyed, for a longer period than during the continuance of not more than one or more lives in being and twenty-one years thereafter. Perpetuities.

SEC. 1024. CHATTELS REAL.—The provisions aforesaid as to future estates shall apply to limitations of chattels real as well as to freehold estates, so that the absolute ownership of a term for years and power to dispose of the same shall not be suspended for a longer period than the absolute power of alienation in respect to a fee simple. Chattels real.

SEC. 1025. WHAT ESTATES CREATED BY DEED OR WILL.—Subject to the provisions aforesaid, a freehold estate as well as a chattel real may be created by deed or will to commence at a future day, absolutely or conditionally; an estate for life may be created in a term for years and a remainder limited thereon; a remainder of freehold or for years, either vested or contingent, may be created expectant on the determination of a term for years, and a fee may be limited on a fee upon a What estates created by deed or will.

contingency which must happen, if at all, within the period herein prescribed.

Alternative future estates.

SEC. 1026. ALTERNATIVE FUTURE ESTATES.—Two or more future estates may be created to take effect in the alternative, so that if the first in order shall fail to vest the next in succession may be substituted for it and take effect accordingly.

Remainder to heirs.

SEC. 1027. REMAINDER TO HEIRS.—Where a remainder shall be limited to the heirs or heirs of the body of a person to whom a life estate in the same premises shall be given, the persons who, on the termination of the life estate, shall be the heirs or the heirs of the body of such tenant for life shall be entitled to take in fee simple as purchasers by virtue of the remainder so limited.

Posthumous children.

SEC. 1028. POSTHUMOUS CHILDREN.—Where a future estate shall be limited to heirs, or issue, or children, posthumous children shall be entitled to take in the same manner as if living at the death of their parent; and a future estate depending on the contingency of the death of any person without heirs, or issue, or children shall be defeated by the birth of a posthumous child of such person.

Expectant estates not to be defeated.

SEC. 1029. EXPECTANT ESTATES NOT TO BE DEFEATED.—No expectant estate can be defeated or barred by any alienation or other act of the owner of the intermediate or precedent estate, nor by any destruction of such precedent estate, by disseizin, forfeiture, surrender, merger, or otherwise, except when such destruction is expressly provided for or authorized in the creation of such expectant estate; nor shall an expectant estate thus liable to be defeated be on that ground adjudged void in its creation.

Expectant estate alienable.

SEC. 1030. EXPECTANT ESTATE ALIENABLE.—Expectant estates shall be descendible, devisable, and alienable in the same manner as estates in possession.

Tenancies in common and joint tenancies.

SEC. 1031. TENANCIES IN COMMON AND JOINT TENANCIES.—Every estate granted or devised to two or more persons in their own right, including estates granted or devised to husband and wife, shall be a tenancy in common, unless expressly declared to be a joint tenancy; but every estate vested in executors or trustees, as such, shall be a joint tenancy.

Estates for years.

SEC. 1032. ESTATES FOR YEARS.—An estate for a determinate period of time is an estate for years.

Estates from year to year.

SEC. 1033. ESTATES FROM YEAR TO YEAR.—An estate expressed to be from year to year shall be good for one year only.

Estates by sufferance.

SEC. 1034. ESTATES BY SUFFERANCE.—All estates which by construction of the courts were estates from year to year at common law, as where a tenant goes into possession and pays rent without an agreement for a term, or where a tenant for years, after the expiration of his term, continues in possession and pays rent and the like, and all verbal hirlings by the month or at any specified rate per month, shall be deemed estates by sufferance.

Estates from month to month, etc.

SEC. 1035. ESTATES FROM MONTH TO MONTH, AND SO FORTH.—An estate may be from month to month or from quarter to quarter, or, as otherwise expressed, it may be by the month or by the quarter, if so expressed in writing.

Estates at will.

SEC. 1036. ESTATES AT WILL.—An estate at will is one held by the joint will of lessor and lessee, and which may be terminated at any time, as herein elsewhere provided, by either party; and such estate shall not exist or be created except by express contract: *Provided, however*, That in case of a sale of real estate under mortgage or deed of trust or execution, and a conveyance thereof to the purchaser, the grantor in such mortgage or deed of trust, execution defendant, or those in possession claiming under him, shall be held and construed to be tenants at will, except in the case of a tenant holding under an unexpired lease for years, in writing, antedating the mortgage or deed of trust.

*Proviso.*

—conveyance under mortgage, etc., sale, grantor deemed tenant at will, etc.

SUBCHAPTER TWO.

POWERS.

SEC. 1037. DEFINITION.—A power is an authority to do some act in relation to lands or the creation of estates therein or of charges thereon which the owner granting or reserving such power might himself lawfully perform.

Powers.

Definition.

SEC. 1038. GENERAL POWER.—A power is general where it authorizes the alienation in fee, by means of a conveyance, will, or charge, of the lands embraced in the power to any alienee whatever.

General power.

SEC. 1039. SPECIAL POWER.—A power is special—

Special power.

First. Where the persons or class of persons to whom the disposition of the lands under the power is to be made are designated.

Second. Where the power authorizes the alienation, by means of a conveyance, will, or charge, of a particular estate or interest less than a fee.

SEC. 1040. BENEFICIAL POWER.—A general or special power is beneficial where no person other than the grantee has, by the terms of its creation, any interest in its execution.

Beneficial power.

SEC. 1041. EFFECT OF ABSOLUTE POWER TO OWNER OF PARTICULAR ESTATE.—Where an absolute power of disposition, not accompanied by any trust, shall be given to the owner of a particular estate for life or years, such estate shall be changed into a fee, absolute in respect to the rights of creditors and purchasers but subject to any future estates limited thereon in case the power should not be executed or the lands should not be sold for the satisfaction of debts.

Effect of absolute power to owner of particular estate.

SEC. 1042. EFFECT OF SUCH POWER TO ONE WITHOUT PARTICULAR ESTATE.—Where a like power of disposition shall be given to any person to whom no particular estate is limited, such person shall also take a fee, subject to any future estates that may be limited thereon but absolute in respect to creditors and purchasers.

Effect of such power to one without particular estate.

SEC. 1043. EFFECT WHERE NO REMAINDER ON PARTICULAR ESTATE.—In all cases where such power of disposition is given and no remainder is limited on the estate of the grantee of the power, such grantee shall be entitled to an absolute fee.

Effect where no remainder on particular estate.

SEC. 1044. CONSTRUCTION OF POWER TO PARTICULAR TENANT TO DEVISE THE INHERITANCE.—Where a general and beneficial power to devise the inheritance shall be given to a tenant for life or for years, such tenant shall be deemed to possess an absolute power of disposition, within the meaning and subject to the provisions of the three last preceding sections.

Construction of power to particular tenant to devise the inheritance.

SEC. 1045. RIGHT OF GRANTOR TO RESERVE POWER.—The grantor in any conveyance may reserve to himself any power, beneficial or in trust, which he might lawfully grant to another, and every power thus reserved shall be subject to the provisions of this subchapter as if granted to another.

Right of grantor to reserve power.

SEC. 1046. LIABILITY OF BENEFICIAL POWERS IN EQUITY.—Every special and beneficial power shall be liable, in equity, to the claims of creditors, and the execution of the power may be decreed for the benefit of the creditors entitled.

Liability of beneficial powers in equity.

SEC. 1047. GENERAL POWERS IN TRUST.—A general power is in trust when any person or class of persons other than the grantee of such power is designated as entitled to the proceeds, or any portion of the proceeds or other benefits to result from the alienation of the lands, according to the power.

General powers in trust.

SEC. 1048. SPECIAL POWERS IN TRUST.—A special power is in trust—

Special powers in trust.

First. When the disposition which it authorizes is limited to be made to any person or class of persons other than the grantee of such power.

Second. When any person or class of persons other than the grantee

is designated as entitled to any benefit from the disposition or change authorized by the power.

Trust powers imperative.

SEC. 1049. TRUST POWERS IMPERATIVE.—Every trust power, unless its execution or nonexecution is made expressly to depend on the will of the grantee, is imperative and imposes a duty on the grantee the performance of which may be compelled in equity for the benefit of the parties interested.

Selection under trust powers.

SEC. 1050. SELECTION UNDER TRUST POWERS.—A trust power does not cease to be imperative where the grantee has the right to select any and exclude others of the persons designated as the objects of the trust.

—where no specifications as to shares, etc.

SEC. 1051. Where a disposition under a power is directed to be made to or among or between several persons, without any specifications of the share or sum to be allotted to each, all the persons designated shall be entitled to an equal proportion. But when the terms of the power import that the estate or fund is to be distributed between the persons so designated, in such manner or proportions as the trustee of the power may think proper, the trustee may allot the whole to any one or more of such persons in exclusion of the others.

Execution of trust powers for benefit of creditors and assignees.

SEC. 1052. EXECUTION OF TRUST POWERS FOR BENEFIT OF CREDITORS AND ASSIGNEES.—The execution in whole or in part of any trust power may be decreed in equity for the benefit of the creditors or assignees of any person entitled to compel its execution when the interest of the objects of such trust is assignable.

Manner of executing powers.

SEC. 1053. MANNER OF EXECUTING POWERS.—No power can be executed except by some instrument in writing, which would be sufficient in law to pass the estate or interest intended to pass under the power if the person executing the power were the actual owner.

SEC. 1054. Where a power to dispose of lands is confined to a disposition by devise or will, the instrument of execution must be a will duly executed; and where a power is confined to a disposition by grant it can not be executed by will, although the disposition is not intended to take effect until after the death of the party executing the power.

SEC. 1055. Every instrument executed by the grantee of a power conveying an estate or creating a charge, which such grantee would have no right to convey or create unless by virtue of his power, shall be deemed a valid execution of the power, although such power be not recited or referred to therein.

## CHAPTER TWENTY-FIVE.

### EVIDENCE.

Evidence.

Oath.

SEC. 1056. OATH.—All evidence shall be given under oath according to the forms of the common law, except that where a witness has conscientious scruples against taking an oath, he may, in lieu thereof, solemnly, sincerely, and truly declare and affirm; and wherever herein any application, statement, or declaration is required to be supported or verified by an oath it is to be understood that such affirmation is the equivalent of an oath.

Perjury.

SEC. 1057. PERJURY.—A person swearing, affirming, or declaring, or giving testimony in any form where an oath is authorized by law, is lawfully sworn, and will be guilty of perjury in a case where he would be guilty of said crime if sworn according to the forms of the common law.

Testimony de bene esse.

SEC. 1058. TESTIMONY DE BENE ESSE.—The testimony of any witness may be taken in any civil cause depending in any court of the District of Columbia, whether the cause be at issue or not, by deposition de bene esse, under any of the following conditions:

—when may be taken.

First. Where the witness lives at a greater distance than one hundred miles from the place of trial.

Second. Where the witness is likely to go out of the United States or out of the District to a place more than one hundred miles from the place of trial and not return in time for the trial.

Third. Where the witness is infirm or aged, or for any other reason the party desiring his testimony fears he may not be able to secure the same at the time of trial, whether said witness resides within the District or not.

Fourth. If during the trial any witness is unable, by reason of sickness or other cause, to attend the trial, the deposition of such witness may, in the discretion of the court, be taken and read at the trial.

The deposition may be taken before any judge of any court of the United States; before any commissioner or clerk of any court of the United States, or any examiner in chancery of any court of the United States; before any chancellor, justice, or judge or clerk of any court of any State or Territory or other place under the sovereignty of the United States, or any notary public or justice of the peace within any place under the sovereignty of the United States: *Provided*, That no such person shall be eligible to take such deposition who is counsel or attorney for any party to the cause or who is in any wise interested in the event of the cause. —before whom.

Before proceeding to take the deposition reasonable written notice of the time, place, names, and addresses of the witnesses shall be given by the party or his attorney proposing to take the deposition to the attorney of record, if there be one, of the adverse party, and if not, to the party himself, which notice shall be at least twenty days more than the time necessary to reach the place of taking such deposition, and shall specify the name or names of the witnesses, the time and place of taking the same, and the name and official character of the person before whom the same is to be taken; but it shall not be lawful to require the adverse party to attend the taking of a deposition at more than one place on the same day. Notice.

In all cases in rem the person having the agency or possession of the property at the time of seizure shall be deemed the adverse party until a claim shall have been put in, when the claimant and the person having the agency or possession as aforesaid shall both be entitled to the notice. —to whom given in actions in rem.

When by reason of absence of the party or his attorney of record, or other cause, the giving of the notice herein required shall be impossible or impracticable, and there shall be urgent necessity for taking such deposition, the notice shall be given in such manner as a justice of the supreme court of the District of Columbia shall direct. —where notice impracticable.

Summons to any witness to appear and testify shall be issued by the person or officer before whom the deposition is to be taken, and served by the marshal of the United States or his deputy within the place where the witness resides; and the witness may be compelled to appear and testify by the officer before whom the deposition is to be taken in the same manner as witnesses may be compelled to appear and testify in court; and for the purpose of executing the provisions of this section any of the persons authorized to take such depositions are hereby vested with all the power and authority for compelling the attendance of the witness and the giving of his testimony which by law or usage are vested in any of the judges of the courts of the United States, and shall be entitled, upon summary application, to the aid of the courts of the United States to compel such attendance and giving of testimony. Summons.

Every person deposing as herein provided shall first swear or solemnly and truly affirm to tell the truth, the whole truth, and nothing but the truth in answer to such questions as are propounded to him by the parties or their counsel; and the adverse party or his counsel shall have the right to cross-examine such witness. Compelling attendance.

The questions propounded to the witness and the answers of the witness thereto shall be taken down in writing; and the same may be Oath, etc.

How deposition may be taken, etc.

taken down stenographically by the officer taking the deposition or a competent and disinterested stenographer engaged by him, and afterwards transcribed into writing or typewriting, and, in the presence of the officer taking the deposition, read over to the witness, and signed by him. If the witness be unable to write or refuse to sign the deposition the officer taking the same shall certify the fact and the reason, if any, assigned by the witness.

—to be sealed; cost of, etc.

The deposition of the witness or witnesses, together with the certificate of the officer taking the same, shall be by said officer sealed up and indorsed with the title of the cause in which the deposition is taken, and the cost of taking the same and by whom paid, and by him transmitted to the court in the District of Columbia in which the cause is pending, and by him deposited, postage prepaid, in the United States mail.

—not to be used if witness can be produced.

If, at the time of trial, the witness can be produced to testify in open court the deposition shall not be read in evidence; but if the attendance of the witness can not be produced then the said deposition shall be admissible in evidence, subject to such objections to the questions and answers as were noted at the time of taking the deposition, or within ten days after the return thereof, and would be valid were the witness personally present in court.

Granting dedimus potestatem and in perpetuam rei memoriam.

In any case where the interests of justice may require the supreme court of the District of Columbia may grant a dedimus potestatem to take depositions according to common usage, and may, according to the usages of chancery, direct depositions to be taken in perpetuam rei memoriam if they relate to any matters that might be cognizable in any court of the United States.

Foreign depositions, letters rogatory, etc.

When the testimony of any witness residing in any place not within the sovereignty of the United States is desired in any cause pending in any court of the District of Columbia, the same may be taken upon interrogatories and cross-interrogatories filed in the said court, and transmitted by said court under letters rogatory, addressed to some court of record in the foreign State in which said witness is then to be found.

Witnesses not to attend out of country, etc.

SEC. 1059. No witness shall be required, under the provisions of the preceding section, to attend at any place out of the county where he resides, nor more than forty miles from the place of his residence, to give his deposition; nor shall any witness be deemed guilty of contempt for disobeying any subpoena directed to him by virtue of the said section, unless his fee for going to, returning from, and one day's attendance at the place of examination are paid or tendered to him at the time of the service of the subpoena.

—tender of fees.

Commission to take depositions in common law actions.

SEC. 1060. COMMISSION TO TAKE DEPOSITIONS.—On motion made in any common law action in the District, by a party thereto, the court may order a commission to issue to such person or persons as the court may name to take the deposition of any witness residing or being out of the District on interrogatories and cross-interrogatories, to be filed and accompany such commission, as may be provided by the rules of the court, and said commission shall be executed, returned, and published according to the practice in courts of equity: *Provided*, That such depositions shall not be admitted at the trial of the action if, at the time, the witness be present in the District and his attendance can be obtained by the process of the court.

*Proviso.*

—not to be used if witness can be produced.

Testimony in equity cases.

SEC. 1061. TESTIMONY IN EQUITY CAUSES.—In equity causes in the District the testimony of the witnesses may be taken in the manner provided by the rules of the Supreme Court of the United States for practice in equity, and of the supreme court of the District of Columbia not inconsistent therewith: *Provided*, The court may, in its discretion, for proper cause shown, order the testimony to be taken orally in its presence or under a commission, according to the usages of chancery, or before examiners, upon any reasonable notice as directed in

*Proviso.*

—when orally taken.



the preceding section, as the court may order and direct; and according to the same usages the court may, upon application by any party interested, direct depositions to be taken in perpetuum rei memoriam, in relation to matters that may be cognizable in the court.

—in perpetuum rei memoriam.

SEC. 1062. COMMISSIONS FROM COURTS OUT OF THE DISTRICT.—When a commission is issued by any court of the United States or of any State for taking the testimony of a witness named therein within the District of Columbia, the same proceedings shall be had in relation thereto as are directed by sections eight hundred and sixty-eight and eight hundred and sixty-nine of the Revised Statutes of the United States.

Commissions from courts out of the District.

SEC. 1063. COMPETENCY OF WITNESSES.—Except as herein elsewhere provided, no person shall be incompetent to testify in any civil action or proceeding by reason of his being a party thereto or interested in the result thereof; but, if otherwise competent to testify, he shall be competent to give evidence on his own behalf and competent and compellable to give evidence on behalf of any other party to such action or proceeding.

Competency of witnesses.

SEC. 1064. TESTIMONY OF SURVIVING PARTY.—If one of the original parties to a transaction or contract has, since the date thereof, died or become insane or otherwise incapable of testifying in relation thereto, the other party thereto shall not be allowed to testify as to any transaction with or declaration or admission of the said deceased or otherwise incapable party in any action between said other party or any person claiming under him and the executors, administrators, trustees, heirs, devisees, assignees, committee, or other person legally representing the deceased or otherwise incapable party, unless he be first called upon to testify in relation to said transaction or declaration or admission by the other party, or the opposite party first testify in relation to the same, or unless the transaction or contract was made or had with an agent of the said deceased or otherwise incapable party, and said agent testifies in relation thereto, or unless called to testify thereto by the court.

Testimony of surviving party.

SEC. 1065. TESTIMONY OF DECEASED OR INSANE PARTY.—If a party, after having testified at a time when he was competent to do so, shall die or become insane or otherwise incapable of testifying, his testimony may be given in evidence in a subsequent trial in relation to the same subject-matter between the same parties, or their legal representatives, as the case may be; and in such case the opposite party may testify in opposition thereto.

Testimony of deceased or insane party.

SEC. 1066. PARTNERS.—Where any of the original parties to a contract or transaction which is the subject of investigation are partners or other joint contractors, or jointly entitled or liable, and some of them have died or otherwise become incapable of testifying, any others with whom the contract or transaction was personally made or had, or in whose presence or with whose privity it was made or had, or admissions in relation to the same were made, shall not, nor shall the adverse party, be incompetent to testify because some of the parties or joint contractors, or those jointly entitled or liable, have died or otherwise become incapable of testifying.

Partners.

SEC. 1067. CONVICTION OF CRIME.—No person shall be incompetent to testify, in either civil or criminal proceedings, by reason of his having been convicted of crime other than perjury, but such fact may be given in evidence to affect his credit as a witness, either upon the cross-examination of the witness or by evidence aliunde; and the party cross-examining him shall not be concluded by his answers as to such matters. In order to prove such conviction of crime it shall not be necessary to produce the whole record of the proceedings containing such conviction, but the certificate, under seal, of the clerk of the court wherein such proceedings were had, stating the fact of the conviction and for what cause, shall be sufficient.

Conviction of crime not to incapacitate, etc.

- Husband and wife. SEC. 1068. HUSBAND AND WIFE.—In both civil and criminal proceedings, husband and wife shall be competent but not compellable to testify for or against each other.
- Confidential communications. SEC. 1069. CONFIDENTIAL COMMUNICATIONS.—In neither civil nor criminal proceedings shall a husband or his wife be competent to testify as to any confidential communications made by one to the other during the marriage.
- Record debt, proof of. SEC. 1070. RECORD DEBT, PROOF OF.—An exemplification of the record under the hand of the keeper of the same, and the seal of the court or office where such record may be made, shall be good and sufficient evidence to prove any record made or entered in any of the States or Territories of the United States; and the certificate of the party purporting to be the keeper of such record, accompanied by such seal, shall be prima facie evidence of that fact.
- Record of deeds and wills. SEC. 1071. RECORD OF DEEDS AND WILLS.—The copy of the record of any deed or other instrument of writing, not of a testamentary character, where the laws of the State, Territory, or country where the same may be recorded require such record, and which has been recorded agreeably to such laws, and the copy of any will which such laws require to be admitted to probate and record, by judicial decree, and of the decree of the court admitting the same to probate and record, under the hand of the clerk or other keeper of such record and the seal of the court or office in which such record has been made, shall be good and sufficient prima facie evidence to prove the existence and contents of such deed, or will, or other instrument of writing, and that it was executed as it purports to have been.
- Production of books and papers. SEC. 1072. PRODUCTION OF BOOKS AND PAPERS.—In an action at common law the court may, on motion, and on reasonable notice thereof, require the parties to produce books and writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might heretofore have been compelled to produce the same by the ordinary rules of proceeding in chancery.
- Physicians, privileged communication to. SEC. 1073. PHYSICIANS, TESTIMONY OF.—In the courts of the District of Columbia no physician or surgeon shall be permitted, without the consent of the person afflicted, or of his legal representatives, to disclose any information, confidential in its nature, which he shall have acquired in attending a patient in a professional capacity and which was necessary to enable him to act in that capacity: *Provided*, That this section shall not apply to evidence in criminal cases where the accused is charged with causing the death of or inflicting injuries upon a human being, and the disclosure shall be required in the interests of public justice.
- Proviso*.—*exception*.

## CHAPTER TWENTY-SIX.

## EXECUTION.

- Execution. SEC. 1074. WHEN ISSUED.—Where the right to issue an execution is not suspended by agreement or by an injunction or by an appeal operating as a supersedeas, a writ of execution may be issued immediately on the rendition of the judgment or at any time within three years thereafter; and where the right to issue the same is suspended by any of the causes aforesaid said writ may be issued within three years after the removal of the suspension, and every such writ shall be returnable on or before the sixtieth day after its date.
- When issued.
- Alias writs. SEC. 1075. ALIAS WRITS.—If the execution be issued and returned unsatisfied, in whole or in part, within said period of three years, an alias writ may be issued at any time during the life of the judgment.
- Return. SEC. 1076. RETURN.—If the return shall be omitted to be made on or before the return day expressed in the writ it may nevertheless be made afterwards as of that date.

SEC. 1077. **SCIRE FACIAS.**—If said writ shall not be issued within the time allowed therefor, as aforesaid, it shall not be issued until a scire facias has been issued upon said judgment and a fiat has been rendered thereupon. Said fiat shall be deemed a renewal of the judgment, and the same rule shall apply thereto in relation to the issuing of execution thereon as to the original judgment.

Scire facias.

SEC. 1078. **FIAT.**—At any time during the life of the original judgment the plaintiff may elect, instead of issuing execution thereon within the time allowed therefor, to issue a scire facias on the same and obtain a new judgment as aforesaid.

Fiat.

SEC. 1079. **LIEN OF EXECUTION.**—A writ of fieri facias issued upon a judgment of the supreme court of the District shall be a lien from the time of its delivery to the marshal upon all the goods and chattels of the judgment defendant, except such as may be exempted from levy and sale by express provision of law.

Lien of execution.

SEC. 1080. **DEATH OF DEBTOR.**—The death of the judgment debtor after the execution has been delivered to the marshal shall not affect his authority to proceed against the property bound by it.

Death of debtor.

SEC. 1081. **JUDGMENT OF JUSTICE OF THE PEACE.**—An execution issued on a judgment of a justice of the peace shall not be a lien on the personal property of the judgment defendant except from the time when it is actually levied, and then it shall have priority over any execution issued out of said supreme court after said levy. It shall not be levied on real estate.

Judgment of justice of the peace.

SEC. 1082. **ON WHAT FIERI FACIAS MAY BE LEVIED.**—The writ of fieri facias may be levied on all goods and chattels of the debtor not exempt as aforesaid, and upon gold and silver coin, bank notes or other money, bills, checks, promissory notes or bonds, or certificates of stock in corporations owned by said debtor, and upon money owned by him in the hands of the marshal or of a constable charged with the execution of such writ, and such fieri facias issued from said supreme court may be levied on all leasehold and freehold estates of the debtor in land.

On what fieri facias may be levied.

SEC. 1083. **LEVY ON MONEY.**—If the fieri facias is levied on money belonging to the judgment defendant the marshal shall not expose the same to sale, but shall account for it as money collected, but bills or other evidences of debt levied upon shall be sold as other personal property is sold, and the marshal is hereby authorized and empowered to indorse the same to pass title to the purchaser.

Levy on money.

SEC. 1084. **LEVY ON CHATTELS PLEDGED.**—The interest of the debtor in personal chattels lawfully pledged for the payment of a debt or performance of a contract, or held by a trustee and in which the debtor's interest is only equitable, may be levied upon in the hands of the pledgee or trustee without disturbing the possession of the latter, and the lien thus obtained may be enforced by proceedings in equity.

Levy on chattels pledged.

SEC. 1085. **APPRAISEMENT.**—All property levied upon, except money, shall be appraised by two sworn appraisers and sold at public auction for cash; personal property after ten days' notice by advertisement, and leasehold and freehold estate in land after a twenty days' previous notice by advertisement, containing a description sufficiently definite to be embodied in a conveyance of the title.

Appraisement.

SEC. 1086. **ATTACHMENT, WHEN ISSUED.**—An attachment may be issued upon a judgment either before or after or at the same time with a fieri facias: *Provided*, That if costs are unnecessarily multiplied thereby they shall be charged to the party causing the same to be issued.

Attachment, when issued.

*Proviso.*  
—costs.

SEC. 1087. **SCIRE FACIAS UNNECESSARY.**—The said attachment may be issued at any time during the life of the judgment, without issuing a scire facias previously thereto.

Scire facias unnecessary.

On what attachment may be levied.

SEC. 1088. ON WHAT ATTACHMENT MAY BE LEVIED.—An attachment may be levied upon the judgment debtor's credits due him from third persons and upon his interest in letters patent for inventions issued by the United States.

Interrogatories.

SEC. 1089. INTERROGATORIES.—In all cases of attachment the plaintiff may exhibit interrogatories in writing, in such form as may be allowed by the rules or special order of the court, to be served upon any garnishee concerning any property of the defendant in his possession or charge or any indebtedness of his to the defendant at the time of the service of the attachment or between the time of such service and the filing of his answers to said interrogatories; and the garnishee shall file his answers, under oath, to such interrogatories within ten days after service of the same upon him. In addition to the answers to written interrogatories required of him, the garnishee may, on motion, be required to appear in court and be examined orally, under oath, touching any property or credits of the defendant in his hands.

How attachments levied.

SEC. 1090. HOW ATTACHMENTS LEVIED.—The attachment shall be levied upon credits of the defendant in the hands of a garnishee by serving him with a copy of the writ of attachment and of the interrogatories accompanying the same, and a notice that any property or credits of the defendant in his hands are seized by virtue of the attachment. It may be levied upon debts due to the defendant upon any judgment or decree by a similar service upon the debtor owing the same.

Money in hands of an officer.

SEC. 1091. MONEY IN HANDS OF AN OFFICER.—The said attachment may be levied upon money or property of the defendant in the hands of the marshal or coroner, and shall bind the same from the time of service, and shall be a legal excuse to the officer for not paying or delivering the same as he would otherwise be bound to do.

How levied on patent rights.

SEC. 1092. HOW LEVIED ON PATENT RIGHTS.—The said attachment may be levied upon any patent right of the defendant by the marshal by leaving a copy of the writ with the Commissioner of Patents, with a notice that he has seized said patent rights, and for what purpose, and he shall return a copy of said notice with the writ. The said notice shall thereupon be recorded in the record of assignments in the Patent Office.

Preservation of property seized.

SEC. 1093. PRESERVATION OF PROPERTY SEIZED.—The court may make all orders necessary for the preservation of the property attached, and if the same be perishable, or for other reasons a sale of the same shall be expedient, may order that the same be sold and the proceeds paid into court and held subject to its order.

Pleading to the attachment.

SEC. 1094. PLEADING TO THE ATTACHMENT.—Any garnishee or stranger to the suit who may make claim to the property attached as hereinafter provided, may plead to the attachment, and such plea shall be considered as raising an issue without replication, and any issue of fact thereby made may be tried by the court or by a jury impaneled for the purpose, if either party desire it.

Traversing garnishee's answers.

SEC. 1095. TRAVERSING GARNISHEE'S ANSWERS.—If any garnishee shall answer to interrogatories that he has no property or credits of the defendant or less than the amount of the plaintiff's judgment, the plaintiff may traverse such answer as to the existence or amount of such property or credits, and the issue thereby made may be tried as provided in the last aforesaid section; and in such case, where judgment is rendered for the garnishee, the plaintiff shall be adjudged to pay to the garnishee, in addition to his taxed costs, a reasonable counsel fee; and if such issue be found for the plaintiff, judgment shall be rendered as if possession of the property or credits had been confessed by the garnishee.

Claims by third persons.

SEC. 1096. CLAIMS BY THIRD PERSONS.—Any person may file his petition in the cause, under oath, at any time before the final dispo-

sition of the property attached or its proceeds, not being real estate, setting forth a claim thereto or an interest in or lien upon the same; and the court, without other pleadings, shall inquire into the claim, and, if either party request it, impanel a jury for the purpose, who shall be sworn to try the question involved as an issue between the claimant as plaintiff and the parties to the suit as defendants, and the court may make all such orders as may be necessary to protect any rights of the petitioner.

SEC. 1097. JUDGMENT OF CONDEMNATION OF PROPERTY.—Where the attachment has been levied upon specific property, on the return by the marshal judgment of condemnation of the same may be entered, and so much thereof as may be necessary to satisfy the plaintiff's judgment may be sold under a fieri facias; or, if said property shall have been sold under interlocutory order of the court, the proceeds, or so much thereof as may be necessary, shall be applied to the plaintiff's claim by order of the court.

Judgment of condemnation of property.

SEC. 1098. JUDGMENT AGAINST GARNISHEE.—If a garnishee shall have admitted credits in his hands, in answer to interrogatories served upon him, or the same shall have been found upon an issue made as aforesaid, judgment shall be entered against him for the amount of credits admitted or found as aforesaid, not exceeding the amount of the plaintiff's judgment, and costs, and execution shall be had thereon not to exceed the credits in his hands; but if said credits shall not be immediately due and payable, execution shall be stayed until the same shall become due; and if the garnishee shall have failed to answer the interrogatories served on him, or to appear and show cause why a judgment of condemnation should not be entered, such judgment shall be entered against him for the whole amount of the plaintiff's judgment and costs, and execution shall be had thereon.

Judgment against garnishee.

SEC. 1099. CONDEMNATION AND SALE OF PATENT RIGHTS.—If the property attached be a patent right, on the marshal's return judgment of condemnation of the said property shall be entered and the marshal shall sell the same under fieri facias at public auction in the same manner as real estate. Any patent right condemned and sold as aforesaid shall be assigned by the marshal to the purchaser in the same manner in which such assignments are made by private persons, and his said assignment may be recorded in the proper book or record of assignment in the Patent Office.

Condemnation and sale of patent rights.

SEC. 1100. DELIVERY OF POSSESSION OF PROPERTY SOLD.—When real estate is sold by virtue of any execution, and the judgment defendant or any person claiming under him since the rendition of the judgment is in actual possession of the property and refuses to deliver possession thereof to the purchaser upon demand made therefor, it shall be lawful for the court, on the application of the purchaser, to require the person so in possession to show cause why possession should not be delivered according to said demand, and, if no good cause be shown, to issue a writ of habere facias possessionem, requiring the marshal to put the purchaser in possession. If the party in possession shall allege under oath a title derived from the judgment debtor prior to the judgment or a title superior to that of the defendant, said writ shall not issue, but the purchaser may have his remedy by an action of ejectment or the summary remedy before a justice of the peace as herein provided in subchapter one of chapter one.

Delivery of possession of property sold.

SEC. 1101. CHANGE OF MARSHAL.—If the marshal die, be removed from office, or become otherwise disqualified from executing a writ of execution received by him, the same may be executed and returned by his deputy or successor in office.

Change of marshal.

SEC. 1102. DEFECTIVE SALE.—If upon the sale of property under execution the title of the purchaser is invalid by reason of a defect in the proceedings, the purchaser may be subrogated to the rights of the

Defective sale.

creditor against the debtor to the extent of the money paid by him and applied to the debtor's benefit, and to that extent shall have a lien on the property sold against all persons except bona fide purchasers without notice; but the creditor shall not be required to refund the purchase money on account of the invalidity of the sale.

Remedy of marshal.

SEC. 1103. REMEDY OF MARSHAL.—Where the marshal or any other officer to whom execution has been delivered levies upon and sells in good faith property not subject thereto and applies the proceeds thereof toward the satisfaction of the judgment, and a recovery is had against him for its value, the officer, on payment of said value, may, on motion and due notice thereof to the defendant, have the satisfaction of said judgment vacated, and execution shall issue thereon for his use as if said levy and sale had not been made.

Decree in equity.

SEC. 1104. DECREE IN EQUITY.—The foregoing provisions shall be applicable to an unconditional decree in equity for the payment of money. Such decree may be revived by scire facias, and the same writs of execution may be issued thereon within the same time and have the same effect as liens, and shall be executed and returned in the same manner as if issued upon a common-law judgment.

## CHAPTER TWENTY-SEVEN.

Exemptions.

### EXEMPTIONS.

What property of householder exempt.

SEC. 1105. WHAT PROPERTY OF HOUSEHOLDER EXEMPT.—The following property, being the property of the head of a family or householder residing in the District of Columbia, shall be exempt from distraint, attachment, levy, and sale on execution or decree of any court in the District:

First. All wearing apparel belonging to all persons and to all heads of families being householders.

Second. All beds, bedding, household furniture, stoves, cooking utensils, and so forth, not exceeding three hundred dollars in value.

Third. Provisions for three months' support, whether provided or growing.

Fourth. Fuel for three months.

Fifth. Mechanics' tools and implements of the debtor's trade or business amounting to two hundred dollars in value, with two hundred dollars' worth of stock for carrying on the business of the debtor or his family. This exemption shall apply to merchants.

Sixth. The library and implements of a professional man or artist, to the value of three hundred dollars.

Seventh. One horse, mule, or yoke of oxen; one cart, wagon, or dray, and harness for such team.

Eighth. Farming utensils, with food for such team for three months, and, if the debtor be a farmer, any other farming tools of the value of one hundred dollars.

Ninth. All family pictures and all the family library, not exceeding in value four hundred dollars.

Tenth. One cow, one swine, six sheep.

And these exemptions shall be valid when the property is in transitu, the same as if at rest; but no property named and exempted in this section shall be exempted from attachment or execution for any debt due for the wages of servants, common laborers, or clerks, except the wearing apparel, beds and bedding, and household furniture for the debtor and family.

Exemptions valid when property is in transitu.  
—qualification where debt due for wages of servants, etc.

Mortgage of exempt property.

SEC. 1106. MORTGAGE OF EXEMPT PROPERTY.—No deed of trust, assignment for the benefit of creditors, bill of sale, or mortgage upon any exempted articles shall be binding or valid unless signed by the wife of the debtor, if he be married and living with his wife.

SEC. 1107. EARNINGS.—The earnings, not to exceed one hundred dollars each month, of all actual residents of the District of Columbia who provide for the support of a family in said District, for two months next preceding the issuing of any writ or process from any court or officer of and in said District, against them, shall be exempt from attachment, levy, seizure, or sale upon such process, and the same shall not be seized, levied on, taken, reached, or sold by attachment, execution, or any other process or proceedings of any court, judge, or other officer of and in said District.

Earnings exempt.

CHAPTER TWENTY-EIGHT.

FEES OF OFFICERS AND OTHERS.

SEC. 1108. NOTHING HEREIN TO PROHIBIT AGREEMENTS WITH CLIENTS.—The following, and no other, compensation shall be taxed and allowed to attorneys, solicitors, proctors, district attorney, clerk of the supreme court of the District, marshal, commissioners, witnesses, and jurors, except in cases otherwise provided for by law; but nothing herein shall be construed to prohibit attorneys, solicitors, and proctors from charging or receiving from their clients other than the Government such reasonable compensation for their services, in addition to the taxable costs, as may be in accordance with general usage or may be agreed upon:

Fees of officers and others.

Nothing herein to prohibit agreements with clients.

SEC. 1109. ATTORNEYS, SOLICITORS, AND PROCTORS.—On a trial before a jury in civil or criminal causes or before referees, or on a final hearing in equity or admiralty, a docket fee of twenty dollars: *Provided*, That in cases of admiralty and maritime jurisdiction where the libellant recovers less than fifty dollars the docket fee of his proctor shall be only ten dollars.

Docket fee of attorneys, etc.

*Proviso.*  
—admiralty cases, etc.

In cases at law where judgment is rendered without a jury, ten dollars.

In cases at law when the cause is discontinued, five dollars.

For scire facias, or other proceedings on recognizances, five dollars.

For each deposition taken and admitted in evidence in a cause, two dollars and fifty cents.

For services rendered in a case removed from the supreme court of the District by an appeal to the court of appeals, five dollars.

For examination by the district attorney before a judge or commissioner of persons charged with crime, five dollars a day for the time necessarily employed.

—district attorney.

For each day of the district attorney's attendance in court, five dollars.

When an indictment for a crime is tried before a jury and a conviction is had the district attorney may be allowed, in addition to the fees herein provided, a counsel fee in proportion to the importance of the cause, not exceeding thirty dollars.

There shall be paid to the district attorney two per centum on all moneys collected or realized in any suit or proceeding under the revenue law conducted by him to which the United States is a party, in lieu of all costs and fees in such proceeding.

When the district attorney appears by direction of the Secretary or Solicitor of the Treasury on behalf of any officer of the revenue in any suit against such officer for any act done by him, or to recover any money received by him and paid into the Treasury in the course of his official duty, he shall receive such compensation as may be certified to be proper by the court and approved by the Secretary of the Treasury.

Clerk's fees.

SEC. 1110. CLERK'S FEES.—For issuing and entering every process, commission, summons, *capias*, execution, warrant, attachment, or other writ, except a writ of *venire*, or a summons or subpoena for a witness, one dollar.

For issuing a writ of subpoena or summons, twenty-five cents.

For filing and entering every declaration, plea, or other paper, twenty-five cents.

For administering an oath or affirmation, except to a juror, twenty-five cents.

For taking an acknowledgment, fifty cents.

For taking and certifying depositions to file, twenty cents for each folio of one hundred words.

For a copy of such deposition furnished to a party on request, ten cents a folio.

For entering any return, rule, order, continuance, judgment, decree, or recognizance, or drawing any bond, or making any record, certificate, return, or report, for each folio, fifteen cents.

For a copy of any entry or record, or any paper on file, for each folio, ten cents.

For making docketts or indexes, issuing venire, taxing costs, and all other services on the trial or argument of a cause where issue is joined and testimony given, three dollars.

For making docketts or indexes, taxing costs, and all other services in a cause where issue is joined but no testimony is given, two dollars.

For making docketts or indexes, taxing costs, and all other services in a cause which is dismissed or discontinued or where judgment or decree is made or rendered without issue, one dollar.

For making docketts and taxing costs in cases removed by appeal, one dollar.

For affixing the seal of the court to any instrument when required, twenty-five cents.

For every search for any particular judgment or lien, fifteen cents.

For swearing applicant, recording and making certificate of declaration to become a citizen of the United States, one dollar.

For swearing applicant, recording and making certificate of naturalization, three dollars.

For searching the records of the court for judgments, decrees, or other instruments constituting a general lien on real estate and certifying the result of such search, fifteen cents for each person against whom such search is required to be made.

For receiving, keeping, and paying out money in pursuance of any statute or order of court, one per centum of the amount so received, kept, and paid.

For his attendance on the court while actually in session, five dollars per day.

For all services rendered to the United States in cases in which the United States is a party of record, five dollars.

For each marriage license, one dollar.

For each official certificate of marriage, one dollar.

For each certificate of official character, including the seal, fifty cents.

For filing and recording notice of mechanic's lien, one dollar.

For entering release of mechanic's lien, fifty cents.

Fees appertaining to  
the probate court.  
R. S. D. C., secs. 931,  
932, pp. 109, 110.

Fees of register of  
wills.

SEC. 1111. FEES APPERTAINING TO THE PROBATE COURT.—The fees shall be those now prescribed by section nine hundred and thirty-one of the Revised Statutes of the United States, relating to the District of Columbia, and by orders of the said probate term under section nine hundred and thirty-two of the said Revised Statutes, except that in all cases when the estate does not exceed two hundred dollars in value the register of wills shall not receive any fees; and when the estate does not exceed five hundred dollars the fees of the register of wills shall not exceed ten dollars: *Provided*, That for any services required of the register of wills, as clerk of the probate court, for which no fees are specified by statute, he may be allowed to collect the fees prescribed by this code to be collected by the clerk of the supreme court of the District of Columbia for similar services.



SEC. 1112. MARSHAL'S FEES.—For the service of any warrant, attachment, summons, *capias*, or other writ (except execution, *venire*, or a summons or subpoena for a witness), one dollar for each person on whom service may be made: *Provided, however,* That for the service of any citation, summons, notice, or rule issued by the probate court the fee shall be fifty cents for each person on whom service may be made.

Marshal's fees.

*Proviso.*  
Citations, etc., issued from probate court.

For the keeping of personal property attached on mesne process, such compensation as the court, on petition setting forth the facts under oath, may allow.

For serving *venires* and summoning every twelve men as grand or petit jurors, four dollars, or thirty-three and one-third cents each.

For holding an inquisition or other proceeding before a jury, including the summoning of a jury, five dollars.

For serving a writ of subpoena on a witness, fifty cents; and no further compensation for a copy, summons, or notice for a witness.

For summoning appraisers, fifty cents.

For executing a deed prepared by a party or his attorney, one dollar.

For drawing and executing a deed, five dollars.

For copies of writs or papers furnished at request of any party, ten cents a folio.

For every proclamation in admiralty, thirty cents.

For serving an attachment in rem or libel in admiralty, two dollars.

For the necessary expenses of keeping boats, vessels, or other property attached or libeled in admiralty, not exceeding two dollars and fifty cents a day.

When the debt or claim in admiralty is settled by the parties without a sale of the property, a commission of one per centum on the first five hundred dollars of the claim or decree, and one-half of one per centum on the excess of any sum thereof over five hundred dollars: *Provided,* That when the value of the property is less than the claim such commission shall be allowed only on the appraised value thereof.

Where claim in admiralty is settled without a sale of the property.

*Proviso.*  
—when value of the property less than claim.

For sale of vessels or other property under process in admiralty and for receiving and paying over the money, two and one-half per centum on any sum under five hundred dollars, and one and one-half per centum on the excess of any sum over five hundred dollars.

For disbursing money to jurors and witnesses and for other expenses, two per centum.

For expenses while employed in endeavoring to arrest under process any person charged with or convicted of crime, the sum actually expended, not to exceed two dollars a day.

For every commitment or discharge of a prisoner, fifty cents.

For transporting criminals convicted of a crime in the District to a prison in a State or Territory designated by the Attorney-General, the reasonable actual expense of transportation of the criminals, the marshal, and the guards, and the necessary subsistence and hire.

For attending court and bringing in and committing prisoners and witnesses during the term, five dollars a day.

For attending examinations before a commissioner and bringing in, guarding, and returning prisoners charged with crime, and witnesses, two dollars a day, and for each deputy, not exceeding two, necessarily attending, two dollars a day.

For fuel, lights, and other contingencies that may accrue in holding the courts, the amount of his expenses necessarily incurred.

For levying upon leasehold or freehold property in land and selling the same, a commission of one and one-half per centum on the proceeds to the amount of the debt.

For levying upon leasehold or freehold property in land where no sale thereof is made, one dollar.

For levying upon personal property and selling the same, a commission of three per centum on the proceeds to the amount of the debt

and the reasonable cost for storage, keeper, insurance, advertising, and auctioneer.

Levying on personal property.  
Where no sale is made.

—additional compensation.

Commissioners' fees.

For levying upon personal property where no sale thereof is made, two dollars and fifty cents and the reasonable cost for storage, keeper, and insurance incurred for the preservation of the same: *Provided*, That the court, on notice to all parties in interest, may allow additional compensation.

SEC. 1113. COMMISSIONERS' FEES.—Drawing a complaint, with oath and jurat to same, fifty cents; copy of complaint, with certificate to same, thirty cents.

Issuing a warrant of arrest, seventy-five cents.

Issuing a commitment and making copy of same, one dollar.

Entering a return, fifteen cents.

Issuing a subpoena or subpoenas in any one case, with five cents for each necessary witness in addition to the first, twenty-five cents.

Drawing a bond of defendant and sureties, taking acknowledgment of same, and justification of sureties, seventy-five cents.

Administering an oath (except to witness as to attendance and travel), ten cents.

Recognizance of all witnesses in a case when the defendant or defendants are held for court, fifty cents.

Transcripts of proceedings when required by order of court and transmission of original papers to court, sixty cents.

Copy of warrant of arrest, with certificate to same when defendant is held for court and the original papers are not sent to court, forty cents.

Order in duplicate to pay all witnesses in a case—for first witness, thirty cents, and for each additional witness, five cents, and for oath to each witness as to attendance and travel, five cents.

Hearing, etc., criminal charges.

*Provisos.*  
—limit, etc.

For hearing and deciding on criminal charges and reducing the testimony to writing, when required by law or order of court, five dollars a day for the time necessarily employed: *Provided*, That not more than one per diem shall be allowed in a case, unless the account shall show that the hearing could not be completed in one day, when one additional per diem may be specially approved and allowed by the court: *Provided further*, That not more than one per diem shall be allowed for any one day: *And provided further*, That no per diem shall be allowed for taking a bond or recognizance and passing on the sufficiency of the bond or recognizance and the sureties thereon when the bond or recognizance was taken after the defendant had been committed to prison upon a final commitment, or has given bond or been recognized for his appearance at court, or when the defendant has been arrested on a *capias* or bench warrant or was in custody under any process or order of a court of record.

For the examination and certificate in cases of the application for discharge of poor convicts, imprisoned for nonpayment of fine, or fine and costs, and all services connected therewith, three dollars.

For attending to a reference in a litigated matter in a civil cause at law, in equity, or in admiralty, in pursuance of an order of the court, three dollars a day.

For taking and certifying depositions to file in civil cases, ten cents for each folio.

For each copy of the same furnished to a party on request, ten cents for each folio.

For issuing any warrant under the tenth article of the treaty of August ninth, eighteen hundred and forty-two, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any parties charged with any crime or offense set forth in said articles, two dollars.

When no per diem allowed for taking a bond, etc.

For issuing any warrant under the provision of the convention for the surrender of criminals between the United States and the King of the French, concluded at Washington November ninth, eighteen hundred and forty-three, two dollars.

For hearing and deciding upon the case of any person charged with any crime or offense and arrested under the provisions of said treaty or of said convention, five dollars a day for the time necessarily employed.

Such commissioners shall keep a complete record of all proceedings before them in criminal cases in a well bound book, which record book shall be delivered to and be preserved by the clerk of the supreme court of the District of Columbia on the death, resignation, removal, or expiration of the term of the commissioner, for which record the commissioner shall receive no compensation.

SEC. 1114. WITNESS FEES.—For each day's attendance in court or before any officer pursuant to law, one dollar and twenty-five cents; and when a witness is subpoenaed in more than one cause between the same parties at the same term only one per diem compensation shall be allowed for attendance; and for traveling, at the rate of five cents per mile, coming and returning to and from the witness's place of abode, when summoned from without the District to testify in the courts of the District.

Witness fees.

No officer of the United States courts shall be entitled to witness fees for attending before a court or commissioner where he is officiating.

Court officers not entitled, etc.

SEC. 1115. JUROR'S FEES.—For actual attendance at court, two dollars a day during such attendance.

Juror's fees.

CHAPTER TWENTY-NINE.

FRAUDS, STATUTE OF.

Frauds, statute of.

SEC. 1116. ESTATES CREATED BY PAROL.—Every estate in lands, tenements, or hereditaments for a greater term than one year attempted to be created by parol, or otherwise than by deed as provided in subchapter one of chapter sixteen, shall be an estate by sufferance.

Estates created by parol.

SEC. 1117. ACTIONS TO CHARGE EXECUTORS, AND SO FORTH.—No action shall be brought whereby to charge any executor or administrator upon any special promise to answer damages out of his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default, or miscarriage of another person, or to charge any person upon any agreement made upon consideration of marriage, or upon any contract or sale of lands, tenements, or hereditaments, or any interest in or concerning them, or upon any agreement that is not to be performed within the space of one year from the making thereof, unless the agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, which need not state the consideration, and signed by the party to be charged therewith or some other person thereunto by him lawfully authorized.

Actions to charge executors, etc.

SEC. 1118. DECLARATIONS OF TRUST.—All declarations or creations of trust or confidence of any lands, tenements, or hereditaments shall be manifested and proved by some writing signed by the party who is by law enabled to declare such trust or by his last will in writing, or else they shall be utterly void and of none effect.

Trusts, declaration of.

All grants and assignments of any trust or confidence shall likewise be in writing, signed by the party granting or assigning the same or by such last will or devise, or else shall likewise be utterly void and of none effect.

—grants and assignments of.

Where any conveyance shall be made of any lands or tenements by which a trust or confidence shall or may arise or result by the impli-

—by implication, etc.

cation or construction of law, or be transferred or extinguished by an act or operation of law, then and in every such case such trust or confidence shall be of the like force and effect as the same would have been if this statute had not been made.

Sale of goods.

SEC. 1119. SALE OF GOODS.—No contract for the sale of any goods, wares, and merchandise for the price of fifty dollars or upward shall be allowed to be good except the buyer shall accept part of the goods so sold and actually receive the same or give something in earnest to bind the bargain or in part payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such a contract or their agent thereunto lawfully authorized.

## CHAPTER THIRTY.

### FRAUDULENT CONVEYANCES AND ASSIGNMENTS.

Fraudulent conveyances and assignments.

Intent to defraud creditors.

SEC. 1120. INTENT TO DEFRAUD CREDITORS.—Every conveyance or assignment, in writing or otherwise, of any estate or interest in lands or rents and profits issuing from the same, or in goods or things in action, and every charge upon the same, and every bond or other evidence of debt given, or judgment or decree suffered, with the intent to hinder, delay, or defraud creditors or other persons having just claims or demands of their lawful suits, damages, or demands, shall be void as against the persons so hindered, delayed, or defrauded: *Provided*, That nothing herein shall be construed 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: *Provided further*, That the question of fraudulent intent shall be deemed a question of fact and not of law.

*Provisos.*  
—notice.

Intent; deemed a question of fact.

—to defraud purchasers.

SEC. 1121. INTENT TO DEFRAUD PURCHASERS.—Every conveyance of any estate or interest in land or the rents and profits thereof, and every charge upon the same, made or created with the intent to defraud prior or subsequent purchasers for a valuable consideration of the same lands, rents, or profits, shall, as against such purchasers, be void; but 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 appear that the grantee in such conveyance, or the person to be benefited by such charge, was privy to the fraud intended.

Executors, etc., may sue to vacate fraudulent deed.

SEC. 1122. EXECUTORS, AND SO FORTH, MAY SUE TO VACATE FRAUDULENT DEED.—Any executor, administrator, receiver, assignee, or other trustee of an estate, or of the property and effects of an insolvent estate, corporation, association, partnership, or individual, may, for the benefit of creditors and others interested in the estate or property so held in trust, disaffirm, treat as void, and resist all acts done, transfers and agreements made in fraud of the rights of any creditor, including themselves and others interested in any estate or property held by or of right belonging to any such trustee or estate; and every person who in fraud of the rights of creditors and others shall have received, taken, or in any manner interfered with the estate, property, or effects of any deceased person or insolvent corporation, association, partnership, or individual shall be liable, in the proper action, to the executors, administrators, receivers, or other trustees of such estate or property for the same, or the value of any property or effects so received or taken, and for all damages caused by such acts to any such trust estate.

CHAPTER THIRTY-ONE.

GUARDIAN AND WARD.

Guardian and ward.

SEC. 1123. NATURAL GUARDIANS.—The father and mother shall be the natural guardians of the person of their minor children. If either dies or is incapable of acting, the natural guardianship of the person shall devolve upon the other: *Provided, however,* That in case of the death of either parent from whom said children shall inherit or take by devise or bequest, such parent may by deed or last will and testament appoint a guardian of the property of the children, subject to the approval of the proper court of the District of Columbia: *And provided further,* That nothing herein contained shall be held to limit or affect the power of a court of equity to appoint some other person guardian of such children when it shall be made to appear to said court that the welfare of said children requires it.

Father and mother the natural guardians.—death of one.

*Proviso.*—of one bequeathing property.

Where parents unfit, etc.

Testamentary guardians.

SEC. 1124. TESTAMENTARY GUARDIANS.—Every father or mother, whether of full age or not, when the other parent does not survive, may, by last will and testament, appoint a guardian of the person to have the care, custody, and tuition of his or her infant child, not being a married female; and if the person so appointed shall refuse the trust, said court may appoint another person in his place.

SEC. 1125. APPOINTMENT BY COURT.—If any infant shall have neither natural nor testamentary guardian, a guardian of the person may be appointed by the probate court in its own discretion or on the application of any next friend of such infant.

Appointment by court.

SEC. 1126. WHEN GUARDIANSHIP CEASES.—The natural guardianship or the appointive guardianship of the person aforesaid shall cease, in the case of a male infant when he is twenty-one years of age, and in the case of a female infant when she is eighteen years of age or marries.

When guardianship ceases.

SEC. 1127. WHEN GUARDIAN OF ESTATE IS APPOINTED BY COURT.—Subject to the provisions of the preceding sections of this chapter, whenever land shall descend or be devised to any infant under twenty-one years of age, or such infant shall be entitled to a distributive share of the personal estate of an intestate, or to a legacy or bequest under a last will, or shall acquire any real or personal property by gift or purchase, the said court may appoint a guardian of said infant's estate; and if there shall be a guardian of the person of such infant the guardian of the estate so appointed may be the same or a different person. The said appointment may be made at any time after the probate of the will or the grant of administration where the infant is entitled as devisee, legatee, or next of kin.

When guardian of estate is appointed by court.

SEC. 1128. PREFERENCES.—Whenever it shall be necessary for the court to appoint a guardian of the infant's estate, as aforesaid, the father, if living, or, if he be dead, then the mother, if living, or, if the infant be a married female her husband, shall have the preference over other persons, unless the infant be over fourteen years of age, as hereinafter directed: *Provided,* That in the judgment of the court the parent or husband so entitled shall be a suitable person to have the management of the infant's estate.

Who to be preferred as guardian.

*Proviso.*—must be a suitable person.

SEC. 1129. HUSBAND OR PARENT ENJOINED.—On the application of any friend of an infant entitled to real or personal estate, or in the exercise of its own discretion, the court may enjoin any parent or husband or testamentary guardian of such infant from interfering with said infant's estate without being appointed and giving bond as guardian of such estate.

Husband or parent enjoined.

SEC. 1130. CONSENT OF INFANT.—When it shall be necessary to appoint a guardian, either of the person or the estate, of an infant,

Consent of infant to selection of guardian.

the infant shall, if practicable, be brought before the court, and, if over the age of fourteen years, shall be entitled to select and nominate his or her guardian; and if a guardian shall have been appointed before the infant has attained the age of fourteen years, the said infant, upon arriving at said age, may select a new guardian, notwithstanding the appointment before made: *Provided, however,* That the court shall, in all cases, approve the character and competency of the guardian selected by the infant, and such guardian shall be under the same obligations and discharge the same duties as if selected by the court; and whenever, after a guardian of the estate has been previously appointed, the infant shall select a new guardian upon arriving at the age of fourteen years, and said new selection is approved by the court, and the person so selected is duly appointed and qualified, the guardian previously appointed shall settle his final account and turn over his ward's estate to the newly appointed guardian.

*Proviso.*  
—approval by court,  
etc.

Bond of guardian.

SEC. 1131. BOND OF GUARDIAN.—Every guardian appointed by the court, except corporations authorized to act as guardians, before entering upon or taking possession of or interfering with the estate of the infant, shall execute a bond to the United States in such penalty and with such surety or sureties as the court shall approve, to be recorded and to be liable to be put in suit for the use of any person interested, with the following condition:

—condition.

“The condition of the above obligation is such that if the above bounden -----, as guardian to -----, shall faithfully account to the court, as required by law, for the management of the property and estate of the infant under his care, and shall also deliver up said property agreeably to the order of the court or the directions of law, and shall in all respects perform the duty of guardian to the said ----- according to law, then the above obligation shall cease; it shall otherwise remain in full force and virtue.”

One bond for several wards.

SEC. 1132. ONE BOND FOR SEVERAL WARDS.—Where the same person is guardian to any number of persons entitled to shares of the same estate the court may accept one bond instead of separate bonds for each ward, and said bond shall be liable to be put in suit for the use of all or either of the wards as fully as separate bonds might be.

Possession to guardian.

SEC. 1133. POSSESSION TO GUARDIAN.—On the execution of his bond, as required as aforesaid, the guardian shall be entitled to an order of the court directing the real and personal estate of the ward to be delivered into his possession, and all legacies and distributive shares to which the ward may be entitled to be paid or delivered to him whenever they shall be properly payable or distributable according to law.

Inventory.

SEC. 1134. INVENTORY.—Every guardian, within three months after the execution and approval of his bond, shall return to the court, under oath, an inventory of the real and personal estate of his ward and of the probable annual income thereof, and the court may direct the said estate to be appraised and the annual income thereof to be ascertained by two competent persons, to be appointed by the court, who shall report their appraisal and finding under oath.

Accounts.

SEC. 1135. ACCOUNTS.—It shall be the duty of the guardian to manage the estate for the best interests of the ward, and once in each year, or oftener if required, he shall settle an account of his trust, under oath. He shall account for all profit and increase of his ward's estate and the annual value thereof, and shall be allowed credit for taxes, repairs, improvements, expenses, and commissions not exceeding ten per centum of the principal of the personal estate and on the annual income of the estate, and shall not be answerable for any loss or decrease sustained without his fault; and the court shall determine the amounts to be annually expended in the maintenance and education of the infant, regard being had to his future condition and prospects

in life; and the court, if it shall deem it advantageous to the ward, may allow the guardian to exceed the income of the estate and to make use of the principal and sell the same or part thereof, under its order, as hereinbefore provided in subchapter three of chapter one; but no guardian shall sell any property of his ward without an order of the court previously had therefor.

SEC. 1136. SALE OF REALTY.—Whenever any guardian shall think that the interests of his ward will be promoted by a sale of his real estate for the purpose of reinvesting the proceeds in other property or securities, he may make application therefor to the court, and such proceedings shall be had thereupon as directed in subchapter three of chapter one, aforesaid.

Sale of realty.

SEC. 1137. ALLOWANCES.—Any allowance which may be made to a guardian for the clothing, support, maintenance, education, or other expenses incurred for the ward or his estate, before said guardian shall have given bond or been appointed, shall have the same effect and operation in law as if the same had been made subsequently to the appointment of said guardian and his giving bond.

Allowances.

SEC. 1138. SURETY.—If any surety of a guardian, setting forth by petition that he apprehends himself to be in danger of suffering by said suretyship, shall pray to be relieved, the court, after service of a summons on the guardian to answer the petition, may order him to give counter security for the indemnity of the original surety, or to deliver the ward's estate into the hands of the surety or of some other person; in either of which cases the person into whose hands the ward's estate shall be delivered shall be required to give sufficient security for the proper management and application of the same, and such further order may be passed for the relief of the petitioner as may seem just.

Surety.

SEC. 1139. FINAL ACCOUNT.—On the arrival of any ward at the age of twenty-one years the guardian shall exhibit a final account of his trust to the court, and shall deliver up, agreeably to the court's order, to the ward all the property of said ward in his hands, including bonds and other securities, and on his failure so to do his bond may be put in suit in the name of the United States for the use of the party interested, and he may be attached, as herein elsewhere provided.

Final account

SEC. 1140. HUSBAND AS GUARDIAN.—Whenever any female infant, to whom a guardian of her estate has been appointed, shall marry she may select her husband as the guardian of her said estate, with the approval of the court, and after he is duly appointed and qualified by giving bond, as is required in other cases, the powers of the guardian previously appointed shall cease, and he shall settle his final account and turn over his ward's estate to her husband, agreeably to the order and directions of the court.

Husband as guardian.

SEC. 1141. NONRESIDENT INFANT.—Whenever any infant or lunatic residing without the District, but within the United States, is entitled to property in the District or to maintain any action therein, a general guardian of his estate, appointed by a court of competent jurisdiction in the State or Territory where said infant or lunatic resides, may apply to the court, by petition, for ancillary letters of guardianship. Said petition must be under oath and be accompanied with duly certified copies of the record and proceedings, showing the appointment of said guardian, and that he has given a sufficient bond to account for all property and money that may come into his hands by virtue of the authority hereby conferred. The court may thereupon issue to said guardian ancillary letters of guardianship, without bond and without citation, or may cite such persons as it may think proper, to show cause why the said application should be refused.

Nonresident infant.

—petition for ancillary letters of guardianship, etc.

SEC. 1142. SUITS BY ANCILLARY GUARDIAN.—Upon the granting of said ancillary letters the said guardian shall be entitled to institute

Ancillary guardian, suits by, etc.

*Proviso.*  
—must give security  
for the costs.

and prosecute to judgment any action in the courts of the District, to take possession of all property of his said ward, and collect and receive all moneys belonging and due to him therein, to give full receipt and acquittances for debts and to release all claims, liens, and mortgages to him belonging, on property in said District, in the same manner as if his authority had been originally conferred by the supreme court of said District: *Provided*, That said guardian shall be required to give security for the costs which may accrue in any action brought by him, in the same manner as other nonresidents bringing suit in the courts of said District.

## CHAPTER THIRTY-TWO.

### HABEAS CORPUS.

Habeas corpus.

—how obtained.

SEC. 1143. HOW OBTAINED.—Any person committed, detained, confined, or restrained from his lawful liberty within the District, under any color or pretense whatever, or any person in his or her behalf, may apply by petition to the supreme court of the District, or any justice thereof, for a writ of habeas corpus, to the end that the cause of such commitment, detainer, confinement, or restraint may be inquired into; and the court or the justice applied to, if the facts set forth in the petition make a prima facie case, shall forthwith grant such writ, directed to the officer or other person in whose custody or keeping the party so detained shall be, returnable forthwith before said court or justice.

—how served

SEC. 1144. HOW SERVED.—The said writ shall be served by delivering it to the officer or other person to whom it is directed, or by leaving it at the prison or place at which the party suing it out is detained; and such officer or other person shall forthwith, or within such reasonable time as the court or justice shall direct, make return of the writ and cause the person detained to be brought before the court or justice, according to the command of the writ, and shall likewise certify the true cause of his detainer or imprisonment, if any, and under what color or pretense such person is confined or restrained of his liberty.

Evasion.

SEC. 1145. EVASION.—On any application for a writ of habeas corpus, if probable cause be shown for believing that the person charged with confining or detaining the person applying or on whose behalf the application is made is about to remove the person so detained from the place where he may then be, for the purpose of evading any writ of habeas corpus or for other purposes, or that he would evade or not obey any such writ, the court or justice shall insert in the writ a clause commanding the marshal to serve the writ on the person to whom it is directed and cause said person immediately to be and appear before the court or justice, together with the person so confined or detained, and it shall thereupon be the duty of the marshal immediately to carry the person charged with the detention, together with the person detained, before the court or justice, and said court or justice shall proceed to inquire into the matter.

Refusal to produce.

SEC. 1146. REFUSAL TO PRODUCE.—If any officer or other person to whom a writ of habeas corpus may be directed shall neglect or refuse to make return thereof, or to bring the body of the person detained, according to the command of the writ, he shall forfeit to the person detained the sum of five hundred dollars, and besides shall be liable to attachment and punishment as for a contempt.

Copy of commitment may be demanded.

SEC. 1147. COPY OF COMMITMENT.—Any person committed or detained, or any person in his behalf, may demand a true copy of the warrant of commitment or detainer, and any officer or other person detaining him who shall refuse or neglect to deliver to him a true copy



of the warrant of commitment or detainer, if any there be, within six hours after the demand, shall forfeit to the party so detained the sum of five hundred dollars.

SEC. 1148. INQUIRY INTO CAUSE OF DETENTION.—On the return of the writ of habeas corpus and the production of the person detained the court or justice shall immediately inquire into the legality and propriety of such confinement or detention, and if it shall appear that such person is detained without legal warrant or authority, he shall immediately be released or discharged; or if the court or justice shall deem his detention to be lawful and proper, he shall be remanded to the same custody, or, in a proper case, admitted to bail, if he be confined on a charge of a bailable criminal offense; and if he be bailed, the court or justice shall require a sufficient bond or recognizance to answer in the proper court, and transmit the same to said court.

Inquiry into cause of detention.

SEC. 1149. TRAVERSING RETURN.—Any person at whose instance or in whose behalf a writ of habeas corpus has been issued may traverse the return thereto, or plead any matters showing that there is not a sufficient legal cause for his confinement or detention, and the court or justice may issue process for witnesses or for the production of papers, which shall be served and enforced in like manner as similar process issued in a cause depending in court, if the court or justice shall be satisfied of the materiality of the testimony proposed to be adduced.

Traversing return.

SEC. 1150. RIGHT OF PARENT, GUARDIAN, OR HUSBAND.—Any person entitled to the custody of another person, unlawfully confined or detained by a third person, as a parent, guardian, committee, or husband, entitled to the custody of a minor child, ward, lunatic, or wife, upon application to the court or a justice as aforesaid, and showing just cause therefor, under oath, shall be entitled to a writ of habeas corpus, directed to the person confining or detaining as aforesaid, requiring him forthwith to appear and produce before the court or justice the person so detained, and the same proceedings shall be had in relation thereto as hereinabove authorized, and the court or justice, upon hearing the proofs, shall determine which of the contesting parties is entitled to the custody of the person so detained, and commit the custody of said person to the party legally entitled thereto.

Right of parent, guardian, or husband.

### CHAPTER THIRTY-THREE.

### HUSBAND AND WIFE.

Husband and wife.

SEC. 1151. WIFE'S PROPERTY EXEMPT FROM HUSBAND'S DEBTS.—All the property, real, personal, and mixed, belonging to a woman at the time of her marriage, and all such property which she may acquire or receive after her marriage from any person whomsoever, by purchase, gift, grant, devise, bequest, descent, in the course of distribution, by her own skill, labor, or personal exertions, or as proceeds of a judgment at law or decree in equity, or in any other manner, shall be her own property as absolutely as if she were unmarried, and shall be protected from the the debts of the husband and shall not in any way be liable for the payment thereof: *Provided*, That no acquisition of property passing to the wife from the husband after coverture shall be valid if the same has been made or granted to her in prejudice of the rights of his subsisting creditors.

Wife's property exempt from husband's debts.

*Proviso.*  
Conveyance from husband to wife not to prejudice subsisting creditors.

SEC. 1152. HUSBAND MAY CONVEY DIRECTLY TO WIFE—Whenever any interest or estate of any kind in any property, real, personal, or mixed, situate, lying, or being within this District, has been or shall hereafter be sold, conveyed, assigned, mortgaged, leased, transferred, or delivered by any husband directly or indirectly to his wife, and has been or shall hereafter be subsequently sold, conveyed, assigned, mortgaged, leased, transferred, or delivered by such wife and husband

Conveyance of estate from husband to wife.

—subsequent sale of.

—effect of first transfer on rights of subsisting creditors of husband.

during their coverture, or hereafter by such wife solely or by such wife after such coverture has terminated, or shall hereafter be devised or bequeathed by such wife during such coverture or after such coverture has terminated, the fact of such previous sale, conveyance, assignment, mortgage, lease, or delivery by such husband, directly or indirectly, to his wife shall not hereafter be deemed or taken, at law or in equity, to have given, preserved, or reserved, nor to give, preserve, or reserve, to any subsisting creditor of such husband, by reason of any debt or obligation, claim, or demand whatsoever, any other or greater right, lien, or cause of action against such interest or estate, or against any third person, his heirs, executors, administrators, or assigns, than such creditors would have had in case such interest or estate had been sold, conveyed, assigned, mortgaged, leased, transferred or delivered, or devised, or bequeathed by such husband directly to such third person. And the fact of such previous sale, conveyance, assignment, mortgage, lease, or delivery by such husband directly or indirectly to his wife, or the recital thereof in any instrument of writing whatever, shall not hereafter be deemed or taken, at law or in equity, to give or impart nor to have given or imparted notice to any third person, his heirs, executors, administrators, or assigns of the existence or of the possibility or probability of the existence of any subsisting creditor or creditors of such husband.

No trustee necessary.

SEC. 1153. NO TRUSTEE NECESSARY.—It shall not be necessary for a married woman to have a trustee to secure to her the sole and separate use of her property; but if she desires it she may make a trustee by deed, or she may apply to a court of equity and have a trustee appointed, in which appointment the uses and trusts for which the trustee holds the property shall be declared.

Property of wife.

SEC. 1154. PROPERTY OF WIFE.—Married women shall hold all their property, of every description, for their separate use as fully as if they were unmarried, and shall have power to dispose of the same by deed, mortgage, lease, will, gift, or otherwise, as fully as if they were unmarried: *Provided*, That no disposition of her real or personal property, or any portion thereof, by deed, mortgage, bill of sale, or other conveyance, shall be valid if made by a married woman under twenty-one years of age.

*Proviso.*  
—of wife under age.

Power of wife to trade, and to sue and be sued.

SEC. 1155. POWER OF WIFE TO TRADE, AND TO SUE AND BE SUED.—Married women shall have power to engage in any business, and to contract, whether engaged in business or not, and to sue separately upon their contracts, and also to sue separately for the recovery, security, or protection of their property, and for torts committed against them, as fully and freely as if they were unmarried; contracts may also be made with them, and they may also be sued separately upon their contracts, whether made before or during marriage, and for wrongs independent of contract committed by them before or during their marriage, as fully as if they were unmarried, and upon judgments recovered against them execution may be issued as if they were unmarried; nor shall any husband be liable upon any contract made by his wife in her own name and upon her own responsibility, nor for any tort committed separately by her out of his presence without his participation or sanction: *Provided*, That no married woman shall have power to make any contract as surety or guarantor, or as accommodation drawer, acceptor, maker, or indorser.

Husband's liability.

*Proviso.*  
Limit on wife's power to contract.

Contracts deemed made with reference to her separate estates.

SEC. 1156. CONTRACTS OF WIFE.—Every contract made by a married woman which she has the power to make shall be deemed to be made with reference to her estate which is made her separate estate by this chapter, and also her equitable separate estate, if any she has, as a source of credit to the extent of her power over the same, unless the contrary intent is expressed in the contract.

SEC. 1157. INFANT FEME COVERT.—In case any married woman entitled to a separate estate as aforesaid shall be an infant under twenty-one years of age, she shall be under the same disabilities in regard thereto as other infants, except as herein elsewhere provided, and a guardian of said estate shall be appointed.

Infant feme covert.

SEC. 1158. DOWER.—A widow shall be entitled to dower in lands held by equitable as well as legal title in the husband at any time during the coverture, whether held by him at the time of his death or not, but such right of dower shall not operate to the prejudice of any claim for the purchase money of such lands or other lien on the same.

Dower.

SEC. 1159. ESTATE BY THE CURTESY.—On the death of any married woman owning real estate in fee simple and intestate thereof, if there has been a child born of the marriage capable of inheriting said property, the husband surviving her shall be entitled to an estate by the curtesy therein, whether the wife's estate be legal or equitable and whether the wife's seizin be in deed or in law only.

Estate by the curtesy.

SEC. 1160. ADMINISTRATION ON WIFE'S ESTATE.—On the death of any married woman owning real or personal estate and intestate thereof, her said estate shall be administered on as if she had been unmarried, and in the appointment of her administrator her husband shall be entitled to be preferred. After payment of her debts her said personal estate shall be the property of her husband.

Administration on wife's estate.

SEC. 1161. INSURANCE OF HUSBAND'S LIFE.—Any married woman, by herself and in her name, or in the name of any third person, with his assent, as her trustee, may insure or cause to be insured for her sole use, the life of her husband for any definite period or for the term of his natural life; and any husband may cause his own life to be insured for the sole use of his wife, and may also assign any policy of insurance upon his own life to his wife for her sole use; and in case of the wife surviving her husband the sum or net amount of such insurance becoming due and payable by the terms of the insurance shall be payable to her for her own use, free from the claims of the representatives of her husband or any of his creditors.

Insurance of husband's life.

SEC. 1162. INSURANCE NOT LIABLE FOR HUSBAND'S DEBTS.—All policies of life insurance upon the life of any person which may hereafter mature, and which have been or shall be taken out for the benefit of or bona fide assigned to the wife or children of or any relative dependent upon such person, or any creditor, shall be vested in such wife or children or other relative or creditor, free and clear from all claims of the creditors of such insured person.

—not liable for husband's debts.

SEC. 1163. INSURANCE PAYABLE ON DEATH OF WIFE TO CHILDREN.—If the wife shall die before her husband, the amount of such insurance may be payable after her death to the children or descendants for their use, and to their guardian if under age; and if there be no children or descendants of the wife living at the time of her death, to her legal representatives.

—payable on death of wife to children.

SEC. 1164. RECEIPT OF MARRIED WOMAN.—The receipt of any married woman for the payment of money deposited by her before or after marriage shall be a valid discharge to any individual or corporation making such payment: *Provided*, That nothing contained in this section shall prevent any creditor of the husband from attaching the same or restraining the payment by injunction if the deposit was made in fraud of his creditors.

Receipt of married woman.

*Proviso.*  
—attachment if in fraud of creditors, etc.

SEC. 1165. LUNATIC, INSANE, OR PERMANENTLY ABSENT WIFE.—Where any married woman is a lunatic or insane, and has been so found upon inquisition, and the said finding remains in force, or where any married woman has been absent or unheard of for seven years, the husband of such lunatic or insane or absent person may grant and convey by his separate deed, whether the same be absolute or by way

Lunatic, insane, or permanently absent wife.

of lease or mortgage, as fully as if he were unmarried, any real estate which he may have acquired since the finding of such inquisition or since the beginning of such absence.

Debts of wife before marriage.

SEC. 1166. DEBTS OF WIFE BEFORE MARRIAGE.—No husband shall be liable in any manner for any debts of his wife contracted or for any claims or demands of any kind against her arising prior to marriage, but she and her property shall remain liable therefor in the same manner as if the marriage had not taken place.

Legal proceedings against wife.

SEC. 1167. LEGAL PROCEEDINGS AGAINST WIFE.—Proceedings at law or in equity, according to the nature of such debts, claims, or demands, may be taken against such married woman, notwithstanding her coverture, in her married name, joining her husband therein as defendant if he be within the District; but no judgment or decree shall pass against the husband or his estate, but such judgment or decree shall be passed against the wife only; and it shall operate only upon her estate held and owned by her prior or subsequent to said marriage.

Power of wife to appoint attorney.

SEC. 1168. POWER OF WIFE TO APPOINT ATTORNEY.—Any married woman against whom any proceeding may be taken under the two preceding sections shall have power to appoint an attorney at law to act for her in such proceeding.

Procedure to eject married woman who is a tenant.

SEC. 1169. PROCEDURE TO EJECT MARRIED WOMAN WHO IS A TENANT.—In all cases in which a married woman is or shall hereafter be a tenant of real estate in this District, and has defaulted in the payment of rent therefor or has made other default, it shall be lawful for the landlord to make such reentry or bring such action for recovery of the demised premises as he or she might do if the lessee were a feme sole and had contracted for the payment of said rents or the performance of other acts and to suffer such reentry to be made upon default therein.

Married woman may make covenant running with the land.

SEC. 1170. MARRIED WOMAN MAY MAKE COVENANT RUNNING WITH THE LAND.—In all deeds hereafter made to married women of real estate or chattels real it shall be competent for the grantee or lessee to bind herself and her assigns by any covenant running with or relating to said real estate or chattels real the same as if she were a feme sole.

Equitable separate estate.

SEC. 1171. EQUITABLE SEPARATE ESTATE.—Nothing contained in the preceding sections of this chapter shall be construed to prevent the creation of equitable separate estates. Said estates shall be held according to the provisions of the respective settlements thereof and shall be subject to and governed by the rules and principles of equity applicable to such estates.

Devise in lieu of dower.

SEC. 1172. DEVISE IN LIEU OF DOWER.—Every devise of land or of any estate therein, or bequest of personal estate to the wife of the testator, shall be construed to be intended in bar of her dower in lands or share of the personal estate, respectively, unless it be otherwise expressed in the will.

Renunciation of bequest.

SEC. 1173. RENUNCIATION OF BEQUEST.—A widow shall be barred of her right of dower in the land or share in the personal estate by any such devise or bequest, unless within six months after administration may be granted on her husband's estate she shall file in the probate court a written renunciation to the following effect:

"I, A B, widow of \_\_\_\_\_, late of \_\_\_\_\_, deceased, do hereby renounce and quit all claim to any bequest or devise made to me by the last will of my husband exhibited and proved according to law; and I elect to take in lieu thereof my dower or legal share of the estate of my said husband."

But by renouncing all claim to a devise or bequest, or devises or bequests, of personal property, made to her by the will of her husband, she shall be entitled to one-third part of the personal estate of

her husband which shall remain after payment of his just debts and claims against him, and no more.

SEC. 1174. DEVISE OF BOTH REALTY AND PERSONALTY.—If the will of the husband devise and bequeath a part of both real and personal estate to the wife, she shall renounce the whole or be otherwise barred of her right to both real and personal estate.

Devise of both realty and personalty.

SEC. 1175. DEVISE OF EITHER REALTY OR PERSONALTY.—If the will devise only a part of the real estate or bequeath only a part of the personal estate, the devise or bequest shall bar her of only the real or personal estate, as the case may require: *Provided, nevertheless*, That if the devise of either real or personal estate, or of both, shall be expressly in lieu of her legal share of one or both she shall accordingly be barred, unless she renounce as aforesaid.

Devise of either realty or personalty.

*Proviso.*  
—if expressly in lieu of her legal share, etc.

SEC. 1176. WHEN NOTHING PASSED BY THE DEVISE.—If, in effect, nothing shall pass by such devise she shall not be thereby barred, whether she shall or shall not renounce as aforesaid, it being the intent hereof that a widow accepting or abiding by a devise in lieu of her legal right shall be considered a purchaser with a fair consideration.

When nothing passed by the devise.

SEC. 1177. HUSBAND LIABLE FOR WIFE'S ACTS IN CERTAIN CASES.—Nothing in this chapter shall be construed to relieve the husband from liability for the debts, contracts, or engagements which the wife may incur or enter into upon the credit of her husband, or as his agent, or for necessaries for herself or for his or their children; but as to all such cases his liability shall be or continue as at common law.

Husband liable for wife's acts in certain cases.

CHAPTER THIRTY-FOUR.

INTEREST AND USURY.

Interest and usury.

SEC. 1178. RATE OF INTEREST.—The rate of interest in the District upon the loan or forbearance of any money, goods, or things in action, and the rate to be allowed in judgments and decrees, in the absence of express contract as to such rate of interest, shall be six dollars upon one hundred dollars for one year, and at that rate for a greater or less sum or for a longer or shorter time.

Rate of interest.

SEC. 1179. EXPRESS CONTRACTS.—The parties to a bond, bill, promissory note, or other instrument of writing for the payment of money at any future time may contract therein for the payment of interest on the principal amount thereof at any rate not exceeding ten per centum per annum.

Express contracts.

SEC. 1180. WHAT IS USURY.—If any person or corporation shall contract in the District, verbally, to pay a greater rate of interest than six per centum per annum, or shall contract, in writing, to pay a greater rate than ten per centum per annum, such contract shall be deemed usurious, and shall be void as to the excess of said interest above the rate of six per centum per annum, as aforesaid, and the creditor to whom the principal debt is due shall only be entitled to recover said principal debt with interest thereon at the rate of six per centum per annum. But no person, being a party to any contract for such unlawful interest, shall be liable to any penalty or forfeiture or criminal prosecution in consequence thereof.

What is usury.

SEC. 1181. ACTION TO RECOVER USURY PAID.—If any person or corporation in the District shall directly or indirectly take or receive any greater amount of interest than is herein declared to be lawful, whether in advance or not, the person or corporation paying the same shall be entitled to sue for and recover the amount of the unlawful interest so paid from the person or corporation receiving the same, provided said suit be begun within one year from the date of such payment.

Action to recover usury paid.

Unlawful interest to be credited.

SEC. 1182. UNLAWFUL INTEREST TO BE CREDITED.—In any action brought upon any contract for the payment of money with interest at a rate forbidden by law, as aforesaid, any payments of interest that may have been made on account of said contract in excess of the lawful interest shall be deemed and taken to be payments made on account of the principal debt, and judgment shall be rendered for no more than the balance found due after deducting and properly crediting the excess of interest so paid; but no bona fide indorsee of negotiable paper purchased before due shall be affected by any usury exacted by any former holder of said paper unless he had actual notice of the usury before his purchase.

Testimony of parties.

SEC. 1183. TESTIMONY OF PARTIES.—Whenever in any action to recover a debt the defendant shall claim that payments of unlawful interest on said debt have been made to said plaintiff or those under whom he claims, which the defendant is entitled to have credited on the principal of the debt, the plaintiff or the party who received said unlawful interest may be examined as a witness to prove the payment of the same, and shall not be excused from testifying in relation thereto, nor shall a creditor who is made defendant to a bill in equity exhibited against him for discovery as to payments of unlawful interest made to him be excused from answering as to the same.

Judgments for liquidated debt.

SEC. 1184. JUDGMENTS FOR LIQUIDATED DEBT.—In an action in the supreme court of the District to recover a liquidated debt on which interest is payable by contract or by law or usage the judgment for the plaintiff shall include interest on the principal debt from the time when it was due and payable, at the rate fixed by the contract, if any, until paid.

Judgments for damages.

SEC. 1185. JUDGMENTS FOR DAMAGES.—In an action to recover damages for breach of contract the judgment shall allow interest on the amount for which it is rendered from the date of the judgment only; but nothing herein shall forbid the jury, or the court, if the trial be by the court, from including interest as an element in the damages awarded, if necessary to fully compensate the plaintiff. In an action to recover damages for a wrong the judgment for the plaintiff shall bear interest.

Judgment in suits on contracts made elsewhere.

SEC. 1186. JUDGMENT IN SUITS ON CONTRACTS MADE ELSEWHERE.—In an action on a contract for the payment of a higher rate of interest than is lawful in the District, made or to be performed in any State or Territory of the United States where such contract rate of interest is lawful, the judgment for the plaintiff shall include such contract interest to the date of the judgment and interest thereafter at the rate of six per centum per annum until paid.

## CHAPTER THIRTY-FIVE.

Jail.

### JAIL.

Warden.

SEC. 1187. WARDEN.—The supreme court of the District shall have authority to appoint a suitable person to act as warden of the jail and to remove such officer whenever, in the opinion of the court, the public interests may require his removal, and to fill all vacancies which may occur.

Term of office.

SEC. 1188. TERM OF OFFICE.—The warden shall hold office for the term of four years, unless sooner removed in accordance with the preceding section.

Salary.

SEC. 1189. SALARY.—He shall receive an annual salary of eighteen hundred dollars, which shall include all fees and emoluments.

Bond.

SEC. 1190. BOND.—The warden shall, before entering upon his office, execute to the United States a bond for the faithful performance of the

duties thereof, in the penal sum of five thousand dollars, with sureties to be approved by some judge of the supreme court of the District.

SEC. 1191. POWERS AND DUTIES.—The warden shall have the exclusive supervision and control of the jail of the District and be accountable for the safe-keeping of all prisoners legally committed thereto, and shall have all the power and discharge all the duties legally exercised and discharged over said jail and the prisoners therein prior to the twenty-ninth day of February, eighteen hundred and sixty-four, by the marshal of the District.

Powers and duties.

SEC. 1192. EMPLOYMENT OF PRISONERS.—Persons sentenced to imprisonment in the jail may be employed at such labor and under such regulations as may be prescribed by the supreme court of the District and the proceeds thereof applied to defray the expenses of the trial and conviction of any such person.

Employment of prisoners.

SEC. 1193. COMMITMENT BY MARSHAL.—Nothing in the preceding sections of this chapter shall be construed to impair or interfere with the authority of the marshal of the District to commit persons to the jail or to produce them in open court or before any judicial officer when thereto required.

Commitment by marshal unimpaired.

SEC. 1194. DELIVERY TO MARSHAL.—It shall be the duty of the warden to receive such prisoners and to deliver them to the marshal or his duly authorized deputy, on the written request of either, for the purpose of taking them before any court or judicial officer, as provided in the preceding section.

Delivery to marshal.

SEC. 1195. SUBORDINATE OFFICERS.—The warden shall have authority to appoint such subordinate officers, guards, and employees as are necessary for the proper management and safe-keeping of prisoners, which may be authorized by law, subject to the approval of the chief justice of the supreme court of the District.

Subordinate officers.

SEC. 1196. SUPREME COURT OF THE DISTRICT OF COLUMBIA TO MAKE RULES.—It shall be the duty of the supreme court of the District to make such rules for the government and discipline of the prisoners confined in the jail as shall be deemed necessary for the health, security, and the protection of such prisoners from cruel treatment by any person in charge thereof.

Rules for government of prisoners.

SEC. 1197. ANNUAL REPORT.—The warden shall annually, in the month of November, make a detailed report to the Attorney-General.

Annual report of warden.

SEC. 1198. EXECUTION IN CAPITAL CASES.—Whenever any person confined in the jail is adjudged to suffer death, it shall be the duty of the warden to carry such judgment into execution.

Execution in capital cases.

SEC. 1199. MODE OF EXECUTION.—The manner of inflicting the punishment of death shall be by hanging.

—mode.

SEC. 1200. PLACE OF EXECUTION.—Persons adjudged to suffer death shall be executed within the walls of the jail of the District, or within the yard or inclosure thereof, and not elsewhere.

—place.

SEC. 1201. OFFICERS TO ATTEND.—It shall be the duty of the warden or one of his deputies, with such officers of the prison, constables, and other peace officers as the warden or deputy may deem necessary and proper, to attend at such execution.

—officers to attend.

SEC. 1202. WHO MAY BE PRESENT.—The warden or his deputy shall invite the district attorney, the counsel of the prisoner, two or more physicians, and twelve respectable citizens to be present at every such execution, and at the request of the person to be executed shall also allow any of his near relatives and any ministers of the gospel (not more than three) to be present thereat.

—who may be present.

SEC. 1203. WHO MAY NOT BE PRESENT.—No persons other than those mentioned in the two preceding sections, and no person whatever under the age of twenty-one years, shall be allowed to witness any such execution.

—who may not be present.

Subsistence of prisoners.

SEC. 1204. **SUBSISTENCE OF PRISONERS.**—There shall be allowed and paid by the Attorney-General for the subsistence of prisoners in the custody of any marshal of the United States and the warden of the jail in the District of Columbia such sum as it reasonably and actually costs to subsist them. And it shall be the duty of the Attorney-General to prescribe such regulations for the government of the marshals and the warden of the jail in the District of Columbia in relation to their duties under this chapter as will enable him to determine the actual and reasonable expenses incurred.

#### CHAPTER THIRTY-SIX.

Joint contracts.

#### JOINT CONTRACTS.

What contracts joint and several.

SEC. 1205. **WHAT CONTRACTS JOINT AND SEVERAL.**—Every contract and obligation entered into by two or more persons, whether partners or merely joint contractors, whether under seal or not, and whether written or verbal, and whether expressed to be joint and several or not, shall for the purposes of suit thereupon be deemed joint and several.

Death of joint contractor.

SEC. 1206. **DEATH OF JOINT CONTRACTOR.**—If one or more of such persons shall die, his or their executors, administrators, or heirs shall be bound by said contract in the same manner and to the same extent as if the same were expressed to be joint and several.

Merger.

SEC. 1207. **MERGER.**—If an action be brought against all the parties to such contract, but service of process is had against some only of the defendants, or an action is brought against and service had on some only of the parties, a judgment against the parties so served shall not work an extinguishment or merger of the cause of action on which such judgment is founded as respects the parties not so served, but they shall remain liable to be sued separately.

Death after suit brought.

SEC. 1208. **DEATH AFTER SUIT BROUGHT.**—If any one of several defendants in an action shall die after the commencement of the action, his legal representatives may be made parties thereto as directed in chapter two aforesaid.

Evidence.

SEC. 1209. **EVIDENCE.**—In actions *ex contractu* against alleged joint debtors it shall not be necessary for the plaintiff to prove their joint liability as alleged in order to maintain his action, but he shall be entitled to recover, as in actions *ex delicto*, against such of the defendants as shall be shown by the evidence to be jointly indebted to him, or against one only, if he alone is shown to be indebted to him, and judgment shall be rendered as if the others had not been joined in the suit.

Separate compromise.

SEC. 1210. **SEPARATE COMPROMISE.**—Any one of several joint debtors, when their debt is overdue, may make a separate composition or compromise with their creditors, with the same effect as is provided in the case of parties in chapter forty-seven, on partners.

#### CHAPTER THIRTY-SEVEN.

Joinder of parties and causes of action.

#### JOINDER OF PARTIES AND CAUSES OF ACTION.

SEC. 1211. Where money is payable by two or more persons jointly or severally or jointly and severally upon the same obligation or instrument, one action may be sustained and judgment recovered against all or any of the parties by whom the money is payable, at the option of the plaintiff; but if separate actions be brought unnecessarily against the several parties to such contract, the said actions may on motion be consolidated, and the plaintiff shall be allowed the costs of one action only.



CHAPTER THIRTY-EIGHT.

JUDGMENTS AND DECREES.

SEC. 1212. LIMITATIONS—Every final judgment at common law and every final decree in equity for the payment of money rendered in the supreme court of the District, and every judgment of a justice of the peace certified to and docketed in the clerk's office of the said supreme court, as herein elsewhere directed, shall be good and enforceable, by an execution issued thereon, for the period of twelve years only from the date when an execution might first be issued thereon, or from the date of the last revival thereof under scire facias, except as provided in the next section; but the time during which the judgment creditor is stayed by agreement, or injunction, or other order, or by the operation of an appeal from enforcing the judgment is not to be computed as part of said period of twelve years.

Judgments and decrees.  
Limitations.

SEC. 1213. EXPIRATION OF JUDGMENT OR DECREE.—At the expiration of said period of twelve years the said judgment or decree shall cease to have any operation or effect, and no action shall be brought on the same nor any scire facias or execution issued on the same thereafter; but this provision shall in no wise affect any proceeding that may be then pending for the enforcement of the said judgment or decree.

Expiration of judgment or decree.

SEC. 1214. LIEN OF JUDGMENT OR DECREE.—Every final judgment at common law and every unconditional final decree in equity for the payment of money from the date when the same shall be rendered, every judgment of a justice of the peace when docketed in the clerk's office of the supreme court of the District of Columbia, and every recognizance taken by said supreme court, or a justice thereof, from the time when it shall be declared forfeited, shall be a lien on all the freehold and leasehold estates, legal and equitable, of the defendants bound by such judgment, decree, or recognizance, in any lands, tenements, or hereditaments in the District, whether such estates be in possession or be reversions or remainders, vested or contingent. And any recognizance taken in the police court, after being forfeited, may be transmitted to the clerk's office of said supreme court and therein docketed in the same manner as the judgment of a justice of the peace as aforesaid, and thereupon shall have the same effect as if taken in the said supreme court; and said lien shall continue as long as such judgment, decree, or recognizance shall be in force or until the same shall be satisfied or discharged.

Lien of judgment or decree.

—forfeited recognizance, police court.

—duration of lien.

SEC. 1215. SCIRE FACIAS.—If during the period of twelve years from the rendition of the judgment or decree, or from judgment upon a scire facias thereon, the creditor shall cause a scire facias to be issued upon the judgment or decree and a fiat shall be issued thereupon, the effect of such fiat shall be to extend the effect and operation of said judgment or decree with the lien thereby created and all the remedies for the enforcement of the same for the period of twelve years from the date of such fiat.

Scire facias.

SEC. 1216. LIEN OF MORTGAGE.—Where real property is sold and conveyed and, at the same time, a mortgage or deed of trust thereupon is given by the purchaser to secure the payment of the whole or any part of the purchase money, the lien of the said mortgage or deed of trust on the property shall be superior to that of a previous judgment or decree against the purchaser.

Lien of mortgage.

SEC. 1217. DOCKET.—The clerk of said supreme court shall keep and maintain a docket, to be known as the judgment docket, in which shall be entered the titling of every cause and proceeding in which any judgment or decree may be entered or any recognizance taken, as aforesaid, including recognizances transmitted from the police court,

Docket.

as aforesaid, with a minute of the dates and amounts thereof, and said judgments, decrees, and recognizances shall be indexed in the names of all the principals and sureties bound thereby.

## CHAPTER THIRTY-NINE.

### LANDLORD AND TENANT.

Landlord and tenant.

When notice to quit unnecessary.

**SEC. 1218. WHEN NOTICE TO QUIT NOT NECESSARY.**—When real estate is leased for a certain term no notice to quit shall be necessary, but the landlord shall be entitled to the possession, without such notice, immediately upon the expiration of the term.

Notices to quit.

**SEC. 1219. NOTICES TO QUIT.**—A tenancy from month to month, or from quarter to quarter, may be terminated by a thirty days' notice in writing from the landlord to the tenant to quit, or by such a notice from the tenant to the landlord of his intention to quit, said notice to expire, in either case, on the day of the month from which such tenancy commenced to run.

Tenancy at will.

**SEC. 1220. TENANCY AT WILL.**—A tenancy at will may be terminated by thirty days' notice in writing by either landlord or tenant.

Tenancy by sufferance.

**SEC. 1221. TENANCY BY SUFFERANCE.**—A tenancy by sufferance may be terminated at any time by a notice in writing from the landlord to the tenant to quit the premises leased, or by such notice from the tenant to the landlord of his intention to quit on the thirtieth day after the day of the service of the notice. If such notice expires before any periodical installment of rent fall due, according to the terms of the tenancy, the landlord shall be entitled to a proportionate part of such installment to the date fixed for quitting the premises.

Notice not to be recalled.

**SEC. 1222. NOTICE NOT TO BE RECALLED.**—Neither landlord nor tenant, after giving notice as aforesaid, shall be entitled to recall the notice so given without the consent of the other party, but after the expiration of the notice given by the tenant as aforesaid the landlord shall be entitled to the possession as if he had given the proper notice to quit; and after the expiration of the notice given by the landlord as aforesaid the tenant shall be entitled to quit as if had given the proper notice of his intention to quit.

Service of notice.

**SEC. 1223. SERVICE OF NOTICE.**—Every notice to the tenant to quit shall be served upon him personally, if he can be found, and if he can not be found it shall be sufficient service of said notice to deliver the same to some person of proper age upon the premises, and in the absence of such tenant or person to post the same in some conspicuous place upon the leased premises.

Refusal to quit double rent.

**SEC. 1224. REFUSAL TO QUIT, DOUBLE RENT.**—If the tenant, after having given notice of his intention to quit as aforesaid, shall refuse, without reasonable excuse, to surrender possession according to such notice, he shall be liable to the landlord for rent at double the rate of rent payable according to the terms of tenancy for all the time that the tenant shall so wrongfully hold over, to be recovered in the same way as the rent accruing before the termination of the tenancy.

Ejectment or summary proceedings.

**SEC. 1225. EJECTMENT OR SUMMARY PROCEEDINGS.**—Whenever a lease for any definite term shall expire, or any tenancy shall be terminated by notice as aforesaid, and the tenant shall fail or refuse to surrender possession of the leased premises, the landlord may bring an action of ejectment to recover possession in the supreme court of the District; or the landlord may bring an action to recover possession before a justice of the peace, as provided in chapter one, subchapter one, aforesaid.

Claims for arrears of rent and double rent may be joined with claim for recovery.

**SEC. 1226. ARREARS OF RENT AND DOUBLE RENT.**—In either case the landlord may join with his claim for recovery of the possession of the leased premises a claim for all arrears of rent accrued to the termi-

nation of the tenancy, and, when the tenant has given the notice, for double rent from the termination of the tenancy to the verdict, or judgment, if the trial be by the court, for possession and for damages for waste: *Provided*, That in such action before a justice of the peace the amount so claimed shall be within his jurisdiction. If judgment for possession be rendered in favor of the plaintiff, he shall be entitled, at the same time, to a judgment for said arrears of rent, and for said double rent, as the case may be, to the date of the verdict or judgment as aforesaid, and for damages for waste.

*Proviso.*  
—action before a justice of the peace.  
Judgment.

SEC. 1227. CONSOLIDATION OF ACTIONS.—If actions be brought separately, either in said supreme court or before a justice of the peace, for arrears of rent and for the possession, they may be afterwards consolidated and one judgment rendered in them for the possession and also for the rent.

Consolidation of actions.

SEC. 1228. PLEA OF TITLE.—If, in such action to recover possession before a justice of the peace, the defendant shall plead a title in himself or in some person under whom he claims, not derived from the plaintiff, the further proceeding therein shall be as directed in said subchapter one of chapter one aforesaid.

Plea of title.

SEC. 1229. LIEN FOR RENT.—The landlord shall have a tacit lien for his rent upon such of the tenant's personal chattels, on the premises, as are subject to execution for debt, to commence with the tenancy and continue for three months after the rent is due and until the termination of any action for such rent brought within said three months.

Lien for rent.

SEC. 1230. HOW ENFORCED.—The said lien may be enforced—

—how enforced.

First. By attachment, to be issued upon affidavit that the rent is due and unpaid; or, if it be not due, that the defendant is about to remove or sell some part of said chattels.

Second. By judgment against the tenant and execution, to be levied on said chattels, or any of them, in whosoever hands they may be found.

Third. By action against any purchaser of said chattels, with notice of the lien, in which action the plaintiff may have judgment for the value of the chattels purchased by the defendant not exceeding the rent in arrear.

SEC. 1231. HOW ATTACHMENT ENFORCED.—Such attachment may be issued in any action for the recovery of the possession of the leased premises by the landlord, in which the rent in arrear, or double rent, or both, shall be claimed as aforesaid, and it shall be lawful for any officer to whom the writ of attachment shall be delivered to be executed to break open an outer or inner door when necessary to the execution of the same.

How attachment enforced.

SEC. 1232. APPEAL.—Either party against whom judgment is rendered by a justice of the peace, in the action aforesaid by the landlord to recover possession of the leased premises, may appeal from such judgment, and such appeal shall be tried in the supreme court in the same manner in which appeals from justices of the peace are taken and tried in other cases.

Appeal.

SEC. 1233. UNDERTAKING ON APPEAL.—In case of an appeal by the defendant his undertaking, in order to operate as a supersedeas, shall be an undertaking to abide by and pay the judgment rendered by the justice of the peace, if it shall be affirmed, together with the costs of the appeal, and to pay all intervening damages to the leased property and compensation for the use and occupation thereof, from the date of the judgment appealed from to the date of its affirmation; and in said undertaking the said defendant and his sureties, the latter submitting themselves to the jurisdiction of the court, shall agree that if the judgment be affirmed judgment may be rendered against them by the appellate court for the amount of the judgment so affirmed and the intervening damages, compensation, and costs aforesaid.

Undertaking on appeal.

Right of action of assignee of reversion.

SEC. 1234. ASSIGNEE OF REVERSION.—The grantee or assignee of the reversion of any leased premises shall have the same right of action against the lessee, his personal representatives, heirs, or assigns, for rent or for any forfeiture or breach of any covenant or condition in the lease which the grantor or assignor might have had; and the assignee of the lessee shall have the same rights of action against the lessor, his grantee, or assignee, upon any covenants in the lease which the lessee might have had against the lessor.

Real and personal property leased together: judgment may be for both.

SEC. 1235. Whenever real and personal property shall be leased together, as, for example, a house with the furniture contained therein, the landlord, either in an action of ejectment or in the summary proceeding for possession, before a justice of the peace, provided for in subchapter one of chapter one, may have a judgment for recovery of the personalty as well as for the recovery of the realty.

Agreement as to notice.

SEC. 1236. AGREEMENT AS TO NOTICE.—Nothing herein contained shall be construed as preventing the parties to a lease, by agreement in writing, from substituting a longer or shorter notice to quit than is above provided or to waive all such notice.

## CHAPTER FORTY.

Liens.

### LIENS.

Mechanic's lien.

SEC. 1237. MECHANIC'S LIEN.—Every building erected, improved, added to, or repaired by the owner or his agent, and the lot of ground on which the same is erected, being all the ground used or intended to be used in connection therewith, or necessary to the use and enjoyment thereof, to the extent of the right, title, and interest, at that time existing, of such owner, whether owner in fee or of a less estate, or lessee for a term of years, or vendee in possession under a contract of sale, shall be subject to a lien in favor of the contractor with such owner or his duly authorized agent for the contract price agreed upon between them, or, in the absence of an express contract, for the reasonable value of the work and materials furnished for and about the erection, construction, improvement, or repair of or addition to such building, or the placing of any engine, machinery, or other thing therein or in connection therewith so as to become a fixture, though capable of being detached: *Provided*, That the person claiming the lien shall file the notice herein prescribed.

*Proviso.*  
—claimant to file notice.

Notice of lien.

SEC. 1238. NOTICE.—Any such contractor wishing to avail himself of the provision aforesaid, whether his claim be due or not, shall file in the office of the clerk of the supreme court of the District during the construction or within three months after the completion of such building, improvement, repairs, or addition, or the placing therein or in connection therewith of any engine, machinery, or other thing so as to become a fixture, a notice of his intention to hold a lien on the property hereby declared liable to such lien for the amount due or to become due to him, specifically setting forth the amount claimed, the name of the party against whose interest a lien is claimed, and a description of the property to be charged, and the said clerk shall file said notice and record the same in a book to be kept for the purpose.

Subcontractor's lien.

SEC. 1239. SUBCONTRACTOR.—Any person directly employed by the original contractor, whether as subcontractor, material man, or laborer, to furnish work or materials for the completion of the work contracted for as aforesaid, shall be entitled to a similar lien to that of the original contractor upon his filing a similar notice with the clerk of the supreme court of the District to that above mentioned, subject, however, to the conditions set forth in the following sections.

—conditions of, etc.

SEC. 1240. CONDITIONS.—All such liens in favor of parties so employed by the contractor shall be subject to the terms and conditions of the original contract except such as shall relate to the waiver

of liens and shall be limited to the amount to become due to the original contractor and be satisfied, in whole or in part, out of said amount only; and if said original contractor, by reason of any breach of the contract on his part, shall be entitled to recover less than the amount agreed upon in his contract, the liens of said parties so employed by him shall be enforceable only for said reduced amount, and if said original contractor shall be entitled to recover nothing said liens shall not be enforceable at all.

SEC. 1241. NOTICE TO OWNER.—The said subcontractor or other person employed by the contractor as aforesaid, besides filing a notice with the clerk of the supreme court as aforesaid, shall serve the same upon the owner of the property upon which the lien is claimed, by leaving a copy thereof with said owner or his agent, if said owner or agent be a resident of the District, or if neither can be found, by posting the same on the premises; and on his failure to do so, or until he shall do so, the said owner may make payments to his contractor according to the terms of his contract, and to the extent of such payments the lien of the principal contractor shall be discharged and the amount for which the property shall be chargeable in favor of the parties so employed by him reduced.

Notice to owner by subcontractor.

—failure to notify.

SEC. 1242. OWNER'S DUTY.—After notice shall be filed by said party employed under the original contractor and a copy thereof served upon the owner or his agent as aforesaid, the owner shall be bound to retain out of any subsequent payments becoming due to the contractor a sufficient amount to satisfy any indebtedness due from said contractor to the said subcontractor, or other person so employed by him, secured by lien as aforesaid, otherwise the said party shall be entitled to enforce his lien to the extent of the amount so accruing to the principal contractor.

After notice, owner to retain amount of subcontractor's claim, etc.

SEC. 1243. SUBCONTRACTOR ENTITLED TO KNOW TERMS OF CONTRACT.—Any subcontractor or other person employed by the contractor as aforesaid shall be entitled to demand of the owner or his authorized agent a statement of the terms under which the work contracted for is being done and the amount due or to become due to the contractor executing the same, and if the owner or his agent shall fail or refuse to give the said information, or willfully state falsely the terms of the contract or the amounts due or unpaid thereunder, the said property shall be liable to the lien of the said party demanding said information, in the same manner as if no payments had been made to the contractor before notice served on the owner as aforesaid.

Subcontractor entitled to know terms of contract.

SEC. 1244. ADVANCE PAYMENTS.—If the owner, for the purpose of avoiding the provisions hereof, and defeating the lien of the subcontractor or other person employed by the contractor, as aforesaid, shall make payments to the contractor in advance of the time agreed upon therefor in the contract, and the amount still due or to become due to the contractor shall be insufficient to satisfy the liens of the subcontractors or others so employed by the contractor, the property shall remain subject to said liens in the same manner as if such payments had not been made.

Advance payments to defeat subcontractor's lien.

SEC. 1245. PRIORITY OF LIEN.—The lien hereby given shall be preferred to all judgments, mortgages, deeds of trusts, liens, and incumbrances which attach upon the building or ground affected by said lien subsequently to the commencement of the work upon the building, as well as to conveyances executed, but not recorded, before that time, to which recording is necessary, as to third persons; except that nothing herein shall affect the priority of a mortgage or deed of trust given to secure the purchase money for the land, if the same be recorded within ten days from the date of the acknowledgment thereof. When a mortgage or deed of trust of real estate securing advances thereafter to be made for the purpose of erecting buildings and improvements

Priority of lien.

thereon is given, or when an owner of lands contracts with a builder for the sale of lots and the erection of buildings thereon, and agrees to advance moneys toward the erection of such buildings, the lien hereinbefore authorized shall have priority to all advances made after the filing of said notices of lien, and the lien shall attach to the right, title, and interest of the owner in said building and land to the extent of all advances which shall have become due after the filing of such notice of such lien, and shall also attach to and be a lien on the right, title, and interest of the person so agreeing to purchase said land at the time of the filing of said notices of lien. When a building shall be erected or repaired by a lessee or tenant for life or years, or a person having an equitable estate or interest in such building or land on which it stands, the lien created by this act shall only extend to and cover the interest or estate of such lessee, tenant, or equitable owner.

Lien enforced by bill in equity; contents of.

SEC. 1246. HOW LIEN ENFORCED.—The proceeding to enforce the lien hereby given shall be a bill in equity, which shall contain a brief statement of the contract on which the claim is founded, the amount due thereon, the time when the notice was filed with the clerk, and a copy thereof served on the owner or his agent, if so served, and the time when the building or the work thereon was completed, with a description of the premises and other material facts; and shall pray that the premises be sold and the proceeds of sale applied to the satisfaction of the lien. If such suit be brought by any person entitled, other than the principal contractor, the latter shall be made a party defendant, as well as all other persons who may have filed notices of liens, as aforesaid. All or any number of persons having liens on the same property may join in one suit, their respective claims being distinctly stated in separate paragraphs; and if several suits are brought by different claimants and are pending at the same time, the court may order them to be consolidated.

—parties, etc.

Decree of sale.

SEC. 1247. DECREE OF SALE.—If the right of the complainant, or of any of the parties to the suit, to the lien herein provided for shall be established, the court shall decree a sale of the land and premises or the estate and interest therein of the person who, as owner, contracted for the erection, repair, improvement of, or addition to the building, as aforesaid.

Subcontractor preferred to contractor.

SEC. 1248. SUBCONTRACTOR PREFERRED TO CONTRACTOR.—If the original contractor and the persons contracting or employed under him shall both have filed notices of liens, as aforesaid, the latter shall first be satisfied out of the proceeds of sale before the original contractor, but not in excess of the amount due him, and the balance, if any, of said amount shall be paid to him.

Distribution.

SEC. 1249. DISTRIBUTION.—If one, or some only, of the persons employed under the original contractor shall have served notice on the owner, as aforesaid, before payments made by him to the original contractor, said party or parties shall be entitled to priority of satisfaction out of said proceeds to the amount of such payments; but, subject to this provision, if the proceeds of sale, after paying thereout the costs of the suit, shall be insufficient to satisfy the liens of said parties employed under the original contractor the said proceeds shall be distributed ratably among them to the extent of the payments accruing to the original contractor subsequently to the service of notice on the owner by said parties, as aforesaid.

Several buildings.

SEC. 1250. SEVERAL BUILDINGS.—In case of labor done or materials furnished for the erection or repair of two or more buildings joined together and owned by the same person or persons, it shall not be necessary to determine the amount of work done or materials furnished for each separate building, but only the aggregate amount upon all the buildings so joined, and the decree may be for the sale of all

the buildings and the land on which they are erected as one building, or they may be sold separately if it shall seem best to the court.

SEC. 1251. WHEN SUIT TO BE COMMENCED.—Any person entitled to a lien, as aforesaid, may commence his suit to enforce the same at any time within a year from and after the filing of the notice aforesaid or within six months from the completion of the building or repairs aforesaid, on his failure to do which the said lien shall cease to exist, unless his said claim be not due at the expiration of said periods, in which case the action must be commenced within three months after the said claim shall have become due.

When suit to be commenced.

SEC. 1252. EXTENT OF GROUND BOUND BY LIEN.—If there be any contest as to the dimensions of the ground claimed to be subjected to the lien aforesaid, the court shall determine the same upon the evidence and describe the same in the decree of sale.

Extent of ground bound by lien.

SEC. 1253. ENTRY OF SATISFACTION.—Whenever any person having a lien by virtue hereof shall have received satisfaction of his claim and cost, he shall, on the demand, and at the cost of the person interested, enter said claim satisfied, in the clerk's office aforesaid, and on his failure or refusal so to do he shall forfeit fifty dollars to the party aggrieved, and all damages that the latter may have sustained by reason of such failure or refusal.

Entry of satisfaction.

SEC. 1254. PAYMENT INTO COURT AND RELEASE.—In any suit to enforce a lien hereunder, the owner of the building and premises to which such lien may have attached, as aforesaid, may be allowed to pay into court the amount claimed by the lienor, and such additional amount, to cover interest and costs, as the court may direct, or he may file a written undertaking, with two or more sureties, to be approved by the court, to the effect that he and they will pay the judgment that may be recovered and costs, which judgment shall be rendered against all the persons so undertaking. On the payment of said money into court, or the approval of such undertaking, the property shall be released from such lien, and any money so paid in shall be subject to the final decree of the court. No such undertaking shall be approved by the court until the complainant shall have had at least two days' notice of the defendant's intention to apply to the court therefor, which notice shall give the names and residences of the persons intended to be offered as sureties and the time when the motion for such approval will be made, and such sureties shall make oath, if required, that they are worth, over and above all debts and liabilities, double the amount of said lien. The complainant may appear and object to such approval.

Payment into court to effect release.

—or bond to pay judgment.

—notice.

SEC. 1255. UNDERTAKING TO DISCHARGE LIENS BEFORE SUIT.—Such an undertaking as above mentioned may be offered before any suit brought in order to discharge the property from existing liens, in which case notice shall be given as aforesaid to the parties whose liens it is sought to have discharged, and the same proceedings shall be had as above directed in relation to the undertaking to be given after the commencement of the suit, and said undertaking shall be to the effect that the owner and his said sureties will pay any judgment that may be rendered in any suit that may thereafter be brought for the enforcement of said lien.

Undertaking to discharge liens before suit.

SEC. 1256. DECREE AGAINST SURETIES.—If such undertaking be approved before any suit brought, such suit shall be a suit in equity against the owner, to which the sureties may be made parties; if the undertaking be approved after suit brought, the said sureties shall ipso facto become parties to the suit, and in either case the decree of the court shall be against the sureties as well as the owner.

Decree against sureties.

SEC. 1257. NO ACTION BY SUBCONTRACTOR AGAINST OWNER.—No subcontractor, material man, or workman employed under the original

No action by subcontractor against owner.

contractor shall be entitled to a personal judgment or decree against the owner of the premises for the amount due to him from said original contractor, except upon a special promise of such owner, in writing, for a sufficient consideration, to be answerable for the same.

Judgment for deficiency upon a sale.

SEC. 1258. JUDGMENT FOR DEFICIENCY UPON A SALE.—In any suit brought to enforce a lien by virtue of the provisions aforesaid, if the proceeds of the property affected thereby shall be insufficient to satisfy such lien, a personal judgment for the deficiency may be given in favor of the lien or against the owner of the premises or the original contractor, as the case may be, whichever contracted with him for the labor or materials furnished by him, provided such person be a party to the suit and shall have been personally served with process therein.

Lien on wharves and lots.

SEC. 1259. WHARVES AND LOTS.—Any person who shall furnish materials or labor in filling up any lot or in constructing any wharf thereon, or dredging the channel of the river in front of any wharf, under any contract with the owner, shall be entitled to a lien for the value of such work or materials on said lot and wharf upon the same conditions and to be enforced in the same manner as in the case of work done in the erection of buildings, as hereinbefore provided.

Lien for repairing personal property.

SEC. 1260. OTHER LIENS.—Any mechanic or artisan who shall make, alter, or repair any article of personal property at the request of the owner shall have a lien thereon for his just and reasonable charges for his work done and materials furnished, and may retain the same in his possession until said charges are paid; but if possession is parted with by his consent such lien shall cease.

Lien of innkeeper.

SEC. 1261. INNKEEPER.—Every innkeeper, keeper of a boarding house, or house of private entertainment shall have a lien upon and may retain possession of the baggage and effects of any guest or boarder for the amount which may be due him from such guest for board and lodging until such amount is paid.

—of liveryman.

SEC. 1262. LIVERYMAN.—It shall be lawful for all persons keeping or boarding any animals at livery within the District, under any agreement with the owner thereof, to detain such animals until all charges under such agreement for the care, keep, or board of such animals shall have been paid: *Provided, however,* That notice in writing shall first be given to such owner in person or at his last known place of residence of the amount of such charges and the intention to detain such animal or animals until such charges shall be paid.

*Proviso.*  
—notice.

Enforcement by sale.

SEC. 1263. ENFORCEMENT BY SALE.—If the amount due and for which a lien is given by any of the last three sections is not paid after the end of a month after the same is due, and the property bound by said lien does not exceed the sum of fifty dollars, then the party entitled to such lien, after demand of payment upon the debtor, if he be within the District, may proceed to sell the property so subject to lien at public auction, after giving notice once a week for three successive weeks in some daily newspaper published in the District, and the proceeds of such sale shall be applied, first, to the expenses of such sales and the discharge of such lien, and the remainder, if any, shall be paid over to the owner of the property.

Enforcement by bill in equity.

SEC. 1264. ENFORCEMENT BY BILL IN EQUITY.—If the value of the property so subject to lien shall exceed the sum of fifty dollars, the proceeding to enforce such lien shall be by bill or petition in equity, and the decree, which shall be rendered according to the due course of proceedings in equity, besides subjecting the thing upon which the lien was attached to sale for the satisfaction of the plaintiff's demand, shall adjudge that the plaintiff recover his demand against the defendant from whom such claim is due, and may have execution therefor as at law.



CHAPTER FORTY-ONE.

LIMITATION OF ACTIONS

Limitation of actions.

SEC. 1265. PERIODS OF LIMITATIONS—No action shall be brought for the recovery of lands, tenements, or hereditaments after fifteen years from the time the right to maintain such action shall have accrued; nor on any executor's or administrator's bond after five years from the time of the right of action accrued thereon; nor on any other bond or single bill, covenant, or other instrument under seal after twelve years after the accruing of the cause of action thereon; nor upon any simple contract, express or implied, or for the recovery of damages for any injury to real or personal property, or for the recovery of personal property or damages for its unlawful detention after three years from the time when the right to maintain any such action shall have accrued; nor for any statutory penalty or forfeiture, or for libel, slander, assault, battery, mayhem, wounding, malicious prosecution, false arrest or false imprisonment after one year from the time when the right to maintain any such action shall have accrued; and no action the limitation of which is not otherwise specially prescribed in this section shall be brought after three years from the time when the right to maintain such action shall have accrued: *Provided*, That if any person entitled to maintain any of the actions aforesaid shall be at the time of the accruing of such right of action under twenty-one years of age, non compos mentis, or imprisoned, such person or his proper representative shall be at liberty to bring such action within the respective times in this section limited after the removal of such disability, except that where any person entitled to maintain an action for the recovery of lands, tenements, or hereditaments, or upon any instrument under seal, shall be at the time such right of action shall accrue under any of the disabilities aforesaid, such person or his proper representative may bring such action within five years after the removal of such disability, and not thereafter.

Periods of limitations for recovery of lands; actions on bonds, etc.

—on other actions.

*Proviso.*  
Persons under disability when right of action accrues.

SEC. 1266. SUITS AGAINST DECEDENTS' ESTATES.—In suits against the estate of a deceased person, in computing the time of limitation the interval between the death of the deceased and the granting of letters testamentary or of administration shall not be counted as part of said time of limitation.

Suits against decedent's estates.

SEC. 1267. FOREIGN JUDGMENTS—Every action upon a judgment or decree rendered in any State or Territory of the United States or in any foreign country shall be barred if by the laws of such State, Territory, or foreign country such action would there be barred and the judgment or decree be incapable of being otherwise enforced there; and whether so barred or not, no action shall be brought in the District on any such judgment or decree rendered more than ten years before the commencement of such action.

Foreign judgments.

SEC. 1268. ACTION BY THE UNITED STATES.—None of the provisions aforesaid shall apply to any action in which the United States is the real and not merely the nominal plaintiff.

Action by the United States.

SEC. 1269. ABSENCE OF DEFENDANT.—If, when a cause of action accrues against a person who is a resident of the District of Columbia, he is out of the District or has absconded or concealed himself, the period limited for the bringing of the action shall not begin to run until he comes into the District or while he is so absconded or concealed; and if after the cause of action accrues he absconded or conceal himself, the time of such absence or concealment shall not be computed as any part of the period within which the action must be brought.

Absence of defendant.

SEC. 1270. ACTION STAYED BY INJUNCTION.—Where the bringing of an action has been stayed by an injunction or other order of a court

Action stayed by injunction.

of justice, or or by statutory prohibition, the time of such stay shall not be part of the time limited for the commencement of the action.

New promise to be in writing.

SEC. 1271. NEW PROMISE TO BE IN WRITING, AND SO FORTH.—In actions of debt or upon the case grounded upon any simple contract, no acknowledgment or promise by words only shall be deemed sufficient evidence of a new or continuing contract whereby to take any case out of the operation of the statute of limitations or to deprive any party of the benefit thereof unless such acknowledgment or promise shall be made or contained by or in some writing to be signed by the party chargeable thereby: *Provided*, That nothing herein contained shall alter or take away, or lessen the effect of any payment of any principal or interest made by any person whatsoever: *Provided, also*, That in actions to be commenced against two or more joint contractors, or executors, or administrators, if it shall appear at the trial, or otherwise, that the plaintiff, though barred by the statute of limitations as to one or more of such joint contractors, or executors, or administrators, shall nevertheless be entitled to recover against any other or others of the defendants by virtue of a new acknowledgment or promise or otherwise, judgment may be given for the plaintiff as to such defendant or defendants against whom he shall recover. No indorsement or memorandum of any payment hereafter written or made upon any promissory note, bill of exchange, or other writing, by or on behalf of the party to whom such payment shall purport to be made, shall be deemed sufficient proof of such payment so as to take the case out of the operation of the statute of limitations.

Provisos. Payments.

Judgment may be against one of several joint contractors, etc.

Directions as to debts in a will.

SEC. 1272. DIRECTIONS AS TO DEBTS IN A WILL.—No provision in the will of a testator devising his real estate, or any part thereof, subject to the payment of his debts, or charging the same therewith, shall prevent the statute of limitations from operating against such debts, unless it plainly appears to be the testator's intention that it shall not so operate.

## CHAPTER FORTY-TWO.

Mandamus.

### MANDAMUS.

—how applied for.

SEC. 1273. HOW APPLIED FOR.—All applications for granting writs of mandamus shall be commenced by petition, verified by affidavit of the applicant, setting forth fully the ground of his application.

Rule on defendant.

SEC. 1274. RULE ON DEFENDANT.—Upon the filing of such petition the court may lay a rule requiring the defendant therein named to show cause, within such time as the court may deem proper, why a writ of mandamus should not issue as prayed, a copy of which rule shall be served upon such defendant by a day to be therein limited.

Defendant's answer.

SEC. 1275. DEFENDANT'S ANSWER.—The defendant, by the day named in such order, unless for cause shown the court shall extend the time, shall file an answer to such petition, fully setting forth all the defenses upon which he intends to rely in resisting such application, which shall be verified by his affidavit.

Pleadings and further proceedings.

SEC. 1276. PLEADINGS AND FURTHER PROCEEDINGS.—The petitioner may plead to or traverse all or any of the material averments set forth in said answer, and the defendant shall take issue or demur to said plea or traverse within five days thereafter; and such further proceedings shall thereupon be had in the premises for the determination thereof as if the petitioner had brought an action for a false return.

Time of trial of issue.

SEC. 1277. TIME OF TRIAL OF ISSUE.—If issue shall be joined on such proceedings, the same shall stand for trial at as early a day as the court shall appoint.

Trial.

SEC. 1278. TRIAL.—Such issues shall be tried by a jury if both parties in writing require it, otherwise they shall be heard and determined by the court; and in case a verdict shall be found for the petitioner, or if

the court upon hearing determine for the petitioner, or judgment be given for him upon demurrer or for want of a plea, such petitioner shall thereupon recover his damages and costs as he might have done in an action for a false return, to be levied by execution, and a peremptory writ of mandamus shall be granted thereupon without delay against the defendant.

SEC. 1279. JUDGMENT FOR DEFENDANT.—If judgment shall be given for the defendant he shall recover his costs of suit, to be levied in the manner aforesaid. Judgment for defendant.

SEC. 1280. DEFENDANT'S DEFAULT.—If the defendant shall neglect to file his answer to the petition by the day named in the order of the court, after being served with notice thereof, the said court shall thereupon proceed to hear the said petition ex parte, within five days thereafter, and if it shall be of opinion that the facts and law of the case authorize the granting of a mandamus as prayed, it shall thereupon without delay order a peremptory mandamus to issue, and shall also adjudge to the petitioner his costs of suit. Defendant's default: ex parte hearing

SEC. 1281. If the court shall, upon such ex parte hearing, be of opinion that the facts and law of the case do not authorize the granting of a mandamus, it shall dismiss such petition with costs. —dismissal

SEC. 1282. APPEAL.—In case of an appeal by the defendant the court shall fix the penalty of the appeal bond necessary to be given to stay the execution or enforcement of the order appealed from. Appeal.

### CHAPTER FORTY-THREE.

#### MARRIAGE.

SEC. 1283. PROHIBITIONS.—The following marriages are prohibited in the District of Columbia and shall be absolutely void ab initio, without being so decreed, and their nullity may be shown in any collateral proceedings, namely: Prohibitions—void ab initio

First. The marriage of a man with his grandmother, grandfather's wife, wife's grandmother, father's sister, mother's sister, mother, stepmother, wife's mother, daughter, wife's daughter, son's wife, sister, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, sister's daughter.

Second. The marriage of a woman with her grandfather, grandmother's husband, husband's grandfather, father's brother, mother's brother, father, stepfather, husband's father, son, husband's son, daughter's husband, brother, son's son, daughter's son, son's daughter's husband, daughter's daughter's husband, husband's son's son, husband's daughter's son, brother's son, sister's son.

Third. The marriage of any persons either of whom has been previously married and whose previous marriage has not been terminated by death or a decree of divorce.

SEC. 1284. MARRIAGE MAY BE DECREED TO BE VOID.—Any of such marriages may also be declared to have been null and void by judicial decree. —marriage may also be decreed to be void.

SEC. 1285. WHEN VOID FROM DATE OF DECREE.—The following marriages in said District shall be illegal, and shall be void from the time when their nullity shall be declared by decree, namely: When void from date of decree.

First. The marriage of an idiot or of a person adjudged to be a lunatic.

Second. Any marriage the consent to which of either party has been procured by force or fraud.

Third. Any marriage either of the parties to which shall be incapable, from physical causes, of entering into the married state.

By whom proceedings to nullify to be brought.

SEC. 1286. BY WHOM SUIT BROUGHT.—A proceeding to declare the nullity of a marriage may be instituted in the case of an infant under the age of consent by such infant, through a next friend, or by the parent or guardian of such infant; and in the case of an idiot or lunatic by next friend. But no such proceedings shall be allowed to be instituted by any person who, being fully capable of contracting a marriage, has knowingly and willfully contracted any marriage declared illegal by the foregoing sections.

Marriage out of District.

SEC. 1287. MARRIAGE OUT OF DISTRICT.—If any marriage declared illegal by the foregoing sections shall be entered into in another jurisdiction by persons having and retaining their domicile in the District of Columbia, such marriage shall be deemed illegal, and may be decreed to be void in said District in the same manner as if it had been celebrated therein.

By whom marriage ceremony performed.

SEC. 1288. BY WHOM MARRIAGE CEREMONY PERFORMED.—For the purpose of preserving the evidence of marriages in the District, every minister of the gospel appointed or ordained according to the rites and ceremonies of his church, whether his residence be in the District or elsewhere in the United States or the Territories, may be authorized by any justice of the supreme court of the District of Columbia to celebrate marriages in the District. And marriages may be celebrated in the District by any justice of the peace or by any judge or justice of any court of record.

Unauthorized marriage.

SEC. 1289. UNAUTHORIZED MARRIAGE.—If any one except a minister or other person authorized by the foregoing section shall hereafter celebrate the rites of marriage in said District, he shall be subject to the penalty prescribed in the following section.

Celebrant to have license: penalty.

SEC. 1290. LICENSE.—No person authorized hereby to celebrate the rites of marriage shall do so in any case without first having delivered to him a license therefor issued from the clerk's office of said supreme court, under a penalty of not more than five hundred dollars, in the discretion of the court, to be recovered upon information in the police court of the district.

Clerk to examine applicant, etc.

SEC. 1291. DUTY OF CLERK.—It shall be the duty of the clerk of the supreme court before issuing any license to solemnize a marriage to examine any applicant for said license under oath and to ascertain the names, ages, and color of the parties desiring to marry, and if they are under age the names of their parents or guardians, whether they were previously married, whether they are related or not, and if so, in what degree, which facts shall appear on the face of the application, of which the clerk shall provide a printed form, and any false swearing in regard to such matters shall be deemed perjury.

Consent of parent or guardian.

SEC. 1292. CONSENT OF PARENT OR GUARDIAN.—If any male person intending to marry and seeking a license therefor shall be under twenty-one years of age, or any female so intending shall be under eighteen years of age, and shall not have been previously married, the said clerk shall not issue such license unless the father of such person, or, if there be no father, the mother, or, if there be neither father nor mother, the guardian, if there be such, shall consent to such proposed marriage, either personally to the clerk, or by an instrument in writing attested by a witness and proved to the satisfaction of the clerk.

Form of license.

SEC. 1293. FORM OF LICENSE.—Licenses to perform the marriage ceremony shall be in the following form:

Number .....

To any minister or other person authorized to celebrate marriages in the District of Columbia, greeting:

You are hereby authorized to celebrate the rites of marriage between ..... of ..... and ..... of ....., and having done so, you are commanded to make return of the same

to the clerk's office of the supreme court of said District within ten days, under a penalty of fifty dollars for default therein.

Witness my hand and seal of said court this ..... day of .....,  
anno Domini .....

By \_\_\_\_\_, Clerk.  
By \_\_\_\_\_, Assistant Clerk.

Said return shall be made in person or by mail, on a coupon issued with said license and bearing a corresponding number therewith, within ten days from the time of said marriage, and shall be in the following form: Return coupon to be filed with clerk.

Number .....

I, \_\_\_\_\_, who have been duly authorized to celebrate —form of.  
the rites of marriage in the District of Columbia, do hereby certify that, by authority of a license of corresponding number herewith, I solemnized the marriage of \_\_\_\_\_ and \_\_\_\_\_, named therein, on the ..... day of ....., at \_\_\_\_\_, in said District.

A second coupon, of corresponding number with the license, shall be attached to and issued with said license, to be given by the minister or other person celebrating the marriage to the contracting parties, and shall be in the following form:

Number.....

I hereby certify that on this ..... day of ....., at \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ were by me united in marriage in accordance with the license issued by the clerk of the supreme court of the District of Columbia.

Name \_\_\_\_\_  
Residence .....

SEC. 1294. DUTY OF MINISTER OR OTHER PERSON CELEBRATING MARRIAGE.—Any minister or other person, having solemnized the rites of marriage under the authority of a license issued as aforesaid, who shall fail to make return as therein required, shall be liable to a penalty of fifty dollars upon conviction of said failure upon information in the police court of said district. —penalty.

SEC. 1295. RECORD.—The clerk of the said court shall provide a record book in his office, consisting of applications and licenses in blank, to be filled up by him with the names and residences of the parties for whose marriage any license may have been issued, said applications and licenses to be numbered consecutively from one upward; and also a record book in which shall be recorded, in the order of their numbers, the certificates of the minister or other persons authorized, upon their return to said office, corresponding to said record book of licenses issued, and a copy of any license and certificate of marriage so kept and recorded, certified by the clerk under his hand and seal, shall be competent evidence of the marriage. Record of licenses.  
—of certificates, etc.

SEC. 1296. SLAVE MARRIAGES.—All colored persons in the District who, previous to their actual emancipation, had undertaken and agreed to occupy the relation to each other of husband and wife, and were cohabiting together as such or in any way recognizing the relation as existing on the twenty-fifth day of July, eighteen hundred and sixty-six, whether the rites of marriage have been celebrated between them or not, are deemed husband and wife, and are entitled to all the rights and privileges and subject to the duties and obligations of that relation in like manner as if they had been duly married according to law. Slave marriages deemed valid.  
All the children of such persons shall be deemed legitimate, whether born before or after the date mentioned. When such parties have ceased to cohabit before such date, in consequence of the death of the woman —children legitimate.

or from any other cause, all the children of the woman recognized by the man to be his shall be deemed legitimate.

Children of colored persons married according to local customs may inherit, etc.

SEC. 1297. COLORED PERSONS.—The issue of any marriage of colored persons contracted and entered into according to any custom prevailing at the time in any of the States wherein the same occurred shall, for all purposes of descent and inheritance and the transmission of both real and personal property within the District of Columbia, be deemed and held to be legitimate and capable of inheriting and transmitting inheritance, and taking as next of kin and distributes according to law, from and to their parents or either of them, and from and to those from whom such parents or either of them may inherit or transmit inheritance, anything in the laws of such State to the contrary notwithstanding: *Provided*, That nothing herein shall be construed as implying that any such marriage is not valid or such issue legitimate for all other purposes.

—implication as to such marriage.

#### CHAPTER FORTY-FOUR.

Name, change of.

#### NAME, CHANGE OF.

—filing petition.

SEC. 1298. PROCEEDING FOR CHANGE OF NAME.—Any person of full age, being a resident of the District and desirous to have his name changed, may file a petition in the supreme court setting forth the reasons therefor and also the name desired to be assumed.

—notice, publication of.

SEC. 1299. NOTICE.—Notice of the filing of such petition, containing the substance and prayer thereof, shall be published for three consecutive weeks in some newspaper in general circulation published in the District prior to the hearing of the petition.

Decree.

SEC. 1300. DECREE.—The court, or the justice holding an equity term thereof, on proof of such notice and upon such showing as may be deemed satisfactory, may change the name of the applicant according to the prayer of the petition.

#### CHAPTER FORTY-FIVE.

Negligence causing death.

#### NEGLIGENCE CAUSING DEATH.

Liability.

SEC. 1301. LIABILITY.—Whenever by an injury done or happening within the limits of the District of Columbia the death of a person shall be caused by the wrongful act, neglect, or default of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured, or if the person injured be a married woman, have entitled her husband, either separately or by joining with the wife, to maintain an action and recover damages, the person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages for such death, notwithstanding the death of the person injured, even though the death shall have been caused under circumstances which constitute a felony; and such damages shall be assessed with reference to the injury resulting from such act, neglect, or default causing such death, to the widow and next of kin of such deceased person: *Provided*, That in no case shall the recovery under this act exceed the sum of ten thousand dollars: *And provided further*, That no action shall be maintained under this chapter in any case when the party injured by such wrongful act, neglect, or default has recovered damages therefor during the life of such party.

*Provisos.*

Amount recoverable limited.  
Recovery during life of party a bar to action.

By whom suit to be brought.

SEC. 1302. BY WHOM SUIT TO BE BROUGHT.—Every action shall be brought by and in the name of the personal representative of such deceased person, and within one year after the death of the party injured.

SEC. 1303. DISTRIBUTION OF DAMAGES.—The damages recovered in such action shall not be appropriated to the payment of the debts or liabilities of such deceased person, but shall inure to the benefit of his or her family and be distributed according to the provisions of the statute of distribution in force in the said District of Columbia.

Distribution of damages.

CHAPTER FORTY-SIX.

NEGOTIABLE INSTRUMENTS.

Negotiable instruments.

SEC. 1304. DEFINITIONS.—In this chapter, unless the context otherwise requires—

Definitions.

“Acceptance” means an acceptance completed by delivery or notification.

“Action” includes counterclaim and set-off.

“Bank” includes any person or association of persons carrying on the business of banking, whether incorporated or not.

“Bearer” means the person in possession of a bill or note which is payable to bearer.

“Bill” means bill of exchange, and “note” means negotiable promissory note.

“Delivery” means transfer of possession, actual or constructive, from one person to another.

“Holder” means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof.

“Indorsement” means an indorsement completed by delivery.

“Instrument” means negotiable instrument.

“Issue” means the first delivery of the instrument, complete in form, to a person who takes it as a holder.

“Person” includes a body of persons, whether incorporated or not.

“Value” means valuable consideration.

“Written” includes printed, and “writing” includes print.

The person “primarily” liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same. All other parties are “secondarily” liable.

In determining what is a “reasonable time” or an “unreasonable time” regard is to be had to the nature of the instrument, the usage of trade or business, if any, with respect to such instruments, and the facts of the particular case.

Where the day or the last day for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

Where last day falls on holiday.

In any case not provided for in this act the rules of the law merchant shall govern.

Law merchant.

SEC. 1305. WHEN NEGOTIABLE.—An instrument to be negotiable must conform to the following requirements:

When instrument negotiable.

First. It must be in writing and signed by the maker or drawer.

Second. It must contain an unconditional promise or order to pay a certain sum in money.

Third. It must be payable on demand or at a fixed or determinable future time.

Fourth. It must be payable to order or to bearer; and,

Fifth. Where the instrument is addressed to a drawee he must be named or otherwise indicated therein with reasonable certainty.

SEC. 1306. SUM PAYABLE.—The sum payable is a sum certain within the meaning hereof, although it is to be paid—

Certainty as to sum.

First. With interest; or,

Second. By stated installments; or,

Third. By stated installments, with a provision that upon default

in payment of any installment or of interest the whole shall become due; or.

Fourth. With exchange, whether at a fixed rate or at the current rate; or,

Fifth. With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

When promise is unconditional.

SEC. 1307. WHEN PROMISE IS UNCONDITIONAL.—An unqualified order or promise to pay is unconditional within the meaning hereof, though coupled with—

First. An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or,

Second. A statement of the transaction which gives rise to the instrument.

But an order or promise to pay out of a particular fund is not unconditional.

Time of payment.

SEC. 1308. TIME OF PAYMENT.—An instrument is payable at a determinable future time, within the meaning hereof, which is expressed to be payable—

First. At a fixed period after date or sight; or,

Second. On or before a fixed or determinable future time specified therein; or,

Third. On or at a fixed period after the occurrence of a specified event which is certain to happen, though the time of happening be uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

Additional provisions not affecting negotiability.

SEC. 1309. PROMISE IN ADDITION TO PROMISE OF PAYMENT.—An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which—

First. Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or,

Second. Authorizes a confession of judgment if the instrument be not paid at maturity; or,

Third. Waives the benefit of any law intended for the advantage or protection of the obligor; or,

Fourth. Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this section shall validate any provision or stipulation otherwise illegal.

Omissions not affecting negotiability.

SEC. 1310. DATE.—The validity and negotiable character of an instrument are not affected by the fact that—

First. It is not dated; or,

Second. Does not specify the value given, or that any value has been given therefor; or,

Third. Does not specify the place where it is drawn or the place where it is payable; or,

Fourth. Bears a seal; or,

Fifth. Designates a particular kind of current money in which payment is to be made.

But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

When payable on demand.

SEC. 1311. INSTRUMENT PAYABLE ON DEMAND.—An instrument is payable on demand—

First. Where it is expressed to be payable on demand, or at sight, or on presentation; or,

Second. In which no time for payment is expressed.



Where an instrument is issued, accepted, or indorsed when overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand.

SEC. 1312. INSTRUMENT PAYABLE TO ORDER.—The instrument is payable to order where it is drawn payable to the order of a specified person or to him or his order. It may be drawn payable to the order of—

When payable to order.

- First. A payee who is not maker, drawer, or drawee; or,
- Second. The drawer or maker; or,
- Third. The drawee; or,
- Fourth. Two or more payees jointly; or,
- Fifth. One or some of several payees; or,
- Sixth. The holder of an office for the time being.

Where the instrument is payable to order, the payee must be named or otherwise indicated therein with reasonable certainty.

SEC. 1313. INSTRUMENT PAYABLE TO BEARER.—The instrument is payable to bearer—

When payable to bearer.

- First. When it is expressed to be so payable; or,
- Second. When it is payable to a person named therein or bearer; or,
- Third. When it is payable to the order of a fictitious or nonexistent person and such fact was known to the person making it so payable; or,
- Fourth. When the name of the payee does not purport to be the name of any person; or,
- Fifth. When the only or last indorsement is an indorsement in blank.

SEC. 1314. WHAT SUFFICIENT LANGUAGE.—The instrument need not follow the language herein employed, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

Terms, when sufficient.

SEC. 1315. PRESUMPTION AS TO DATE.—Where the instrument or an acceptance or any indorsement thereon is dated, such date is deemed prima facie to be the true date of the making, drawing, acceptance, or indorsement, as the case may be.

Presumption as to date.

SEC. 1316. ANTEDATING AND POSTDATING.—The instrument is not invalid for the reason only that it is antedated or postdated: *Provided*, That this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

Antedating and postdating.  
*Proviso.*  
—not to be fraudulent, etc.

SEC. 1317. WANT OF DATE.—Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him the date so inserted is to be regarded as the true date.

When date may be inserted.

SEC. 1318. BLANKS.—Where the instrument is wanting in any material particular, the person in possession thereof has a prima facie authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature, in order that the paper may be converted into a negotiable instrument, operates as a prima facie authority to fill it up as such for any amount. In order, however, that any such instrument, when completed, may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a reasonable time; but if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

Blanks, when may be filled.

Completing without authority.

SEC. 1319. COMPLETING WITHOUT AUTHORITY.—Where an incomplete instrument has not been delivered it will not, if completed and negotiated without authority, be a valid contract in the hands of any holder as against any person whose signature was placed thereon before delivery.

Delivery.

SEC. 1320. DELIVERY.—Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties and as regards a remote party other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting, or indorsing as the case may be; and in such case the delivery may be shown to have been conditional or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him, so as to make them liable to him, is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

—when effectual.

—when presumed.

Construction when instrument is ambiguous.

SEC. 1321. CONSTRUCTION.—Where the language of the instrument is ambiguous, or there are omissions therein, the following rules of construction apply:

—rules.

First. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, reference may be had to the figures to fix the amount.

Second. Where the instrument provides for the payment of interest without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof.

Third. Where the instrument is not dated it will be considered to be dated as of the time it was issued.

Fourth. Where there is conflict between the written and printed provisions of the instrument, the written provisions prevail.

Fifth. Where the instrument is so ambiguous that there is doubt whether it is a bill or note, the holder may treat it as either at his election.

Sixth. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser.

Seventh. Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

Liability of person who signs in a trade or assumed name.

SEC. 1322. WHO NOT LIABLE ON.—No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name.

Signature by agent. Authority, how shown.

SEC. 1323. SIGNATURE BY AGENT.—The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose, and the authority of the agent may be established as in other cases of agency.

Agent, when not liable on.

SEC. 1324. AGENT, WHEN NOT LIABLE ON.—Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized, but the mere addition of words describing him as an agent or as filling a representative character without disclosing his principal does not exempt him from personal liability.

SEC. 1325. SIGNATURE BY PROCURATION.—A signature by “procurator” operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority.

Signature by procurator.

SEC. 1326. INDORSEMENT BY CORPORATION OR INFANT.—The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

Indorsement by corporation or infant, effect of.

SEC. 1327. FORGED SIGNATURE.—Where a signature is forged or made without the authority of the person whose signature it purports to be it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto can be acquired through or under such signature, unless the party against whom it is sought to enforce such right is precluded from setting up the forgery or want of authority.

Forged signature, effect of.

SEC. 1328. PRESUMPTION OF VALUABLE CONSIDERATION.—Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration, and every person whose signature appears thereon to have become a party thereto for value.

Consideration. Presumption.

SEC. 1329. WHAT IS VALUE.—Value is any consideration sufficient to support a simple contract. An antecedent or preexisting debt constitutes value, and is deemed such whether the instrument is payable on demand or at a future time.

What is value.

SEC. 1330. WHO IS HOLDER FOR VALUE.—Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.

Who is holder for value.

SEC. 1331. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

Where the holder has lien on instrument.

SEC. 1332. ABSENCE OR FAILURE OF CONSIDERATION.—Absence or failure of consideration is matter of defense as against any person not a holder in due course; and partial failure of consideration is a defense pro tanto, whether the failure is an ascertained and liquidated amount or otherwise.

Absence of consideration.

SEC. 1333. ACCOMMODATION PARTIES.—An accommodation party is one who has signed the instrument as maker, drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

Accommodation parties.

—liability of.

SEC. 1334. NEGOTIATION.—An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof. If payable to bearer it is negotiated by delivery; if payable to order it is negotiated by the indorsement of the holder, completed by delivery.

Negotiation, what constitutes.

SEC. 1335. INDORSEMENT.—The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement.

Indorsement, how made.

SEC. 1336. The indorsement must be an indorsement of the entire instrument. An indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsees severally, does not operate as a negotiation of the instrument; but where the instrument has been paid in part it may be indorsed as to the residue.

—must be of entire instrument.

SEC. 1337. An indorsement may be either special or in blank; and it may also be either restrictive or qualified or conditional.

—kinds of indorsement.

SEC. 1338. SPECIAL INDORSEMENT.—A special indorsement specifies the person to whom or to whose order the instrument is to be payable;

—special indorsement.

- and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer and may be negotiated by delivery.
- in blank.
- Convertibility of blank into special indorsement. SEC. 1339. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.
- Restrictive indorsement. SEC. 1340. RESTRICTIVE INDORSEMENT.—An indorsement is restrictive which either—
- First. Prohibits the further negotiation of the instrument; or,
- Second. Constitutes the indorsee the agent of the indorser; or,
- Third. Vests the title in the indorsee in trust for or to the use of some other person. But the mere absence of words implying power to negotiate does not make an indorsement restrictive.
- rights conferred by. SEC. 1341. A restrictive indorsement confers upon the indorsee the right—
- First. To receive payment of the instrument.
- Second. To bring any action thereon that the indorser could bring.
- Third. To transfer his rights as such indorsee where the form of the indorsement authorizes him to do so.
- But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.
- Qualified indorsement. SEC. 1342. QUALIFIED INDORSEMENT.—A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse," or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.
- Conditional indorsement. SEC. 1343. CONDITIONAL INDORSEMENT.—Where an indorsement is conditional, a party required to pay the instrument may disregard the condition and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.
- Special indorsement, when payable to bearer. SEC. 1344. SPECIAL INDORSEMENT, WHEN PAYABLE TO BEARER.—Where an instrument payable to bearer is indorsed specially it may, nevertheless, be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement.
- Joint payees not partners. SEC. 1345. JOINT PAYEES NOT PARTNERS.—Where an instrument is payable to the order of two or more payees or indorsees who are not partners all must indorse, unless the one indorsing has authority to indorse for the others.
- Payable to "cashier." SEC. 1346. PAYABLE TO CASHIER.—Where an instrument is drawn or indorsed to a person as "cashier" or other fiscal officer of a bank or corporation, it is deemed prima facie to be payable to the bank or corporation of which he is such officer, and may be negotiated by either the indorsement of the bank or corporation or the indorsement of the officer.
- Payee's name misspelled. SEC. 1347. PAYEE'S NAME MISPELLED.—Where the name of a payee or indorsee is wrongly designated or misspelled he may indorse the instrument as therein described, adding, if he think fit, his proper signature.
- Indorsement by representative. SEC. 1348. INDORSEMENT BY REPRESENTATIVE.—Where any person is under obligation to indorse in a representative capacity he may indorse in such terms as to negative personal liability.
- Presumption of negotiation before maturity. SEC. 1349. PRESUMPTION OF NEGOTIATION BEFORE MATURITY.—Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed prima facie to have been effected before the instrument was overdue.

SEC. 1350. PRESUMPTION AS TO PLACE OF MAKING.—Except where the contrary appears, every indorsement is presumed prima facie to have been made at the place where the instrument is dated.

Presumption as to place of making.

SEC. 1351. NEGOTIABLE INSTRUMENT CONTINUES SUCH.—An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

Negotiable instrument continues such.

SEC. 1352. STRIKING OUT INDORSEMENTS.—The holder may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out and all indorsers subsequent to him are thereby relieved from liability on the instrument.

Striking out indorsements.

SEC. 1353. TRANSFER WITHOUT INDORSING.—Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferor had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferor. But for the purpose of determining whether the transferee is a holder in due course, the negotiator takes effect as of the time when the indorsement is actually made.

Transfer without indorsing.

SEC. 1354. TRANSFER BACK TO PRIOR PARTY.—Where an instrument is negotiated back to a prior party such party may, subject to the provisions of this act, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

Transfer back to prior party.

SEC. 1355. RIGHTS OF HOLDER.—The holder of a negotiable instrument may sue thereon in his own name, and payment to him in due course discharges the instrument.

Rights of holder.

SEC. 1356. WHO IS HOLDER IN DUE COURSE.—A holder in due course is a holder who has taken the instrument under the following conditions:

Who is holder in due course.

First. That it is complete and regular upon its face.

Second. That he became the holder of it before it was over due, and without notice that it had been previously dishonored, if such was the fact.

Third. That he took it in good faith and for value.

Fourth. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

SEC. 1357. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

—who not.

SEC. 1358. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

Notice before full amount paid.

SEC. 1359. DEFECTIVE TITLE.—The title of a person who negotiates an instrument is defective within the meaning hereof when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear or other unlawful means, or for any illegal consideration, or when he negotiates it in breach of faith or under such circumstances as amount to a fraud.

Defective title.

SEC. 1360. NOTICE OF INFIRMITY.—To constitute notice of an infirmity in the instrument, or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect or knowledge of such facts that his action in taking the instrument amounted to bad faith.

—what constitutes notice.

SEC. 1361. HOLDER IN DUE COURSE FREE FROM DEFENSES.—A holder in due course holds the instrument free from any defect of title of prior parties and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon.

Holder in due course free from defenses.

Not held in due course, paper is same as nonnegotiable.

**SEC. 1362. NOT HELD IN DUE COURSE, PAPER IS SAME AS NONNEGOTIABLE.**—In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were nonnegotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter.

Who deemed holder in due course, etc.

**SEC. 1363. WHAT PRESUMPTION WHEN TRANSFEREE'S TITLE SHOWN DEFECTIVE.**—Every holder is deemed prima facie to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as a holder in due course. But the last-mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

Liability of maker.

**SEC. 1364. LIABILITY OF MAKER.**—The maker of a negotiable instrument, by making it, engages that he will pay it according to its tenor, and admits the existence of the payee and his then capacity to indorse.

Liability of drawer.

**SEC. 1365. LIABILITY OF DRAWER.**—The drawer, by drawing the instrument, admits the existence of the payee and his then capacity to indorse, and engages that on due presentment the instrument will be accepted and paid, or both, according to its tenor, and that if it be dishonored and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder or to any subsequent indorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negating or limiting his own liability to the holder.

Liability of acceptor.

**SEC. 1366. LIABILITY OF ACCEPTOR.**—The acceptor, by accepting the instrument, engages that he will pay it according to the tenor of his acceptance, and admits—

—admissions.

First. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and

When person deemed indorser.

Second. The existence of the payee and his then capacity to indorse.

**SEC. 1367. IRREGULAR INDORSEMENT.**—A person placing his signature upon an instrument otherwise than as a maker, drawer, or acceptor is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

Signature in blank by stranger.

**SEC. 1368. SIGNATURE IN BLANK BY STRANGER.**—Where a person not otherwise a party to an instrument places thereon his signature in blank before delivery he is liable as indorser in accordance with the following rules:

—rules of liability.

First. If the instrument is payable to the order of a third person he is liable to the payee and to all subsequent parties.

Second. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

Third. If he signs for the accommodation of the payee he is liable to all parties subsequent to the payee.

Warranty where negotiation by delivery.

**SEC. 1369. NEGOTIATING BY DELIVERY OR QUALIFIED INDORSEMENT.**—Every person negotiating an instrument by delivery or by a qualified indorsement warrants—

First. That the instrument is genuine and in all respects what it purports to be.

Second. That he has a good title to it.

Third. That all prior parties had capacity to contract.

Fourth. That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision three of this section do not apply to

persons negotiating public or corporate securities other than bills and notes.

SEC. 1370. WHAT INDORSER WARRANTS TO SUBSEQUENT HOLDERS.—Every indorser who indorses without qualification warrants to all subsequent holders in due course—

Liability of general indorser.

First. The matters and things mentioned in subdivisions one, two, and three of the next preceding section; and,

Second. That the instrument is at the time of his indorsement valid and subsisting.

And, in addition, he engages that on due presentment it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder or to any subsequent indorser who may be compelled to pay it.

SEC. 1371. INDORSING PAPER NEGOTIABLE BY DELIVERY.—Where a person places his indorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser.

Indorsing paper negotiable by delivery.

SEC. 1372. IN WHAT ORDER INDORSERS LIABLE.—As respects one another indorsers are liable prima facie in the order in which they indorse, but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorseees who indorse are deemed to indorse jointly and severally.

In what order indorsers liable.

SEC. 1373. NEGOTIATION BY AGENT.—Where a broker or other agent negotiates an instrument without indorsement he incurs all the liabilities prescribed by section thirteen hundred and sixty-nine of this act, unless he discloses the name of his principal and the fact that he is acting only as agent.

Negotiation by agent.

SEC. 1374. PRESENTMENT FOR PAYMENT, WHERE TO BE MADE.—Presentment for payment is not necessary in order to charge the person primarily liable on the instrument, but if the instrument is by its terms payable at a special place and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But, except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

Presentment for payment.—not necessary on principal debtor.

—drawer and indorsers.

SEC. 1375. WHEN TO BE MADE.—Where the instrument is not payable on demand presentment must be made on the day it falls due. Where it is payable on demand presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

When to be made.

SEC. 1376. WHAT IS SUFFICIENT.—Presentment for payment to be sufficient must be made—

What is sufficient presentment.

First. By the holder or by some person authorized to receive payment on his behalf.

Second. At a reasonable hour on a business day.

Third. At a proper place, as herein defined.

Fourth. To the person primarily liable on the instrument, or, if he is absent or inaccessible, to any person found at the place where the presentment is made.

SEC. 1377. Presentment for payment is made at the proper place—

Place of presentment.

First. Where a place of payment is specified in the instrument and it is there presented.

Second. Where no place of payment is specified, but the address of the person to make payment is given in the instrument and it is there presented.

Third. Where no place of payment is specified, and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment.

Fourth. In any other case if presented to the person to make pay-

ment wherever he can be found or if presented at his last known place of business or residence.

Instrument must be exhibited.

SEC. 1378. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

Where the instrument payable at a bank.

SEC. 1379. Where the instrument is payable at a bank presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

Where principal debtor is dead.

SEC. 1380. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative, if such there be, and if, with the exercise of reasonable diligence, he can be found.

Persons liable as partners.

SEC. 1381. Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

Presentment to joint debtors.

SEC. 1382. Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all.

When not required to charge drawer.

SEC. 1383. WHEN NOT REQUIRED TO CHARGE DRAWER OR INDORSER.—Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.

—indorser.

SEC. 1384. Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation and he has no reason to expect that the instrument will be paid if presented.

Excuses for failure to present.

SEC. 1385. EXCUSES FOR FAILURE.—Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate presentment must be made with reasonable diligence.

When presentment dispensed with.

SEC. 1386. WHEN DISPENSED WITH.—Presentment for payment is dispensed with—

First. Where, after the exercise of reasonable diligence, presentment as required hereby can not be made.

Second. Where the drawee is a fictitious person.

Third. By waiver of presentment, express or implied.

When instrument is dishonored by nonpayment.

SEC. 1387. WHEN INSTRUMENT IS DISHONORED.—The instrument is dishonored by nonpayment when—

First. It is duly presented for payment and payment is refused or can not be obtained; or,

Second. Presentment is excused and the instrument is overdue and unpaid.

Liability of person secondarily liable.

SEC. 1388. RIGHT OF ACTION ON NONPAYMENT.—Subject to the provisions hereof, when the instrument is dishonored by nonpayment an immediate right of recourse to all parties secondarily liable thereon accrues to the holder.

Time of maturity.

SEC. 1389. WHEN NEGOTIABLE INSTRUMENT IS PAYABLE.—Every negotiable instrument is payable at the time fixed therein, without grace. When the day of maturity falls upon Sunday or a holiday the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before twelve o'clock noon on Saturday when that entire day is not a holiday. The following days in each year, namely, the first day of January, commonly called New Year's Day; the twenty-second day of

Holidays.



February, known as Washington's Birthday; the Fourth of July; the thirtieth day of May, commonly called Decoration Day; the first Monday in September, known as Labor's Holiday; the twenty-fifth day of December, commonly called Christmas Day; every Saturday, after twelve o'clock noon; any day appointed or recommended by the President of the United States as a day of public fasting or thanksgiving, and the day of the inauguration of the President, in every fourth year, shall be holidays in the District within the meaning of this section. Whenever any day set apart as a legal holiday shall fall on Sunday, then and in such case the next succeeding day shall be a holiday; and in such cases and in all cases in which a Sunday and a holiday shall fall on successive days all commercial paper falling due on any of said days shall, for all purposes of presenting for payment or acceptance, be deemed to mature and be presentable for payment or acceptance on the next secular or business day succeeding.

—falling on Sunday.

SEC. 1390. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event the time of payment is determined by excluding the day from which the time is to begin to run and by including the date of payment.

Time, how computed.

SEC. 1391. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

Where instrument payable at a bank.

SEC. 1392. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

Payment due course, what constitutes.

SEC. 1393. NOTICE OF DISHONOR.—Except as herein otherwise provided, when a negotiable instrument has been dishonored by nonacceptance or nonpayment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

Notice of dishonor, to whom given.

SEC. 1394. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up, would have a right to reimbursement from the party to whom the notice is given.

—by whom.

SEC. 1395. Notice of dishonor may be given by an agent, either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

—given by an agent.

SEC. 1396. FOR WHOSE BENEFIT.—Where notice is given by or on behalf of the holder it inures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

—given on behalf of the holder.

SEC. 1397. Where notice is given by or on behalf of a party entitled to give notice it inures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

—given by party entitled, etc.

SEC. 1398. Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon or he may give notice to his principal. If he give notice to his principal he must do so within the same time as if he were the holder, and the principal, upon the receipt of such notice, has himself the same time for giving notice as if the agent had been an independent holder.

Agent may give notice.

SEC. 1399. FORM OF NOTICE.—A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

When notice sufficient.

SEC. 1400. The notice may be in writing or merely oral, and may be given in any terms which sufficiently identify the instrument and indicate that it has been dishonored by nonacceptance or nonpayment. It may in all cases be given by delivering it personally or through the mails.

Form of notice.

- To whom given. SEC. 1401. TO WHOM GIVEN.—Notice of dishonor may be given either to the party himself or to his agent in that behalf.
- when party dead. SEC. 1402. WHEN PARTY DEAD.—When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if, with reasonable diligence, he can be found. If there be no personal representatives, notice may be sent to the last residence or last place of business of the deceased.
- Notice to partners. SEC. 1403. PARTNERS.—Where the parties to be notified are partners, notice to any one partner is notice to the firm, even though there has been a dissolution.
- Person jointly liable. SEC. 1404. JOINT PARTIES.—Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.
- Bankrupts. SEC. 1405. BANKRUPT, AND SO FORTH.—Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.
- Time within which notice must be given. SEC. 1406. MAY BE GIVEN AS SOON AS INSTRUMENT IS DISHONORED.—Notice may be given as soon as the instrument is dishonored; and unless delay is excused, as hereinafter provided, must be given within the time fixed by this act.
- When parties reside in same place. SEC. 1407. WHEN TO BE GIVEN IF HOLDER AND PARTY RESIDE IN SAME PLACE.—Where the person giving and the person to receive notice reside in the same place, notice must be given within the following times:  
 First. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the following day.  
 Second. If given at his residence, it must be given before the usual hours of rest on the day following.  
 Third. If sent by mail, it must be deposited in the post-office in time to reach him in the usual course on the day following.
- in different places. SEC. 1408. WHEN IF THEY RESIDE IN DIFFERENT PLACES.—Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times:  
 First. If sent by mail, it must be deposited in the post-office in time to go by mail the day following the day of dishonor, or, if there be no mail at a convenient hour on that day, by the next mail thereafter.  
 Second. If given otherwise than through the post-office, then within the time that notice would have been received in due course of mail if it had been deposited in the post-office within the time specified in the last subdivision.
- Mailing notice sufficient. SEC. 1409. MAILING NOTICE SUFFICIENT.—Where notice of dishonor is duly addressed and deposited in the post-office the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.
- deposit in post-office, what constitutes. SEC. 1410. Notice is deemed to have been deposited in the post-office when deposited in any branch post-office or in any letter box under the control of the Post-Office Department.
- Notice to subsequent parties, time of. SEC. 1411. PARTY NOTIFIED ALLOWED WHAT TIME.—Where a party receives notice of dishonor he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.
- To what address sent. SEC. 1412. TO WHAT ADDRESS SENT.—Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address, then the notice must be sent as follows:  
 First. Either to the post-office nearest to his place of residence, or to the post-office where he is accustomed to receive his letters; or,  
 Second. If he live in one place and have his place of business in another, notice may be sent to either place; or,

Third. If he is sojourning in another place, notice may be sent to the place where he is so sojourning.

But where the notice is actually received by the party within the time specified by this act it will be sufficient, though not sent in accordance with the requirements of this section.

SEC. 1413. WAIVER OF NOTICE.—Notice of dishonor may be waived either before the time of giving notice has arrived or after the omission to give due notice, and the waiver may be express or implied.

Waiver of notice.

SEC. 1414. Where the waiver is embodied in the instrument itself it is binding upon all parties, but where it is written above the signature of an indorser it binds him only.

—who may be affected by.

SEC. 1415. WAIVER OF PROTEST.—A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of presentment and notice of dishonor.

Waiver of protest.

SEC. 1416. WHEN NOTICE DISPENSED WITH.—Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it can not be given to or does not reach the parties sought to be charged.

When notice dispensed with.

SEC. 1417. WHEN DELAY EXCUSED.—Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate notice must be given with reasonable diligence.

When delay excused.

SEC. 1418. WHEN NOTICE NOT REQUIRED AS TO DRAWER.—Notice of dishonor is not required to be given to the drawer in either of the following cases:

When notice not required as to drawer.

First. Where the drawer and the drawee are the same person.

Second. Where the drawee is a fictitious person or a person not having capacity to contract.

Third. Where the drawer is the person to whom the instrument is presented for payment.

Fourth. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument; or,

Fifth. Where the drawer has countermanded payment.

SEC. 1419. WHEN NOT REQUIRED AS TO INDORSER.—Notice of dishonor is not required to be given to an indorser in either of the following cases:

When not required as to indorser.

First. Where the drawee is a fictitious person or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument.

Second. Where the indorser is the person to whom the instrument is presented for payment; or,

Third. Where the instrument was made or accepted for his accommodation.

SEC. 1420. NOTICE OF NONPAYMENT, WHEN NOT NECESSARY.—Where due notice of dishonor by nonacceptance has been given, notice of a subsequent dishonor by nonpayment is not necessary, unless in the meantime the instrument has been accepted.

Notice of payment, when not necessary.

SEC. 1421. OMISSION TO GIVE NOTICE OF NONACCEPTANCE.—An omission to give notice of dishonor by nonacceptance does not prejudice the rights of a holder in due course subsequent to the omission.

Omission to give notice of nonacceptance, effect.

SEC. 1422. PROTEST ON OTHER INSTRUMENTS THAN FOREIGN BILLS.—Where any negotiable instrument has been dishonored it may be protested for nonacceptance or nonpayment, as the case may be; but protest is not required except in the case of foreign bills of exchange.

Protest on other instruments than foreign bills.

The original protest of a notary public in the District, under his hand and official seal, of any bill of exchange, check, or order for nonacceptance or nonpayment, or of any promissory note for nonpayment, stating the presentment by him of such bill of exchange, check, order, or promissory note for acceptance or payment and the nonacceptance

or nonpayment thereof, and the service of notice thereof on any of the parties to such bill of exchange, promissory note, or check, and the mode of giving such notice, and the reputed place of business or residence of the party to whom the same was given shall be prima facie evidence of the facts therein contained.

When negotiable instrument discharged.

SEC. 1423. WHEN NEGOTIABLE INSTRUMENT DISCHARGED.—A negotiable instrument is discharged—

First. By payment in due course by or on behalf of the principal debtor.

Second. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation.

Third. By the intentional cancellation thereof by the holder.

Fourth. By any other act which will discharge a simple contract for the payment of money.

Fifth. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

When person secondarily liable discharged.

SEC. 1424. WHEN PERSON SECONDARILY LIABLE DISCHARGED.—A person secondarily liable on the instrument is discharged—

First. By an act which discharges the instrument.

Second. By the intentional cancellation of his signature by the holder.

Third. By the discharge of a prior party.

Fourth. By a valid tender of payment made by a prior party.

Fifth. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved.

Sixth. By an agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent of the party secondarily liable or unless the right of recourse against such party is expressly reserved.

Payment by party secondarily liable not a discharge.

SEC. 1425. PAYMENT BY PARTY SECONDARILY LIABLE NOT A DISCHARGE.—Where the instrument is paid by a party secondarily liable thereon it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements and again negotiate the instrument, except—

First. Where it is payable to the order of a third person and has been paid by the drawer; and,

Second. Where it was made or accepted for accommodation and has been paid by the party accommodated.

Renouncing rights against party.

SEC. 1426. RENOUNCING RIGHTS AGAINST PARTY.—The holder may expressly renounce his rights against any party to the instrument before, at, or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument; but a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

Cancellation unintentionally.

SEC. 1427. CANCELLATION.—A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been canceled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake, or without authority.

—burden of proof.

Alteration, effect of.

SEC. 1428. ALTERATION.—Where a negotiable instrument is materially altered without the assent of all parties liable thereon it is avoided, except as against a party who has himself made, authorized, or assented to the alteration and subsequent indorsers.

But when an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

SEC. 1429. WHAT IS A MATERIAL ALTERATION.—Any alteration which changes—  
—what is a material alteration.

First. The date.

Second. The sum payable, either for principal or interest.

Third. The time or place of payment.

Fourth. The number or the relations of the parties.

Fifth. The medium or currency in which payment is to be made.

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect is a material alteration.

SEC. 1430. FORM OF BILL OF EXCHANGE.—A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer.

Bills of exchange. Definition.

SEC. 1431. NOT AN ASSIGNMENT OF FUNDS.—A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof, and the drawee is not liable on the bill unless and until he accepts the same.

Not an assignment of funds.

SEC. 1432. TO WHOM ADDRESSED.—A bill may be addressed to two or more drawees jointly, whether they are partners or not, but not to two or more drawees in the alternative or succession.

Bills addressed to more than one drawee.

SEC. 1433. FOREIGN AND INLAND BILLS.—An inland bill of exchange is a bill which is or on its face purports to be both drawn and payable within this District. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill the holder may treat it as an inland bill.

Foreign and inland bills.

SEC. 1434. WHERE DRAWER AND DRAWEE SAME PERSON.—Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

Where drawer and drawee same person.

SEC. 1435. REFEREE IN CASE OF NEED.—The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need; that is to say, in case the bill is dishonored by nonacceptance or nonpayment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not, as he may see fit.

Referee in case of need.

SEC. 1436. ACCEPTANCE.—The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

Acceptance. —how made.

SEC. 1437. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill, and if such a request is refused may treat the bill as dishonored.

Holder entitled to acceptance on face of bill.

SEC. 1438. Where an acceptance is written on a paper other than the bill itself it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value.

Acceptance on separate instrument.

SEC. 1439. ACCEPTANCE BEFORE BILL DRAWN.—An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value.

Acceptance before bill drawn.

SEC. 1440. TIME ALLOWED FOR ACCEPTING.—The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance, if given, dates as of the day of presentation.

Time allowed for accepting.

SEC. 1441. ACCEPTANCE, WHEN DEEMED MADE.—Where a drawee to whom a bill is delivered for acceptance destroys the same or refuses

Acceptance, when deemed made.

within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or nonaccepted to the holder he will be deemed to have accepted the same.

Acceptance of incomplete bill.

SEC. 1442. WHEN BILL MAY BE ACCEPTED.—A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by nonpayment. But when a bill payable after sight is dishonored by nonacceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of the first presentment.

Kinds of acceptance.—general.

SEC. 1443. FORM OF ACCEPTANCE.—An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

—acceptance to pay at place named general acceptance.

SEC. 1444. ACCEPTANCE TO PAY AT PLACE NAMED.—An acceptance to pay at a particular place is a general acceptance, unless it expressly states that the bill is to be paid there only and not elsewhere.

Qualified acceptance.

SEC. 1445. QUALIFIED ACCEPTANCE.—An acceptance is qualified which is—

First. Conditional; that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated.

Second. Partial; that is to say, an acceptance to pay part only of the amount for which the bill is drawn.

Third. Local; that is to say, an acceptance to pay only at a particular place.

Fourth. Qualified as to time.

Fifth. The acceptance of some one or more of the drawees, but not of all.

—rights of parties as to.

SEC. 1446. HOLDER NOT BOUND TO TAKE.—The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance he may treat the bill as dishonored by nonacceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill unless they have expressly or impliedly authorized the holder to take a qualified acceptance or subsequently assent thereto. When the drawer or an indorser receives notice of a qualified acceptance, he must within a reasonable time express his dissent to the holder or he will be deemed to have assented thereto.

Presentment for acceptance.

SEC. 1447. WHEN PRESENTMENT FOR ACCEPTANCE MUST BE MADE.—Presentment for acceptance must be made—

—when to be made.

First. Where the bill is payable after sight, or in any other case where presentment for acceptance is necessary in order to fix the maturity of the instrument; or,

Second. Where the bill expressly stipulates that it shall be presented for acceptance; or,

Third. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

—consequence of failure.

SEC. 1448. CONSEQUENCE OF FAILURE.—Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fail to do so, the drawer and all indorsers are discharged.

When presentment to be made and to whom.

SEC. 1449. WHEN PRESENTMENT TO BE MADE AND TO WHOM.—Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour on a business day, and before the bill is overdue, to the drawee or some person authorized to accept or refuse acceptance on his behalf; and,

First. Where a bill is addressed to two or more drawees who are not

partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only.

Second. Where the drawee is dead, presentment may be made to his personal representative.

Third. Where the drawee has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

SEC. 1450. MAY BE MADE ON ANY DAY ON WHICH PAYMENT MIGHT BE DEMANDED.—A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of sections thirteen hundred and seventy-six and thirteen hundred and eighty-nine of this act. When Saturday is not otherwise a holiday, presentment for acceptance may be made before twelve o'clock noon on that day.

May be made on any day on which payment might be demanded.

SEC. 1451. EXCUSES FOR DELAY.—Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time, with the exercise of reasonable diligence, to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused, and does not discharge the drawers and indorsers.

Excuses for delay.

SEC. 1452. EXCUSES FOR NONPRESENTMENT.—Presentment for acceptance is excused and a bill may be treated as dishonored by nonacceptance in either of the following cases:

Excuses for nonpresentment.

First. When the drawee is dead, or has absconded, or is a fictitious person, or a person not having capacity to contract by bill.

Second. Where after the exercise of reasonable diligence presentment can not be made.

Third. Where, although presentment has been irregular, acceptance has been refused on some other ground.

SEC. 1453. WHEN BILL DISHONORED BY NONACCEPTANCE.—A bill is dishonored by nonacceptance—

When bill dishonored by nonacceptance.

First. When it is duly presented for acceptance and such an acceptance as is prescribed by this Act is refused or can not be obtained; or,

Second. When presentment for acceptance is excused and the bill is not accepted.

SEC. 1454. Where a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by nonacceptance or he loses the right of recourse against the drawer and indorsers.

Duty of holder where bill not accepted.

SEC. 1455. When a bill is dishonored by nonacceptance an immediate right of recourse against the drawer and indorsers accrues to the holder, and no presentment for payment is necessary.

—rights of.

SEC. 1456. PROTEST.—Where a foreign bill, appearing on its face to be such, is dishonored by nonacceptance, it must be duly protested for nonacceptance, and where such a bill which has not previously been dishonored by nonacceptance is dishonored by nonpayment it must be duly protested for nonpayment. If it is not so protested the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof in case of dishonor is unnecessary.

Protest, when necessary.

SEC. 1457. FORM.—The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify—

—form.

First. The time and place of presentment.

Second. The fact that presentment was made, and the manner thereof.

Third. The cause or reason for protesting the bill.

Fourth. The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

—by whom made.

SEC. 1458. BY WHOM.—Protest can be made by—

First. A notary public; or,

Second. By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

—when made.

SEC. 1459. WHEN TO BE MADE.—When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

—where made.

SEC. 1460. WHERE MADE.—A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business or residence of some person other than the drawee has been dishonored by nonacceptance it must be protested for nonpayment at the time when it is expressed to be payable, and no further presentment for payment to or demand on the drawee is necessary.

Protest for nonacceptance and nonpayment.

SEC. 1461. BILL MAY BE PROTESTED FOR BOTH NONACCEPTANCE AND NONPAYMENT.—A bill which has been protested for nonacceptance may be subsequently protested for nonpayment.

Protest for better security.

SEC. 1462. PROTEST FOR BETTER SECURITY.—Where the acceptor has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

When dispensed with.

SEC. 1463. WHEN DISPENSED WITH.—Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate the bill must be noted or protested with reasonable diligence.

When bill lost.

SEC. 1464. WHEN BILL LOST, AND SO FORTH.—Where a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

Acceptance for honor.  
—when made.

SEC. 1465. ACCEPTANCE FOR HONOR.—Where a bill of exchange has been protested for dishonor by nonacceptance or protested for better security and is not overdue, any person not being a party already liable thereon may, with the consent of the holder, intervene and accept the bill supra protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn, and where there has been an acceptance for honor for one party there may be a further acceptance by a different person for the honor of another party.

—how made.

SEC. 1466. An acceptance for honor supra protest must be in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

When deemed for honor of the drawer.

SEC. 1467. Where an acceptance for honor does not expressly state for whose honor it is made it is deemed to be an acceptance for the honor of the drawer.

Liability of acceptor.

SEC. 1468. LIABILITY OF ACCEPTOR FOR HONOR.—The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

Agreement of acceptor.

SEC. 1469. The acceptor for honor by such acceptance engages that he will on due presentment pay the bill according to the terms of his acceptance, provided it shall not have been paid by the drawee, and provided, also, that it shall have been duly presented for payment and protested for nonpayment and notice of dishonor given to him.

Maturity of bill payable after sight.

SEC. 1470. Where a bill payable after sight is accepted for honor its maturity is calculated from the date of the noting for nonacceptance and not from the date of the acceptance for honor.

Protest.

SEC. 1471. Where a dishonored bill has been accepted for honor supra protest, or contains a reference in case of need, it must be



protested for nonpayment before it is presented for payment to the acceptor for honor or referee in case of need.

SEC. 1472. **PRESENTMENT FOR PAYMENT TO THE ACCEPTOR FOR HONOR** must be made as follows:

Presentment for payment to acceptor, how made.

First. If it is to be presented in the place where the protest for nonpayment was made it must be presented not later than the day following its maturity.

Second. If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section fourteen hundred and eight.

SEC. 1473. **EXCUSED, WHEN.**—The provisions of section thirteen hundred and eighty-five apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

—excused, when.

SEC. 1474. **MUST BE PROTESTED FOR NONPAYMENT.**—When the bill is dishonored by the acceptor for honor it must be protested for nonpayment by him.

Must be protested for nonpayment.

SEC. 1475. **PAYMENT FOR HONOR.**—Where a bill has been protested for nonpayment any person may intervene and pay it supra protest for the honor of any person liable thereon, or for the honor of the person for whose account it was drawn.

Payment for honor.—who may make.

SEC. 1476. The payment for honor supra protest, in order to operate as such and not as a mere voluntary payment, must be attested by a notarial act of honor, which may be appended to the protest or form an extension to it.

—how made.

SEC. 1477. The notarial act of honor must be founded on a declaration made by the payer for honor, or by his agent in that behalf, declaring his intention to pay the bill for honor and for whose honor he pays.

Declaration of payment for honor.

SEC. 1478. Where two or more persons offer to pay a bill for the honor of different parties the person whose payment will discharge most parties to the bill will be given the preference.

Preference to parties offering to pay.

SEC. 1479. Where a bill has been paid for honor all parties subsequent to the party for whose honor it is paid are discharged; but the payer for honor is subrogated for and succeeds to both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

Effect on subsequent parties where bill paid for honor.

SEC. 1480. Where the holder of a bill refuses to receive payment supra protest he loses his right of recourse against any party who would have been discharged by such payment.

Where holder refuses to receive payment supra protest.

SEC. 1481. The payer for honor, on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest.

Rights of payer for honor.

SEC. 1482. **BILLS IN A SET.**—Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitute one bill.

Bills in sets.—constitute one bill.

SEC. 1483. **WHERE PARTS COME TO DIFFERENT HOLDERS.**—Where two or more parts of a set are negotiated to different holders in due course the holder whose title first accrues is, as between such holders, the true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him.

Where parts come to different holders.

SEC. 1484. Where the holder of a set indorses two or more parts to different persons he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

Liability of holder who indorses two or more parts to different persons.

SEC. 1485. **HOW ACCEPTED AND LIABILITY OF ACCEPTOR.**—The acceptance may be written on any part, and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

Acceptance.

Payment by acceptor.

SEC. 1486. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

Effect of discharging one set.

SEC. 1487. Except as herein otherwise provided, where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged.

Promissory notes and checks. Definitions.

SEC. 1488. PROMISSORY NOTES AND CHECKS.—A negotiable promissory note, within the meaning hereof, is an unconditional promise in writing, made by one person to another, signed by the maker, engaging to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order it is not complete until indorsed by him.

—promissory notes.

—check.

SEC. 1489. A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided, the provisions hereof applicable to a bill of exchange payable on demand apply to a check.

—when check must be presented for payment.

SEC. 1490. WHEN CHECK MUST BE PRESENTED FOR PAYMENT.—A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

—certifying check, effect.

SEC. 1491. CERTIFYING CHECK.—Where a check is certified by the bank on which it is drawn the certification is equivalent to an acceptance.

—procured by holder, effect.

SEC. 1492. DRAWER AND INDORSERS DISCHARGED.—Where the holder of a check procures it to be accepted or certified the drawer and all indorsers are discharged from liability thereon.

Check not an assignment of funds.

SEC. 1493. CHECK NOT AN ASSIGNMENT OF FUNDS.—A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder unless and until it accepts or certifies the check.

## CHAPTER FORTY-SEVEN.

### PARTNERS.

Partners.

Composition with individual member of a firm.

SEC. 1494. COMPOSITION WITH CREDITORS ON DISSOLUTION.—Where a partnership is dissolved, by mutual consent or otherwise, any partner may make a separate composition or compromise with any creditor of the partnership; and such composition or compromise shall be a full and effectual discharge to the debtor who makes the same, and to him only, of and from all and every liability to the creditor with whom the same is made, according to the terms thereof.

—memorandum exonerating partner from liability.

SEC. 1495. Every such debtor who makes such composition or compromise may take from the creditor with whom he makes the same a note or memorandum, in writing, exonerating him from all and every individual liability incurred by reason of his connection with the partnership, which note or memorandum may be given in evidence by such debtor, in bar of such creditor's right of recovery against him; and if such liability be by judgment, then, on the production and filing with the clerk of the notes or memorandum, the clerk shall enter the judgment as released by the plaintiff as far as the compromising debtor is concerned.

—other partners not discharged, etc.

SEC. 1496. Such compromise or composition with an individual member of a firm shall not be held to discharge the other partners, nor shall it impair the right of the creditor to proceed against such members of the partnership as have not been discharged; and the members of the partnership so proceeded against shall be permitted to set off any demand against the creditor which could have been set off had the suit been brought against all the individuals composing the firm.

Nor shall the compromise or discharge of an individual member of a firm prevent the other members of the firm from availing themselves of any defense that would have been available had this chapter not been passed, except that they shall not set up the discharge of one individual as a discharge of the other partners, unless it appear that all were intended to be discharged; but the discharge of any such partner shall be deemed a payment to the creditor equal to the proportionate interest of the partner discharged in the partnership concern.

SEC. 1497. Such compromise or composition of a member of a firm with a creditor of such firm shall in no wise affect the right of the other partners to call on the member who makes it for his ratable proportion of any partnership debt which they may be compelled to pay. —partner's liability for partnership debts.

SEC. 1498. LIMITED PARTNERSHIPS.—Limited partnerships for the transaction of any mercantile, mechanical, or manufacturing business within the District may be formed by two or more persons upon the terms, with the rights and powers, and subject to the conditions and liabilities prescribed in this chapter. Limited partnerships.

SEC. 1499. Such partnership may consist of one or more persons, who shall be called general partners and who shall be jointly and severally responsible as general partners are by law, and of one or more persons who shall contribute, in actual cash payments, a specific sum as capital to the common stock, who shall be called special partners. —of whom composed.

SEC. 1500. NUMBER.—The number of special partners shall in no partnership exceed six. Number of special partners.

SEC. 1501. LIABILITY.—The special partners shall not be liable for the debts of the partnership beyond the fund contributed by them to the capital. —liability.

SEC. 1502. CERTIFICATE TO BE SIGNED.—Persons desirous of forming a limited partnership shall make and severally sign a certificate, which shall contain— Certificate of.

First. The name or firm under which such partnership is to be conducted.

Second. The general nature of the business intended to be transacted.

Third. The names of all the general and special partners interested therein, distinguishing which are general and which are special partners, and their respective places of residence.

Fourth. The amount of capital which each special partner shall have contributed to the common stock.

Fifth. The period at which the partnership is to commence and the period at which it is to terminate.

SEC. 1503. ACKNOWLEDGMENT AND RECORDING.—The certificate shall be acknowledged by the several persons signing the same before a judge of any court in the District, or before any notary public, and such acknowledgments shall be made and certified in the same manner as the acknowledgments of deeds of land, and when so acknowledged and certified shall be filed in the office of the clerk of the supreme court of the District, and shall be recorded by him at large in a book kept for that purpose, open to public inspection. Acknowledgment and recording.

SEC. 1504. AFFIDAVITS.—At the time of filing the original certificate, with the evidence of the acknowledgment thereof, as directed in the preceding section, an affidavit of one or more of the general partners shall also be filed therewith in the same office, stating that the sums specified in the certificate to have been contributed by each of the special partners to the common stock have been actually and in good faith paid in cash. Affidavits.

SEC. 1505. No such partnership shall be deemed to have been formed until a certificate shall have been made, acknowledged, filed, and recorded, nor until an affidavit shall have been made and filed, as directed by the three preceding sections. Partnership formed only after filing, etc., certificate, etc.

False statements in certificate.

SEC. 1506. FALSE STATEMENTS.—If any false statement, not the result of accident or mistake, shall be made in the certificate or affidavit required by the preceding sections of this chapter, all the persons interested in the partnership shall be liable for all the engagements of such partnership as general partners.

Publication.

SEC. 1507. PUBLICATION.—The partners shall publish the terms of the partnership, when registered, three times a week for at least four weeks immediately after such registry in two newspapers to be designated by the clerk of the supreme court of the District, the first publication to appear within one week after the registry.

—effect want of publication.

SEC. 1508. If the publication prescribed in the preceding section be not made, the partnership shall be deemed general.

Affidavits of publication.

SEC. 1509. The affidavits of the publication of the notice required by section fifteen hundred and seven by the editor or publishers of the newspapers in which the same shall have been published shall be filed with the clerk directing the same, and shall be prima facie evidence of the facts therein contained, the affidavit of any one editor or publisher of each newspaper being sufficient.

Renewal of partnership to be certified, etc.

SEC. 1510. RENEWAL OF PARTNERSHIP.—Every renewal or continuance of a partnership beyond the time originally fixed for its duration shall be certified, acknowledged, and recorded, and an affidavit of a general partner be made and filed, and notice be given in the manner required by the provisions of this chapter for its original formation.

—otherwise deemed a general partnership.

SEC. 1511. Every partnership which shall be renewed and continued otherwise than as provided in this chapter shall be deemed a general partnership.

What shall be a dissolution.

SEC. 1512. WHAT SHALL BE A DISSOLUTION.—Every alteration which shall be made in the names of the partners, in the nature of the business, or in the capital or shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution of the partnership.

Effect of certain acts.

SEC. 1513. EFFECT OF CERTAIN ACTS.—Every partnership which shall in any manner be carried on after any such alteration shall have been made shall be deemed a general partnership, unless renewed as a special partnership under the provisions of section fifteen hundred and ten.

Name to be used.

SEC. 1514. NAME TO BE USED.—The business of the partnership may be conducted under the name of any one or more of the general partners, and with or without the addition of the word Co. or company, as the parties may determine.

What names to be used in suits.

SEC. 1515. WHAT NAMES TO BE USED IN SUITS.—In any action or suit brought on any contract or engagement of the partnership, or to enforce any liability of the same, the general partners whose names shall be used in the firm or business shall be the only necessary defendants; and any judgment or decree recovered against such defendants shall have the same legal effect and operation and execution thereon shall be enforced and have like effect against the partnership assets as if the judgment or decree had been recovered against the general partners.

When special deemed general partner.

SEC. 1516. If the name of any special partner shall be used in the firm with his privity, he shall be deemed a general partner.

Who to transact business.

SEC. 1517. WHO TO TRANSACT BUSINESS.—The general partners only shall transact the business, and if a special partner shall interfere contrary to this provision he shall be deemed a general partner, but he may from time to time examine into the state and progress of the partnership concerns and advise as to their management.

Withdrawal of capital.

SEC. 1518. WITHDRAWAL OF CAPITAL.—No part of the sum which any special partner shall have contributed to the capital stock shall be withdrawn by him or paid or transferred to him in the shape of dividends, profits, or otherwise, during the continuance of the partnership,

but any partner may annually receive lawful interest on the sum so contributed by him if the payment of such interest shall not reduce the original amount of such capital; and if after payment of such interest any profits shall remain to be divided, he may also receive his portion of such profits.

SEC. 1519. REDUCTION OF CAPITAL.—If it shall appear that by the payment of interest or profits to any special partner the original capital has been reduced, the partner receiving the same shall be bound to restore the amount necessary to make good his share of capital, with interest, on being notified thereof.

Reduction of capital.

SEC. 1520. ASSIGNMENT WITH PREFERENCES.—Every sale, assignment, or transfer of any property or effects of a partnership, or of any general partner, made by such partnership or general partner when insolvent or in contemplation of insolvency, or after or in contemplation of the insolvency of any general partner, with the intent of giving preference to any creditor of such partnership or insolvent partner, and every judgment confessed, lien created, or security given by such partnership or general partner under the like circumstances and with the like intent, shall be void as against the creditors of such partnership.

Assignment with preferences.

SEC. 1521. Every special partner who shall violate any of the provisions of the two preceding sections, or who shall concur in or assent to any such violation by the partnership or by any individual partner, shall be liable as a general partner.

—penalty, special partner.

SEC. 1522. NO PARTNER TO CLAIM BEFORE CREDITORS ARE PAID.—In case of the insolvency or bankruptcy of a partnership no special partner shall, under any circumstances, be allowed to claim as a creditor until the claims of all the other creditors of the partnership shall be satisfied.

No partner to claim before creditors are paid.

SEC. 1523. SUITS TO BE AGAINST GENERAL PARTNERS ONLY, IN WHAT CASES.—All suits respecting the business of the partnership shall be brought by and against the general partners only, subject to the provisions of section fifteen hundred and fifteen, except in those cases in which provision is made in this chapter that special partners shall be deemed general partners and special partnerships general partnerships, in which cases all persons so becoming general partners may be joined with those originally general partners in any suit brought against such partnerships.

When suits to be against general partners only.

SEC. 1524. If, in any case or suit brought against general and special partners, it shall appear at the trial of the case that the special partners or any one of them are not liable to the suit of the plaintiff, the court may proceed to judgment or decree against the partners who may appear to be liable, in the same manner as if such partners were the only parties defendant to the suit, excepting that the partners who may be deemed not liable shall recover their legal costs against the plaintiffs.

—when brought against general and special partners; latter discovered not to be liable, etc.

SEC. 1525. If, in any case or suit brought against general and special partners, the creditor shall recover a judgment or obtain a decree against the general partners only, and shall afterward discover that special partners, or some one or more of them, have become liable as general partners, he may bring a new suit against such special partner or partners.

Suit against special partner becoming liable after judgment against general partners.

SEC. 1526. In the suits mentioned in the two preceding sections the judgment recovered shall be prima facie evidence of the amount due by the partnerships, and the partnership debt shall not be merged in any judgment or decree recovered or obtained against any partner or partners as against any other partner or partners.

—force of judgments, etc.

SEC. 1527. VOLUNTARY DISSOLUTION.—No dissolution of such partnership by act of the partners shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, unless in consequence of the death of one of the partners or

Voluntary dissolution.

insolvency of the partnership or of one of the general partners, nor until a notice of such dissolution shall have been filed and recorded in the office of the clerk of the supreme court of the District, and published once a week for four weeks in two newspapers to be designated by the clerk, which publication may be proved by affidavit, and recorded as hereinbefore prescribed for the publication of the certificate for the formation of such partnership.

Liability of the general partners to each other, etc.

SEC. 1528. LIABILITY OF THE GENERAL PARTNERS.—The general partners shall be liable to account to each other and to the special partners for the management of the concern, both at law and in equity.

## CHAPTER FORTY-EIGHT.

### PAYMENT OF MONEY INTO COURT.

Payment of money into court.

In what cases.

SEC. 1529. IN WHAT CASES.—In any personal action the defendant may pay into court a sum of money on account of what is claimed by the plaintiff, or by way of compensation or amends, with costs to the time of such payment, and plead that he is not indebted to the plaintiff (or that the plaintiff has not sustained damages) to a greater amount than said sum.

—right of plaintiff.

SEC. 1530. RIGHT OF PLAINTIFF.—The plaintiff may accept the said sum, either in full satisfaction or in part satisfaction, and reply to the plea generally, and if issue thereon be found for the defendant judgment shall be given for the defendant and he shall recover his costs.

Defendant's right on claim by third party.

SEC. 1531. DEFENDANT'S RIGHT ON CLAIM BY THIRD PARTY.—Upon affidavit by the defendant, in an action upon contract or for the recovery of personal property, that a third party, without collusion with him, has or makes claim to the subject of the action, and that he, the defendant, is ready to pay or dispose of the same as the court may direct, the court may make an order for the safe-keeping or for the payment or deposit in court of the subject of the action, or the delivery thereof to such person as it may direct, and also an order requiring such third party to appear in a reasonable time and maintain or relinquish his claim against the defendant; and if said third party, having been served with a copy of the order by the marshal, fail to appear the court may declare him barred of all claim in respect to the subject of the action against the defendant therein; but if he appear he shall be allowed to make himself defendant in the action in lieu of the original defendant, who shall be discharged from all liability to either of the other parties in respect to the subject of the action on his compliance with the order of the court for the payment, deposit, or delivery thereof.

—appearance, etc., of third party.

## CHAPTER FORTY-NINE.

### PLEADINGS AND PRACTICE IN RELATION THERETO.

Pleadings and practice in relation thereto.

Joinder of claims.

SEC. 1532. JOINDER OF CLAIMS.—The plaintiff may join in his declaration in debt, in separate counts, different claims for liquidated amounts due him, whether founded on judgment, specialty, or simple contract, and also claims for unliquidated damages for breach of contract, whether growing out of specialties or simple contract. He may also join in his declaration in trespass, in separate counts, different claims for damages for torts, whether committed with force or not. He shall not be allowed to join in the same declaration counts sounding in tort and counts sounding in contract.

Waiver of demurrer.

SEC. 1533. WAIVER OF DEMURRER.—In all cases, civil or criminal, in which any or either party shall demur to any indictment, declara-

tion, or other pleading of the adverse party, and said demurrer shall be overruled, the party demurring shall have the right to plead over, by traverse or otherwise, without waiving his said demurrer; and upon appeal shall have the right to insist upon his demurrer and have the benefit thereof as fully as if he had not pleaded over.

SEC. 1534. NON EST FACTUM.—No plea of non est factum shall be received unless it be verified by the oath of the party tendering the same, or unless the defendant, being heir, executor, or administrator of the person alleged to have made the deed, obtain leave of the court, upon just cause shown, to put in such plea without verification.

Non est factum.

SEC. 1535. PLAINTIFF'S OFFICIAL CHARACTER, HOW DENIED.—If either party wishes to deny the right of any other party to claim as executor, or as trustee, or in other representative capacity, or as a corporation, he shall deny the same specially under oath.

Plaintiff's official character, how denied.

CHAPTER FIFTY.

PROCESS.

Process.

SEC. 1536. SUMMONS.—In all common-law civil suits and actions in the District of Columbia the process for compelling the defendant's appearance shall be a summons in the following form:

Summons.

SUMMONS.

—form.

In the supreme court of the District of Columbia.

A B, plaintiff, }  
versus } At law. Number....  
C D, defendant. }

The President of the United States to the defendant, ....., greeting:

You are hereby summoned to appear in this court on or before the twentieth day, exclusive of Sundays and legal holidays, after the day of service of this writ upon you, to answer the plaintiff's suit and show why he should not have judgment against you for the cause of action stated in his declaration; and in case of your failure so to appear and answer, judgment will be given against you by default.

Witness the honorable ....., chief justice of said court, the ..... day of ....., anno Domini ....

\_\_\_\_\_, Clerk,  
By \_\_\_\_\_, Assistant Clerk.

SEC. 1537. SERVICE ON FOREIGN CORPORATIONS.—In actions against foreign corporations doing business in the District all process may be served on the agent of such corporation or person conducting its business, or, in case he is absent and can not be found, by leaving a copy at the principal place of business in the District, or, if there be no such place of business, by leaving the same at the place of business or residence of such agent in said District, and such service shall be effectual to bring the corporation before the court.

Service on foreign corporations.

CHAPTER FIFTY-ONE.

QUO WARRANTO.

Quo warranto.

SEC. 1538. AGAINST WHOM ISSUED.—A quo warranto may be issued from the supreme court of the District in the name of the United States—

Against whom issued.

First. Against a person who usurps, intrudes into, or unlawfully holds or exercises within the District a franchise or public office, civil or military, or an office in any domestic corporation.

Second. Against any one or more persons who act as a corporation within the District without being duly authorized, or exercise within the District any corporate rights, privileges, or franchises not granted them by the laws in force in said District.

And said proceedings shall be deemed a civil action.

Who may institute.

SEC. 1539. WHO MAY INSTITUTE.—The Attorney-General or the district attorney may institute such proceeding on his own motion, or on the relation of a third person. But such writ shall not be issued on the relation of a third person except by leave of the court, to be applied for by the relator, by a petition duly verified, setting forth the grounds of the application, or until the relator shall file a bond with sufficient surety, to be approved by the clerk of the court, in such penalty as the court may prescribe, conditioned for the payment by him of all costs incurred in the prosecution of the writ in case the same shall not be recovered from and paid by the defendant.

If Attorney-General and district attorney refuse.

SEC. 1540. IF ATTORNEY-GENERAL AND DISTRICT ATTORNEY REFUSE.—If the Attorney-General and district attorney shall refuse to institute such proceeding on the request of a person interested, such person may apply to the court by verified petition for leave to have said writ issued; and if in the opinion of the court the reasons set forth in said petition are sufficient in law, the said writ shall be allowed to be issued by any attorney, in the name of the United States, on the relation of said interested person, on his compliance with the condition prescribed in the last section as to security for costs.

Relator claiming office.

SEC. 1541. RELATOR CLAIMING OFFICE.—When such proceeding is against a person for usurping an office, on the relation of a person claiming the same office, the relator shall set forth in his petition the facts upon which he claims to be entitled to the office.

Notice to defendant.

SEC. 1542. NOTICE TO DEFENDANT.—On the issuing of the writ the clerk may fix a time within which the defendant may appear and answer the same. If the defendant can not be found in the District, the court may direct notice to be given to him by publication as in other cases of proceedings against nonresident defendants, and upon proof of publication, if the defendant shall not appear, judgment may be rendered as if he had been personally served.

Nonappearance after service by publication.

—after personal service.

SEC. 1543. If the defendant shall not appear as required by the writ, after being personally served, the court may proceed to hear proof in support of the writ, and render judgment accordingly.

Pleading.

SEC. 1544. PLEADING.—The defendant may demur or plead specially or plead "Not guilty" as the general issue, and the United States may reply as in other actions of a civil character; and any issue of fact shall be tried by a jury if either party shall require it, otherwise it shall be determined by the court.

Verdict.

SEC. 1545. VERDICT.—Where the defendant is found by the jury to have usurped or intruded into or unlawfully held or exercised an office or franchise, the verdict shall be that he is guilty of the act or acts in question, and judgment shall be rendered that he be ousted and excluded therefrom and that the relator recover his costs.

Usurping corporate franchise.

SEC. 1546. USURPING CORPORATE FRANCHISE.—Where the proceeding is against persons acting as a corporation without being legally incorporated, the judgment against the defendants shall be that they be perpetually restrained and enjoined from the commission or continuance of the acts complained of.

Elections of directors, etc.

SEC. 1547. ELECTIONS OF DIRECTORS, AND SO FORTH.—Where the proceeding is against a director or trustee of a corporation and the court finds that at his election either illegal votes were received or legal votes rejected, or both, sufficient to change the result if such error be corrected, judgment may be rendered that the defendant be ousted, and that the relator, if entitled to be declared elected, be admitted to the office, and a mandamus may be issued to the proper parties, being officers or members of said corporation, to admit him to



said office. The said judgment may require the defendant to deliver to the relator all books, papers, and other things in his custody or control pertaining to the said office, and obedience to said judgment may be enforced by attachment.

SEC. 1548. ACTION AGAINST INTRUDER FOR DAMAGES.—At any time within a year after such judgment the said relator may bring an action against the party ousted and recover the damages sustained by him by reason of such usurpation of the office to which he was entitled.

Action against intruder for damages.

CHAPTER FIFTY-TWO.

REPLEVIN.

Replevin.

SEC. 1549. WILL LIE FOR WHAT.—In any action of replevin brought to recover any personal property to which the plaintiff is entitled, which may have been wrongfully taken by or may be in the possession of and wrongfully detained by the defendant, it shall not be necessary to demand possession of said property before bringing the action therefor; but in such cases the costs of the action shall be awarded as the court may order.

Not necessary to demand property before action, etc.

SEC. 1550. DECLARATION.—The declaration in replevin shall be in the following or equivalent form: "The plaintiff sues the defendant for (wrongly taking and detaining) (unjustly detaining) his, said plaintiff's, goods and chattels, to wit: (describe them) of the value of \_\_\_\_\_ dollars. And the plaintiff claims that the same be taken from the defendant and delivered to him; or, if they are eloiigned, that he may have judgment of their said value and all mesne profits and damages, which he estimates at \_\_\_\_\_ dollars, besides costs."

Declaration.

SEC. 1551. AFFIDAVIT.—At the time of filing the declaration in replevin, the plaintiff, his agent, or attorney shall file an affidavit stating—

Affidavit.

First. That, according to affiant's information and belief, the plaintiff is entitled to recover possession of chattels proposed to be replevied, being the same described in the declaration.

Second. That the defendant has seized and detained or detains the same.

Third. That said chattels were not subject to such seizure or detention and were not taken upon any writ of replevin.

SEC. 1552. UNDERTAKING.—The plaintiff shall at the same time enter into an undertaking with surety, approved by the clerk, to abide by and perform the judgment of the court in the premises.

Undertaking.

SEC. 1553. IF GOODS NOT SEIZED.—If the officer's return of the writ of replevin be that he has served the defendant with copies of the declaration, notice to plead, and summons, but that he could not get possession of the goods and chattels sued for, the plaintiff may prosecute the action for the value of the same and damages for detention, or he may renew the writ in order to get possession of the goods and chattels themselves.

If goods not seized.

SEC. 1554. PUBLICATION AGAINST DEFENDANT.—If the officer's return be that he has taken possession of the goods and chattels sued for, but that the defendant is not to be found, the court may order that the defendant appear to the action by some fixed day; and of this order the plaintiff shall cause notice to be given by publication in some newspaper of the District at least three times, the first of which shall be at least twenty days before the day fixed for the defendant's appearance.

Publication against defendant.

SEC. 1555. DEFAULT.—If the defendant fails to appear, the court may proceed as in case of default after personal service.

Default.

SEC. 1556. PLEADING.—If the defendant appear he may plead not guilty, in which case all special matters of defense may be given in evidence, or he may plead specially.

Pleading.

Motion for return of property.

SEC. 1557. MOTION FOR RETURN.—On the taking possession of the goods and chattels by the marshal, by virtue of the writ of replevin, the defendant may, on one day's notice to the plaintiff or his attorney, move for a return of the property to his possession; and the court may thereupon inquire into the circumstances and manner of the defendant's obtaining possession of such property, and if it shall seem just may order the property to be returned to the possession of the defendant, to abide the final judgment in the action, and may, in its discretion, require the defendant to enter into an undertaking, with surety or sureties, similar to that required of the plaintiff upon the commencement of the action, and in such case a judgment for the plaintiff shall be rendered against the surety or sureties, as well as against the defendant. If it shall appear that the possession of the property was forcibly or fraudulently obtained by the defendant, or that the possession, being first in the plaintiff, was procured or retained by the defendant without authority from the plaintiff, the court may refuse to order the return. The defendant may also, on similar notice, object to the sufficiency of the security in the undertaking, and the court may require additional security, in default of which the property shall be returned to the defendant, but the action may proceed as if the property had not been taken.

Officer's duty when notified of impending motion.

SEC. 1558. OFFICER'S DUTY.—If the defendant shall notify the officer taking possession of the property, in writing, of his intention to make either of the motions aforesaid, it shall be the duty of the officer to retain possession of the property until said motion shall be disposed of, provided that the same shall be filed and notice given, as aforesaid, to the plaintiff, or his attorney, within two days thereafter.

Damages.

SEC. 1559. DAMAGES.—Whether the defendant plead and the issue thereon joined is found against him, or his plea is held bad on demurrer, or he makes default after personal service or after publication, the plaintiff's damages shall be ascertained by the jury trying the issue, where one is joined, or by a jury of inquest, where there is no issue of fact, and the damages shall be the full value of the goods, if eloiigned by the defendant, including, in every case, the loss sustained by the plaintiff by reason of the detention, and judgment shall pass for the plaintiff accordingly.

Judgment for defendant.

SEC. 1560. JUDGMENT FOR DEFENDANT.—If the issue be found for the defendant, or the plaintiff dismiss or fail to prosecute his suit, the judgment shall be that the goods, if delivered to the plaintiff, be returned to the defendant with damages, or, on failure, that the defendant recover against the plaintiff and his surety the damages by him sustained, to be assessed by the jury trying the issue; or, where the plaintiff dismisses or fails to prosecute his suit, by the jury of inquest.

—where defendant has eloiigned things sued for.

SEC. 1561. If the defendant has eloiigned the things sued for the court may instruct the jury, if they find for the plaintiff, to assess such damages as may compel the defendant to return the things.

Judgment for plaintiff.

SEC. 1562. JUDGMENT FOR PLAINTIFF.—The judgment in such cases shall be that the plaintiff recover against the defendant the value of the goods as found and the damages so assessed, to be discharged by the return of the things, within ten days after the judgment, with damages for detention, which the jury shall also assess.

### CHAPTER FIFTY-THREE.

Set-off.

#### SET-OFF.

What can be set-off.

SEC. 1563. WHAT CAN BE SET-OFF.—Mutual debts and claims under contract between the parties to a common-law action, or between one party and the testator or intestate of the other, or between the testators or intestates of both parties, may be set off against each other by plea in bar, whether said debts or claims be of the same or a different

nature or degree, and whether the claims be for liquidated debts or unliquidated damages for breach of contract; and if either debt be in the form of the penalty of a bond the exact sum to be set off shall be stated in the plea.

SEC. 1564. FORM OF PLEA.—The plea of set-off may be as follows: That the plaintiff, at the commencement of the suit, was, and still is, indebted to the defendant in the sum of ..... dollars, for that, and so forth, as appears by the particulars of said indebtedness hereunto annexed; and defendant is willing that the same may be set off against the plaintiff's demand.

Form of plea.

SEC. 1565. SET-OFF AN ACTION BY DEFENDANT.—A defendant who files a plea of set-off, founded on a claim against the plaintiff, shall be deemed to have brought an action at the time of filing such plea against the plaintiff for the matters mentioned in the plea; but it shall not be necessary that the amount of the claim so sought to be set off shall be such that the court would have jurisdiction of an original action to recover the same; and the plaintiff shall not thereafter be allowed to dismiss his suit without the consent of the defendant, but the defendant shall be entitled to a trial of and judgment upon his claim, but the same shall be open to the same defenses to which it would be open in an action brought by him thereon; and on the trial of an issue on said plea of set-off judgment shall be rendered for the balance found due, whether to the plaintiff or to the defendant, with costs: *Provided*, That nothing herein contained shall be construed to enlarge the jurisdiction of justices of the peace so as to authorize any judgment by any such justice in excess of three hundred dollars.

Set-off an action by defendant.

*Provided*.—jurisdiction of justices of the peace not enlarged.

SEC. 1566. EFFECT OF ASSIGNMENT.—When cross demands have existed between persons under such circumstances that if one had brought an action against the other a counterclaim or set-off could have been pleaded, neither can be deprived of the benefit thereof by an assignment by the other; but in an action by the assignee of any nonnegotiable debt the defendant may set off any indebtedness to him of the assignor, existing before notice of the assignment, as well as any indebtedness to him of the plaintiff.

Effect of assignment.

SEC. 1567. SET-OFF AS TO PART.—If the defendant's plea of set-off covers or applies to only part of the plaintiff's demand judgment may be forthwith rendered for the part not controverted and the costs accrued until the filing of the plea, and the case shall be proceeded with for the residue as if the part for which judgment was rendered had not been included therein.

Set-off as to part.

SEC. 1568. ACTION AGAINST PRINCIPAL AND SURETIES.—In an action against principal and sureties an indebtedness of the plaintiff to the principal may be set off as if he were the sole defendant, and in such case, if the indebtedness so set off shall exceed the plaintiff's demand, the judgment for the excess shall be in favor of the defendant, who is sued as principal.

Action against principal and sureties.

SEC. 1569.—ACTION BY TRUSTEE.—If the plaintiff is trustee for another, or has no actual interest in the contract on which the action is founded, a demand against the plaintiff shall not be pleaded by way of set-off, but a demand against the person whom he represents or for whose benefit the action is brought may be pleaded.

Action by trustee.

SEC. 1570. ACTION BY OR AGAINST EXECUTOR, AND SO FORTH.—In an action against an executor or administrator, in his representative capacity, the defendant may plead, by way of set-off, a demand belonging to the decedent where he would have been entitled to rely upon the same in an action against him; and in an action brought by an executor or administrator, in his representative capacity, a demand against the decedent, belonging at the time of his death to the defendant, may be pleaded by way of set-off, as if the action had been brought by the decedent in his lifetime.

Action by or against executor, etc.

Setting off judgments.

SEC. 1571. SETTING OFF JUDGMENTS.—Where reciprocal claims between different parties have passed into judgments the court may, on motion, in its discretion, order that the judgments shall be set off against each other and satisfaction of both be entered to the amount of the smaller claim.

#### CHAPTER FIFTY-FOUR.

Sureties.

#### SURETIES.

Counter security.

SEC. 1572. COUNTER SECURITY.—When the surety, or his personal representatives, of any officer, commissioner, receiver, or trustee appointed under a decree of court and required to give bond shall apprehend himself to be in danger of suffering from the suretyship and shall petition the court to be relieved from the suretyship, or that the court shall require said officer, commissioner, receiver, or trustee to give counter security, the court may, on reasonable notice to the trustee or other officer, require him to give counter security or to give a new bond in the same manner as if none had been given by him, and on his failure so to do by a day named may remove him from his office or trust and appoint a new trustee or other officer in his stead to complete the duties of his office or trust, and may thereupon order him to deliver over to his successor all the trust property, including moneys, books, papers, bonds, notes, and evidences of debt, and may compel compliance with said order by attachment.

Surety or indorser paying judgment against principal and himself to have recourse against principal.

SEC. 1573. JUDGMENTS AGAINST.—Where any person shall recover a judgment or money decree against the principal debtor and a surety or indorser, and the judgment shall be satisfied by the surety or indorser, the latter shall be entitled to have the judgment or money decree entered by the clerk to his use and to have execution in his own name against the principal, and where any judgment or money decree shall be rendered against several sureties and one of them shall satisfy the whole debt, the said surety shall be entitled to have the judgment or decree entered to his use, as aforesaid, and to have execution against each of the other sureties in the judgment or decree for a proportionate part of the debt so paid by him; and on the motion of said surety so paying the entire debt and notice to the other sureties the court may determine for what amount execution shall issue against each of the other sureties.

#### CHAPTER FIFTY-FIVE.

Surveyor.

#### SURVEYOR.

Office to be office of record of plats of all property, etc.

SEC. 1574. OFFICE.—The office of the surveyor of the District shall be the legal office of record of the plats of all private property, in the District of Columbia, and authenticated copies of all records of the division of squares and lots made between the public and the original proprietors or otherwise authorized by law shall be kept in said office.

—transcripts from records.

SEC. 1575. TRANSCRIPTS.—All transcripts from such records certified by the surveyor shall be prima facie evidence thereof.

Records District property.

SEC. 1576. RECORDS.—The records of the surveyor of the District of Columbia shall be a part of the United States property under the jurisdiction of the Commissioners of the District of Columbia.

Salary of surveyor.

SEC. 1577. SALARY.—The surveyor of the District of Columbia shall receive a salary of three thousand dollars per annum in lieu of fees, and shall be appointed by the Commissioners of the District of Columbia for a term of four years, unless sooner removed for cause, and shall be under the direction and control of the said Commissioners.

—bond.

SEC. 1578. BOND.—The surveyor shall give bond to the United States in the penalty of twenty thousand dollars, with security, to be

approved by the Commissioners, conditioned for the faithful discharge of the duties of his office, and shall take and subscribe an oath or affirmation before the Commissioners that he will faithfully and impartially discharge the duties of his office, which bond and oath shall be deposited with the Commissioners of the District of Columbia.

SEC. 1579. ASSISTANT SURVEYOR.—The Commissioners of the District of Columbia, on the recommendation of the surveyor, are hereby authorized to appoint one assistant surveyor, at a salary of one thousand eight hundred dollars per annum, and such employees as may in the judgment of the Commissioners of the District of Columbia be required for the surveyor's office and operation, at an aggregate expense of not exceeding ten thousand dollars in any one year.

Assistant surveyor.

SEC. 1580. SCALE OF PLATS.—The plats and squares and subdivisions of the city of Washington shall be drawn upon a uniform scale of not less than one inch to fifty feet, and shall show the lines of all subdivisions of the squares as the same existed at the date of the completion of each square.

Scale of plats.

SEC. 1581. SUBDIVISIONS.—Whenever the proprietor of any square or lot shall deem it necessary to subdivide the same into convenient building lots or portions for sale and occupancy and alleys for their accommodation, he may cause a plat to be made by the surveyor, on which shall be expressed the dimensions and length of all the lines of such portions as are necessary for defining and laying off the same on the ground, and may certify such subdivision under his hand and seal, in the presence of two or more credible witnesses, upon the same plat or on a paper or parchment attached thereto.

Subdivisions.

SEC. 1582. At the request of the proprietor the surveyor shall examine whether the lots or parcels into which any square or lot may be subdivided as provided in the preceding section agree in dimensions with the whole of the square or lot so intended to be subdivided, and whether the dimensions expressed on the plat of subdivision be the true dimensions of the parts so expressed; and if upon such examination he shall find the plat correct, he shall certify the same under his hand and seal, with such remarks as appear to him necessary, and shall record the plat as examined in a book to be kept by him for that purpose.

Certification of correct plat

SEC. 1583. REFERENCE TO SUBDIVISIONS.—When a subdivision of any square or lot shall be so certified, examined, and recorded, the purchaser of any part thereof or any person interested therein may refer to the plat and record for description in the same manner as to squares and lots divided between the Commissioners and original proprietors.

Reference to subdivisions.

SEC. 1584. ALLEYS.—The ways, alleys, or passages laid out or expressed on any plat of subdivision shall be and remain to the public or subject to the uses declared by the person making such subdivision at all times under the same police regulations as the alleys laid off by the Commissioners on division with the original proprietors.

Alleys.

SEC. 1585. DEFICIENCY IN NUMBER OF FEET.—Whenever the surveyor shall lay off any lot, or any parts into which a square or lot may be subdivided, as provided in this chapter, he shall measure the whole of that front of the square on which such lot or part lies, and if, on such admeasurement, the whole front of the square exceeds or falls short of the aggregate of the fronts of the lots on that side of the square, as the same are recorded, he shall apportion such excess or deficiency among the lots or pieces on that front agreeably to their respective dimensions.

Deficiency in number of feet.

SEC. 1586. PARTY WALLS.—Whenever, on such admeasurement, the wall of a house previously erected by any proprietor shall appear to stand on the adjoining lot of any other person in part less than seven inches in width thereon, such wall shall be considered as standing

Party walls.

—when wall deemed to stand on adjoining lot.

altogether on the land of such proprietor, who shall pay to the owner of the lot on which the wall may stand a reasonable price for the ground so occupied, to be decided by arbitrators or a jury, as the parties interested may agree.

—when deemed party wall.

SEC. 1587. If the wall of any house already erected cover seven inches or more in width of the adjoining lot, it shall be deemed a party wall, according to the regulations for building in the District, and the ground so occupied more than seven inches in width shall be paid for as provided in the preceding section.

—certificate of.

SEC. 1588. The surveyor shall ascertain and certify and put on record, at the request and expense of any person interested therein, the fact of the occupation of land by a party wall, as mentioned in the preceding section.

Adjusting lines of buildings.

SEC. 1589. ADJUSTING LINES OF BUILDINGS.—It shall be the duty of the surveyor to attend, when requested, and examine the foundation or walls of any house to be erected, when the same shall be level with the street or surface of the ground, for the purpose of adjusting the line of the front of such building to the line of the street and correctly placing the party wall on the line of division between that and the adjoining lot; and his certificate of the fact shall be admitted as evidence and binding on the parties interested.

Order of survey to be speedily executed.

SEC. 1590. ORDER OF SURVEY TO BE SPEEDILY EXECUTED.—The surveyor shall, as speedily as possible, execute any order of survey made by any court or private individual of any lot or square within the city of Washington, or of any land within the District of Columbia outside of said city, and shall make due return of a true plat and certificate thereof.

Surveys for District.

SEC. 1591. SURVEYS FOR DISTRICT.—It shall be the duty of the surveyor to execute any surveying work for the District of Columbia without charge, on the order of the Commissioners; and all fees for surveys made by the surveyor or the assistant surveyor shall be paid over to the collector of taxes of the District of Columbia under regulations to be prescribed by the Commissioners of the District of Columbia, and be covered into the Treasury of the United States as other revenues of the District are now; and the field notes of the surveyor and his assistant shall be preserved and shall be a part of the public property of the District of Columbia, and all records, plats, plans, and other papers or documents now existing, or hereafter made or secured by the office of the said surveyor, shall be delivered by each surveyor to his successor in office, and no plat or survey of land shall be recorded in the office of the surveyor of the District of Columbia except it be certified to as correct by the surveyor of said District.

—fees, etc.

—field notes, etc.

Assistant surveyor's duties.

SEC. 1592. ASSISTANT SURVEYOR'S DUTIES.—The assistant surveyor shall take the same oath his principal is required to take, and may, during the continuance of his office, discharge and perform any of the official duties of his principal, and any default or misfeasance in office by the assistant surveyor, or other assistant or helper of the surveyor, shall be deemed a breach of the official bond of his principal.

Fees of surveyor.

SEC. 1593. FEES.—The Commissioners of the District of Columbia are hereby authorized from time to time to prescribe a schedule of fees to be charged by the surveyor for his services, which schedule shall be printed and conspicuously displayed in the office of the surveyor.

Subdivisions of United States squares.

SEC. 1594. SUBDIVISIONS OF UNITED STATES SQUARES.—Whenever the President shall deem it necessary to subdivide any square or lot belonging to the United States within the city of Washington, not reserved for public purposes, into convenient building lots or portions for sale and occupancy, and alleys for their accommodation, he may cause a plat to be made by the surveyor in the manner prescribed in

this chapter, which plat shall be recorded by the surveyor; and the provisions of this chapter shall extend to the lots, pieces, and parcels of ground contained in such plat as fully as to subdivisions made by individual proprietors.

SEC. 1595. ALTERATIONS OF BOUNDARIES, AND SO FORTH.—Whenever the proprietor of any tract or parcel of land in the District of Columbia shall desire or deem it necessary to subdivide or alter boundaries, or change the surveys of any such tract or parcel of land, such subdivision, alteration, or change shall be by the surveyor of the District of Columbia, or his assistant, only, and shall be entered in the plat book or books of said surveyor. All such subdivisions, alterations, or changes shall be certified by the surveyor, the party wishing such plat, and two competent witnesses, whose names shall be appended thereto.

Alterations of boundaries, etc.

SEC. 1596. RECORDS OF DIVISIONS.—All records, or copies thereof, of the divisions of squares and lots heretofore made between the public and the original proprietors, or which are authorized by this chapter, shall be kept in the office of the surveyor of the District of Columbia, and the surveyor shall put up, label, index, and preserve all the maps, charts, plats, plans, and other drawings and papers relating to the District of Columbia or which appertain to his office, and which may come to his office for deposit, record, or otherwise.

Records of divisions to be kept in surveyor's office, etc.

SEC. 1597. ERRORS.—Whenever it shall be made to appear to the satisfaction of the Commissioners that the surveyor has been guilty of culpable error or neglect, by which the District may be obliged to pay damages, it shall be lawful for the Commissioners to deduct and retain from the salary of the surveyor the amount of damages which the District may have paid in each and every case; and in case the salary then due the said surveyor shall be insufficient to cover the damages which the District shall have paid the Commissioners are hereby required to institute suit upon the bond of the surveyor for the recovery of such damages.

Errors of surveyor, recovery for.

SEC. 1598. BOUNDARIES OF LOTS TO BE MARKED.—It shall also be the duty of the surveyor on the request of the proprietor or proprietors of any square, lot, or piece of ground within the District of Columbia to set out and mark the proper lines, and furnish to him, her, or them a certificate describing the dimensions and boundaries of the same, according to the plan.

Boundaries and grades of lots to be marked.

SEC. 1599. BOOKS, MAPS, AND SO FORTH, TO BE KEPT BY SURVEYOR.—The surveyor shall keep his office in a room designated by the Commissioners for the purpose, and shall not be engaged in the transaction of any business appertaining to any other office or appointment which may be held by him, and shall in his said office preserve and keep all such maps, charts, surveys, books, records, and papers relating to the District of Columbia, or to any of the avenues, streets, alleys, public spaces, squares, lots, and buildings thereon, or any of them, as shall for the purpose of being deposited in his office come into his hands or possession; and shall, in books provided or to be provided for that purpose, keep a true record of every survey, certificate, or account which shall be made, issued, or prepared by him, and also shall preserve and keep in good order and repair the instruments in his said office belonging to the District.

Books, maps, etc., to be kept by surveyor.

SEC. 1600. PAPERS, AND SO FORTH, TO BE THE PROPERTY OF THE DISTRICT OF COLUMBIA.—All papers, plats, and records of his office shall be deemed the property of the District of Columbia, and shall constitute a part of the public records; and in all cases of vacancy in the office, by resignation or otherwise, they shall be transferred to his successor in office.

—deemed property of the District.

SEC. 1601. PLATS, WHEN TO BE RECORDED.—The Commissioners are authorized and directed to make and publish such general orders as may be necessary to regulate the platting and subdividing of all lands

Commissioners to make regulations as to plats, etc.

—recording plats

and grounds in the District of Columbia under their jurisdiction; and no such plat of subdivision made in pursuance of such orders shall be admitted to record in the office of the surveyor of said District without an order to that effect indorsed thereon by the Commissioners of said District.

Streets, etc.

SEC. 1602. STREETS, AND SO FORTH.—All spaces on any duly recorded plat of land thereon designated as streets, avenues, or alleys shall thereupon become public ways, provided they are made in conformity with the preceding section.

Cemeteries, right of way through, for streets, etc.

SEC. 1603. CEMETERIES.—If by the extension of any of the present streets or avenues or the opening of any public way it becomes necessary to traverse any grounds now used as a cemetery or place of burial, the Commissioners are empowered to secure a right of way through the same by stipulation with the proprietors thereof.

Subdivision to conform to plan of Washington.

SEC. 1604. SUBDIVISION TO CONFORM TO PLAN OF WASHINGTON.—No subdivision of land in the District of Columbia without the limits of the city of Washington shall be recorded in the office of the surveyor or in the office of the recorder of deeds unless the same shall have been first approved by the Commissioners of the District of Columbia and be in conformity with the recorded plans for a permanent system of highways.

Changing of alleyways.

SEC. 1605. CHANGING OF ALLEYWAYS.—That whenever all the owners of an entire square, or all the owners of a part of a square bounded on all sides by public streets, in the District of Columbia, shall present to the Commissioners of the District of Columbia a petition asking that any alley or alleys within said square or part of square may be closed wholly or partially, and shall in said petition offer to dedicate for public use, and shall so dedicate if in the opinion of the Commissioners of said District such dedication is necessary, as alleyways ground owned by the petitioners in amount equal at least in area to that of the alleyway sought to be closed, and shall also present to said Commissioners with said petition a correct plat of said square or part of square signed by all of the owners thereof, upon which shall be accurately delineated the positions and dimensions of the existing alley way or ways and a subdivision of the entire area of the alley or alleys sought to be closed into parcels, according to an agreement of all said owners for the future ownership of the same, the name of the agreed future owner of each parcel being marked thereon, and showing also the position and dimensions of the new alley way or ways proposed to be substituted therefor, it shall be the duty of said Commissioners, upon being satisfied of the truth of the facts stated in the petition as to ownership and of correctness of the plat, and also that the proposed change will not be detrimental to the public convenience, to make an order declaring the existing alley way or ways closed, as prayed for, and opening the new alley way or ways proposed to be substituted therefor.

—rights to vest, etc., after Commissioners' order recorded.

SEC. 1606. That the Commissioners shall cause a certified copy of the order to be attached to the plat and delivered to the petitioners, who shall file the same for record with the recorder of deeds of the District and also in the office of the surveyor of the District, each of whom shall record the same, and thereafter the right of the public to use the alley way or ways declared closed and the proprietary interest of the United States therein shall forever cease and determine, and the title to the same shall be vested according to the agreement of the owners as shown in the aforesaid plat, each person being thenceforward the owner in fee simple of the parcel or parcels upon which his name shall be marked as provided in the foregoing section. The new alley way or ways described in said order and delineated on said plat shall thereafter be and remain dedicated to public use as alleyways,



and, like other alleys of said city, shall be under the care and control of the city authorities.

SEC. 1607. OBLITERATING SUBDIVISIONS AND ALLEYS.—Whenever the title in fee simple to an entire square is vested in one person or in tenants in common, or partners, and such owner or owners desire to improve said square by the erection of a building thereon, covering not less than two-thirds of the area thereof, or for the purpose of some business enterprise, the Commissioners of the District may, on the petition of such owner or owners, setting forth such ownership, the purpose for which it is desired to use such square, and the manner and the time in which it is proposed to improve the same, on being satisfied of the truth of the facts stated in the petition, and also that the proposed change and use will not be detrimental to the public interests, make an order canceling any previous subdivision of said square and obliterating all alleys therein. They shall cause a certified copy of such order to be attached to a plat of said square and delivered to the petitioners, who shall file the same for record with the recorder of deeds, and also the surveyor of the District, each of whom shall record the same.

Obliterating subdivisions and alleys for owner of an entire square, etc.

SEC. 1608. OPENING, AND SO FORTH, OF ALLEYS.—The Commissioners of the District of Columbia are authorized to condemn, open, extend, widen, or straighten alleys in the District of Columbia upon the presentation to them of the plat of the alley to be condemned, opened, widened, extended, or straightened, accompanied by a petition of the owners of more than one-half of the real estate in the square in which such alley is sought to be opened, widened, extended, or straightened; or when the Commissioners of the District of Columbia shall certify that the preservation of peace, good order, and public morals require that any such alley should be opened, extended, widened, or straightened; or when said Commissioners shall deem that such opening, extending, widening, or straightening of an alley is necessary in order to provide proper drainage facilities for the square in which said alley is sought to be opened, extended, widened, or straightened; or when said Commissioners shall certify that such opening, extending, widening, or straightening of an alley is necessary in order to properly accommodate vehicle traffic in such square; or when the health officer of said District shall certify that such opening, extension, widening, or straightening of an alley is necessary for the public health; and to open, extend, widen, or straighten minor streets in said District, of a width not less than forty feet nor more than sixty feet, to run through a square from one street to another, whenever in the judgment of said Commissioners the public interests require it: *Provided*, That in the opening, extension, widening, or straightening of an alley or minor street it shall be lawful to close any original alley, or part of an original alley, the fee of which is in the United States, which may thereby become useless or unnecessary; and that it shall also, in like manner, be lawful to close any other alleys or parts of alleys, the title thereto to revert to the person or persons who dedicated the same for alley purposes, or to their assigns: *And provided further*, That the Commissioners of the District of Columbia are authorized, whenever in their judgment the same may be necessary or expedient, to close any alley or part of an alley the width of which is less than ten feet: *Provided*, That the assent thereto, in writing, is obtained from the owners of a majority of the real estate abutting thereon; that if the fee title to the land contained in the alley or part of an alley so to be closed is in the United States the said Commissioners are authorized to dispose of said land by sale to the owners of the lots or parts of lots contiguous thereto, at a price to be agreed upon between the said Commissioners and said owners, which price

Commissioners may open, etc., alleys.

—on petition.

—to preserve order.

—for drainage.

—for vehicle traffic.

—for health.

—minor streets.

*Provided*, closing original alleys.

—any alley less than 10 feet wide.

—assent of abutting owners.

—when fee is in U. S.,  
etc.

Plat of alley.

—filing.

Commissioners may  
agree with contiguous  
owners for purchase  
of land in closed al-  
ley, etc.

*Proviso.*  
—or sell same to any-  
one.

Closing alley on pe-  
tition of owner and  
abutting owners.

Damages.

—impaneling jury.

—appraisal, etc.

shall not be less than the current market price of the ground in the contiguous lots; that if the fee title to the land in the alley or part of alley so to be closed is not in the United States the title to said land shall revert to the person or persons who dedicated the same for alley purposes, or to his or their heirs or assigns.

SEC. 1609. That it shall be the duty of the surveyor of said District, as soon as may be thereafter, to distinctly mark off such alley in the manner in which it may be designated in the petition therefor, and make out triplicate plats of such alley, showing its courses and boundaries and the quantity in square feet which may be taken from the lots or parts of lots in the square by the opening, extending, widening, or straightening thereof, and showing also the alley or part of alley to be closed, if any, and the lots or parts of lots to which the land contained in such closed alley is to be annexed; one of which plats shall be deposited with the recorder of deeds of said District, to be filed among the records of his office, another kept in the office of the surveyor of said District, and one filed in the office of the Commissioners of the District of Columbia.

SEC. 1610. That in the opening, extension, widening, or straightening of an alley or minor street, as herein provided for, it shall be lawful for the Commissioners of the District of Columbia to close any alley or part of an alley thereby rendered useless or unnecessary, the fee to which is in the United States, by entering into an agreement with the owners of the lots or parts of lots contiguous thereto for the purchase by them of the land contained in said alley sought to be closed, at a price to be agreed upon by the said Commissioners and said owners, which price shall not be less per square foot than the assessed value per square foot of the contiguous lots; said agreements to be in duplicate, one of which shall be filed in the office of the recorder of deeds and the other in the office of the Commissioners of the District of Columbia, and the sums so agreed to be paid shall be assessed severally against the lots or parts of lots to which the land so purchased shall be annexed; such assessments to bear interest at the rate of ten per centum per annum until paid, and shall be collected as other taxes are collected: *Provided, however,* That the Commissioners of the District of Columbia may, in their discretion, sell and convey the land contained in the alley to be closed, for cash, to any person or persons; that the Commissioners of the District of Columbia may, in the opening, extension, widening, or straightening of an alley, close an alley, or part of an alley, the fee to which is not in the United States, provided the owners of all the lots or parts of lots abutting thereon and the party or parties holding the fee title to the land contained in the alley to be closed shall first sign and file a petition therefor in triplicate, together with a plat thereof in triplicate, as provided by section sixteen hundred and eight of this code. One copy of said plat shall be filed and recorded in the office of the surveyor of the District of Columbia, one in the office of the recorder of deeds, and the other in the office of the Commissioners of the District of Columbia.

SEC. 1611. DAMAGES.—That upon the filing of such plat by the surveyor in the office of the Commissioners of the District of Columbia, as aforesaid, the said Commissioners shall make an application in writing to the marshal of the District of Columbia to summon and impanel a jury of twelve citizens who have no interest in the real estate mentioned in the said petition (and it is hereby made his duty to summon and impanel the same in all such cases, upon application to him in writing by said Commissioners), and who, having first taken and subscribed an oath in writing to discharge the duty imposed upon them by the provisions of this act justly and impartially, shall proceed to ascertain and appraise the damages which may accrue to the real estate of any person or persons by the opening, extending, widening,

or straightening of such alley or minor street, which shall be the value of the land at the time of the taking; and they shall make and file a statement in writing, signed by them, of the damages so ascertained and appraised, in the office of the Commissioners of the District of Columbia, and a duplicate of said statement in the office of the recorder of deeds for the said District, and the amount thereof shall be paid to the persons, respectively, entitled thereto by said District of Columbia, out of any funds available therefor; and all such alleys or minor streets or extensions, widenings, or straightenings shall thereafter be kept open and free for public use.

SEC. 1612. That the said jury shall apportion an amount equal to the amount of said damages so ascertained and appraised as aforesaid, including five dollars for the services of said marshal when actually employed and five dollars per diem for the services of each of said jurors when actually employed, according as each lot or part of a lot of land in such square may be benefited by the opening, widening, extending, or straightening of such alley or minor street: *Provided, however,* That in cases provided for in section sixteen hundred and ten of this code the sums paid or agreed to be paid for the land contained in any alley or part of alley to be closed shall first be deducted from the amount of benefits so to be assessed; and they shall make due return of such apportionment to the recorder of deeds and to the Commissioners of the District of Columbia, in which they shall designate each lot or part of a lot of land in such square so benefited, and the amount so apportioned to each, respectively; and in case of failure to pay the amount so apportioned, it shall be the duty of said Commissioners, or some one designated by them, to levy an assessment upon each lot or part of lot of land in accordance with such apportionment, the same to be collected as other special assessments upon real estate are collected; and said assessment shall bear interest at the rate of ten per centum per annum until paid.

Apportionment of damages among lots benefited.

*Proviso.*  
—deductions.

—return of apportionment.

—assessment on failure to pay, etc.

SEC. 1613. That the said marshal shall give or cause to be given at least ten days' written or printed notice of the time and place of the meeting of such jurors, for the purposes aforesaid, to each proprietor of land in the square designated as the location of such alley or minor street. If the proprietor be a resident of the District of Columbia, the notice shall be served by delivering a copy thereof to him or her personally, or leaving it at the usual residence with some person over ten years of age. If the proprietor be a nonresident, the notice shall be served by delivering a copy thereof to his or their tenant or agent, or depositing it in the post-office at Washington City, inclosed in a post-paid envelope, which shall be addressed to the proprietor at his or her post-office address. If the proprietor or proprietors be under twenty-one years of age, the notice shall be served as hereinbefore provided upon the guardian or parent of such minor or minors. A return of such service and the manner thereof shall be made by the marshal to the Commissioners of the District of Columbia, and shall be filed among the records of said District.

Notice of meeting of jury.

SEC. 1614. ALLEYS PREVIOUSLY OPENED, AND SO FORTH.—That all alleys opened or extended in the city of Washington since June thirtieth, eighteen hundred and seventy-one, under an ordinance of the late corporation of Washington approved November fourth, eighteen hundred and forty-two, are hereby made valid: *Provided,* That nothing in this code shall affect the rights of parties to suits now pending in such cases.

Alleys previously opened made valid.

*Proviso.*  
—pending suits unaffected.

SEC. 1615. That all alleys or parts of alleys heretofore closed by subdivision, with the approval of the Commissioners, shall remain unaffected by this code.

Alleys heretofore closed by subdivision.

SEC. 1616. MONEYS FROM SALE OF LAND.—If any money from the sale of land in which the United States is interested shall remain after

Disposition of moneys from sale of land.

carrying out the provisions of the preceding sections of this code, such moneys shall be paid into the Treasury of the United States by the Commissioners of the District of Columbia.

## CHAPTER FIFTY-SIX.

## USES AND TRUSTS.

Uses and trusts.

Legal estate to be in cestui que use.

SEC. 1617. THE LEGAL ESTATE TO BE IN CESTUI QUE USE.—Where lands, tenements, or hereditaments are conveyed or devised to one person, whether for years or for a freehold estate, to the use of or in trust for another, no estate or interest, legal or equitable, shall vest in the trustee, but the person entitled, according to the true intent and meaning of such instrument, to the actual possession of the property and the receipt of the rents and profits thereof, in law or in equity, shall be deemed to have a legal estate therein of the same quality and duration and subject to the same conditions as his beneficial interest, except where the title of such trustee is not merely nominal but is connected with some power of actual disposition or management of the property conveyed.

Purchaser for value.

SEC. 1618. PURCHASER FOR VALUE.—No implied or resulting trust shall be alleged or established to defeat or prejudice the title of a purchaser for a valuable consideration and without notice of such trust; and where an express trust is created, but is not contained or declared in the conveyance to the trustee, such conveyance shall be deemed absolute in favor of purchasers from the trustee for value and without notice of the trust.

## CHAPTER FIFTY-SEVEN.

## WAREHOUSEMEN.

Warehousemen.

Lien of warehousemen.

SEC. 1619. LIEN OF WAREHOUSEMEN.—Every person, firm, association, or corporation lawfully engaged in the business of storing goods, wares, merchandise, or personal property of any description shall have a lien first, except for taxes thereon, for the agreed charges for storing the same and for all moneys advanced for freight, cartage, labor, insurance, and other necessary expenses thereon. Said lien for such unpaid charges, upon at least one year's storage and for the aforesaid advances in connection therewith, may be enforced by sale at public auction, after thirty days' notice in writing mailed to the last known address of the person or persons in whose name or names the said property so in default was stored, and said notice shall also be published for six days in a daily newspaper in the District of Columbia. And after deducting all storage charges, advances, and expenses of sale, any balance arising therefrom shall be paid by the bailee to the bailor of such goods, wares, merchandise, or personal property, his assigns or legal representatives.

—sale, etc.

—may be in bulk, etc.

Proviso.  
Notice to assignee  
of stored property.

SEC. 1620. ASSIGNEE.—Said property may be so sold either in bulk or in separate pieces, articles, packages, or parcels, as will in the judgment of the lien holder secure the largest obtainable price: *Provided*, That if the person or persons storing said property shall have assigned or transferred the title thereto and have duly recorded said assignment or transfer upon the books of the storage warehouse, the written notice of sale shall also be mailed to said transferee or assignee.

Where title in issue.

SEC. 1621. WHERE TITLE IN ISSUE.—Whenever the title or right of possession to any goods, wares, merchandise, or personal property on storage shall be put in issue by any judicial proceeding, the same shall be delivered upon the order of the court, after prepayment of the storage charges and cash advances then due by the person at whose instance such change of possession is so ordered, and who shall be enti-

tled to recover such payment as part of the costs in such proceeding, or, if defeated therein, he shall be credited with such payment in taxation of costs against him. And unless the person, firm, association, or corporation so conducting a storage business shall claim some right, title, or interest in said stored property other than the lien hereinabove authorized, he, it, or they shall not be made a party to such judicial proceedings.

CHAPTER FIFTY-EIGHT.

WASTE.

SEC. 1622. JOINT TENANT OR TENANT IN COMMON AGAINST COTENANT.—Any joint tenant or tenant in common may maintain an action for waste committed by his cotenant, or in a suit for a partition, or a sale for purpose of partition, may have said waste charged against the share of the cotenant committing the same.

Waste.  
Joint tenant or tenant in common against cotenant.

CHAPTER FIFTY-NINE.

WILLS.

SEC. 1623. WHAT MAY BE DEVISED.—All lands, tenements, and hereditaments, and personal estate which might pass by deed or gift, or which would, in case of the proprietor's dying intestate, descend to or devolve on his or her heirs or other representatives, shall be subject to be disposed of, transferred, and passed by his or her last will, testament, or codicil, under the following restrictions:

Wills.  
What may be devised.

SEC. 1624. PERPETUITIES.—No will, testament, or codicil shall be effectual to create any interest in perpetuity, or make any limitation, or appoint any uses, except as permitted by this code.

Perpetuities.

SEC. 1625. WHO CAPABLE OF MAKING WILL.—No will, testament, or codicil shall be good and effectual for any purpose whatever unless the person making the same be, if a male, of the full age of twenty-one years, and if a female, of the full age of eighteen years, and be at the time of executing or acknowledging it, as hereinafter directed, of sound and disposing mind and capable of executing a valid deed or contract.

Who capable of making will.

SEC. 1626. FORM OF WILL AND REVOCATION.—All wills and testaments shall be in writing and signed by the testator, or by some other person in his presence and by his express directions, and shall be attested and subscribed in the presence of the said testator by at least two credible witnesses, or else they shall be utterly void and of no effect; and, moreover, no devise or bequest, or any clause thereof, shall be revocable otherwise than by some other will or codicil in writing or other writing declaring the same, or by burning, canceling, tearing, or obliterating the same by the testator himself or in his presence and by his direction and consent; but all devises and bequests shall remain and continue in force until the same be burned, canceled, torn, or obliterated by the testator or by his direction in the manner aforesaid, or unless the same be altered or revoked by some other will, testament, or codicil in writing, or other writing of the testator signed in the presence of at least two witnesses attesting the same, any former law or usage to the contrary notwithstanding.

Form of will.

Revocation.

SEC. 1627. REVIVAL OF WILL AFTER REVOCATION.—No will or codicil, or any part thereof, which shall be in any manner revoked shall, after being revoked, be revived otherwise than by the reexecution thereof, or by a codicil executed in the manner hereinbefore required, and then only to the extent to which an intention to revive is shown.

Revival of will after revocation.

SEC. 1628. AFTER-ACQUIRED REAL ESTATE.—Any will hereafter executed which shall, by words of general import, devise all the estate or all the real estate of the testator shall be deemed, taken, and held to operate as a valid devise of any real estate acquired by said testator

After-acquired real estate.

after the execution of such will, unless it shall appear therefrom that it was not the intention of the testator to devise such after-acquired property.

Powers.

SEC. 1629. **POWERS.**—No appointment made by will in the exercise of a power shall be valid unless the same be so executed that it would be valid for the disposition of the property to which the power applies if it belonged to the testator.

Satisfaction of leg-  
acy.

SEC. 1630. **SATISFACTION OF LEGACY.**—A provision for or advancement to any person shall be deemed a satisfaction, in whole or in part of a devise or bequest to such person contained in a previous will if it would be so deemed in case the devisee or legatee were the child of the testator; and, whether he be a child or not, it shall be so deemed in all cases in which it shall appear from parol or other evidence to be so intended.

Devisee dying be-  
fore testator, heirs to  
take, etc.

SEC. 1631. **LAPSED OR VOID DEVISES.**—If a devisee or legatee die before the testator, leaving issue who survive the testator, such issue shall take the estate devised or bequeathed as the devisee or legatee would have done if he had survived the testator, unless a different disposition be made or required by the will. Unless a contrary intention appear by the will, such property as shall be comprised in any devise or bequest in such will which shall fail or be void or otherwise incapable of taking effect shall be deemed included in the residuary devise or bequest, if any, contained in such will.

Lapsed devises.

Leaseholds.

SEC. 1632. **LEASEHOLDS.**—A devise of the land of a testator, or of his land in any place, or in the occupation of a person named or otherwise described in a general manner, shall be construed to include his leasehold estates or any of them to which such descriptions shall extend, as well as freehold estates, unless a contrary intention shall appear by the will.

General devise of all  
property.

SEC. 1633. **GENERAL DEVISE OF ALL PROPERTY.**—Every devise and bequest purporting to be of all real or personal property, or both, belonging to the testator shall be construed to include also all property of either or both kinds, respectively, over which he has a general power of appointment, and the legal title of all such property which he holds in trust, unless the contrary intention shall appear in the will or codicil containing such devise or bequest.

Nuncupative wills  
invalid.  
Soldiers may dispose  
of movables, etc.

SEC. 1634. **NUNCUPATIVE WILLS.**—No nuncupative will hereafter made shall be valid in the District; but any soldier being in actual military service, or mariner being at sea, may dispose of his movables, wages, and personal estate by word of mouth: *Provided*, That such disposition shall be proved by at least two witnesses who were present at the making thereof and were requested by the testator to bear witness that such was his last will, nor unless such will were made in the time of the last sickness of the deceased, and the substance thereof reduced to writing within ten days after the making thereof.

*Præciso*,  
—witnesses, etc.

Bequests for reli-  
gious purposes valid  
only when made one  
month before death,  
etc.

SEC. 1635. **BEQUESTS FOR RELIGIOUS PURPOSES.**—No devise or bequest of lands, or goods, or chattels to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination, or to or for the support, use, or benefit of or in trust for any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination, shall be valid unless the same shall be made at least one calendar month before the death of the testator.

## CHAPTER SIXTY.

### REPEAL PROVISIONS.

Repeal provisions.

SEC. 1636. All acts and parts of acts of the general assembly of the State of Maryland general and permanent in their nature, all like acts and parts of acts of the legislative assembly of the District of Columbia, and all like acts and parts of acts of Congress applying solely to

the District of Columbia in force in said District on the day of the passage of this act are hereby repealed, except:

First. Acts and parts of acts relating to the rights, powers, duties, or obligations of the United States. —exceptions

Second. Acts and parts of acts relating to the Court of Claims.

Third. Acts and parts of acts relating to the organization of the District government, or to its obligations, or the powers or duties of the Commissioners of the District of Columbia, or their subordinates or employees, or to police regulations, and generally all acts and parts of acts relating to municipal affairs only, including those regulating the charges of public-service corporations.

Fourth. Acts and parts of acts relating to the militia.

Fifth. All penal statutes authorizing punishment by fine only or by imprisonment not exceeding one year, or both.

Sixth. Acts and parts of Congress relating solely to the Departments of the General Government in the District of Columbia, or any of them.

Seventh. Acts or parts of acts authorizing, defining, and prescribing the organization, powers, duties, fees, and emoluments of the register of wills of the District of Columbia and his office.

Eighth. An act to regulate the practice of pharmacy in the District of Columbia, approved June fifteenth, eighteen hundred and seventy-eight; an act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto, approved June sixth, eighteen hundred and ninety-two; an act regulating the construction of buildings along alleyways in the District of Columbia, approved July twenty-second, eighteen hundred and ninety-two; an act for the promotion of anatomical science, and to prevent the desecration of graves in the District of Columbia, approved February twenty-sixth, eighteen hundred and ninety-five; an act to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia, approved May fourth, eighteen hundred and ninety-six; an act relating to the testimony of physicians in the courts of the District of Columbia, received by the President May thirteenth, eighteen hundred and ninety-six; an act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, approved June third, eighteen hundred and ninety-six; and, generally, all acts or parts of acts relating to medicine, dentistry, pharmacy, the commitment of the insane to the Government Hospital for the Insane in the District of Columbia, the abatement of nuisances, and public health.

All acts and parts of acts included in the foregoing exceptions, or any of them, shall remain in force except in so far as the same are inconsistent with or are replaced by the provisions of this code.

SEC. 1637. The incorporation into this code of any general and permanent provision taken from an act making appropriations, or from an act containing other provisions of a private or temporary character, shall not repeal nor in any way affect any appropriation or any provision of a private or temporary character contained in any of said acts, but the same shall remain in force.

Incorporation of permanent provisions taken from appropriation acts, etc.

SEC. 1638. The repeal by the preceding section of any statute, in whole or in part, shall not affect any act done or any right accruing or accrued or any suit or proceeding had or commenced in any civil cause before such repeal, but all rights and liabilities under the statutes or parts thereof so repealed shall continue and may be enforced in the same manner as if such repeal had not been made: *Provided*, That the provisions of this code relating to procedure or practice and not affecting the substantial rights of parties shall apply to pending suits or proceedings civil or criminal.

—repeals not to affect pending, etc., causes.

*Proviso.*

—procedure, etc.

Acts of Congress hereafter passed, effect of.

SEC. 1639. The enactment of this code is not to affect or repeal any act of Congress which may be passed between the date of this act and the date when this act is to go into effect; and all acts of Congress that may be passed hereafter are to have full effect as if passed after the enactment of this code, and, so far as such acts may vary from or conflict with any provision contained in this code, they are to have effect as subsequent statutes and as repealing any portion of this act inconsistent therewith.

Operation of common law, etc., unaffected.

SEC. 1640. Nothing in the repealing clause of this code contained shall be held to affect the operation or enforcement in the District of Columbia of the common law or of any British statute in force in Maryland on the twenty-seventh day of February, eighteen hundred and one, or of the principles of equity or admiralty, or of any general statute of the United States not locally inapplicable in the District of Columbia or by its terms applicable to the District of Columbia and to other places under the jurisdiction of the United States, or of any municipal ordinance or regulation, except in so far as the same may be inconsistent with, or is replaced by, some provision of this code.

Prosecution of prior offenses.

SEC. 1641. All offenses committed and all penalties or forfeitures incurred in the District prior to the date on which this code is to take effect may be prosecuted and punished in the same manner and with the same effect as if this code had not been enacted.

Actions barred by limitation under chapter 41, etc.  
*Ante*, p. 1389.

SEC. 1642. Where any action or proceeding by the provisions of chapter forty-one of this code would be barred at the time it goes into effect, or within one year thereafter, which would not be so barred by prior laws, such action or proceeding may be brought or instituted within such period of one year, anything in said chapter to the contrary notwithstanding.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 855.**—An Act To extend the provisions of section eight of the Act entitled "An Act to repeal timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, concerning prosecutions for cutting timber on public lands, to California, Oregon, and Washington.

Repeal of timber-culture laws.

What sufficient defense to timber-degradation suits in Colorado, Montana, etc.  
*Vol. 26, pp. 1093, 1099.*

—in California, Oregon, and Washington.

*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 entitled "An Act to repeal timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, as amended by an Act approved March third, eighteen hundred and ninety-one, chapter five hundred and fifty-nine, page ten hundred and ninety-three, volume twenty-six, United States Statutes at Large, be, and the same is hereby, amended as follows: After the word "Nevada," in said amended Act, insert the words "California, Oregon, and Washington."

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 856.**—An Act Authorizing and directing the Secretary of the Interior to issue a patent to the heir or heirs of one Tawamnoha, or Martha Crayon, conveying to them certain lands in the State of North Dakota, confirming certain conveyances thereof, and for other purposes.

Conveyance to heirs of Tawamnoha, or Martha Crayon, of Devils Lake Sioux Reservation, authorized.

*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, upon due proof of the death of one Tawamnoha, or Martha Crayon, an Indian woman, late of the Devils Lake Sioux Indian Reservation, and due proof of



heirship, to issue a patent to her heir or heirs conveying to them the following-described premises, situated in the county of Benson, State of North Dakota, to wit: The lots numbered two and three of section fifteen, the lot numbered one of section twenty-two, and the southwest quarter of the southwest quarter of section fourteen, in township one hundred and fifty-three north, of range sixty-seven west of the fifth principal meridian, in the State of North Dakota, containing one hundred and fifty-nine acres and eight one-hundredths of an acre; the said premises being land allotted to her in severalty by trust allotment patent of date November second, eighteen hundred and ninety-two; such patent so to be issued to convey to said heir or heirs the said premises in fee, discharged of any trust or incumbrance whatsoever.

—lots described.

SEC. 2. That a certain deed, of date October twenty-third, eighteen hundred and ninety-eight, executed, acknowledged, and delivered by Matochatka and Mahpiyatokahewin, the father and mother of said Tawamnoha, or Martha Crayon, and parties entitled to succeed to her estate by the laws of the State of North Dakota, she having died without issue, which said deed was duly filed for record in the office of the register of deeds in and for Benson County, State of North Dakota, and recorded in Book E of Deeds, on page six hundred, and which purported to convey the said premises to Thomas Crayon, the surviving husband of said Tawamnoha, or Martha Crayon, be and the same is hereby legalized and in all things confirmed and ratified.

Certain deed of conveyance legalized.

Approved, March 3, 1901.

CHAP. 857.—An Act Extending to the city of Everett, Washington, a subport of entry, the privileges of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise.

March 3, 1901.

*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 Everett, a subport of entry in the customs collection district of Puget Sound.

Everett, Wash. Granted immediate transportation privileges.

Approved, March 3, 1901.

CHAP. 858.—An Act To provide for subports of entry and delivery in the Territory of Hawaii.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That such places in the customs district of the Territory of Hawaii as the Secretary of the Treasury may from time to time designate shall be subports of entry and delivery, and customs officers shall be stationed at such subports with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require: *Provided, however,* That the Secretary of the Treasury be, and he is hereby, authorized and empowered to discontinue such subports of entry or delivery whenever in his judgment there is necessity for such action.

Hawaii Territory. Secretary of Treasury to designate subports of entry, etc. Customs officers.

Proviso. Discontinuing subports.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 859.**—An Act To amend section two hundred and three of title three of the Act entitled "An Act making further provisions for a civil government for Alaska, and for other purposes."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section two hundred and three of title three of the Act entitled "An Act making further provisions for a civil government for Alaska, and for other purposes," be amended so as to read as follows:

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 centum 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 from the clerk of the court for licenses shall be used, under the direction of the council, for school purposes: *Provided*, That where it is made to appear to the satisfaction of the district court that the whole amount heretofore or hereafter received by the treasurer of the corporation from the clerk of the court is not required for school purposes, the court may from time to time, by orders duly made and entered with a statement of the facts upon which they are based, authorize the expenditure of the accumulated surplus, or any part thereof, for any of the municipal purposes enumerated in this chapter. Fifty per centum of all license moneys provided for by said Act of Congress approved March third, eighteen hundred and ninety-nine, and any amendments made thereto, that may hereafter be paid for business carried on outside incorporated towns in the district of Alaska, and covered into the Treasury of the United States, shall be set aside to be expended, so far as may be deemed necessary by the Secretary of the Interior, within his discretion and under his direction, for school purposes outside incorporated towns in said district of Alaska.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 860.**—An Act Granting a charter to the General Federation of Women's Clubs.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Mrs. Rebecca D. Lowe, Atlanta, Georgia; Mrs. Dimies T. S. Denison, New York, New York; Miss Margaret J. Evans, Northfield, Minnesota; Mrs. Emma A. Fox, Detroit, Michigan; Mrs. George W. Kendrick, junior, Philadelphia, Pennsylvania; Mrs. Emma M. Van Vechten, Cedar Rapids, Iowa;

Alaska.  
Incorporation of towns.  
Officers.

Treasurer; bond and qualifications.

*Provisos.*  
—payments to, of half of license moneys for schools.  
Vol. 30, p. 1336.

—expenditure of accumulated surplus authorized.

—expenditures for schools outside incorporated towns.

District of Columbia.  
General Federation of Women's Clubs incorporated.  
—incorporators.

Mrs. George H. Noyes, Milwaukee, Wisconsin; Mrs. Edward L. Buchwalter, Springfield, Ohio; Mrs. William J. Christie, Butte, Montana; Mrs. William T. Coad, Rapid City, South Dakota; Mrs. Laura Rockwell Priddy, Wichita, Kansas; Mrs. Frank Sherwin Streeter, Concord, New Hampshire; Mrs. Anna D. West, Somerville, Massachusetts; Mrs. Charles W. Fairbanks, Indiana; Mrs. Lucia E. Blount, Washington, District of Columbia; Mrs. Ralph Trautman, New York; Mrs. John L. McNeil, Colorado; Mrs. Mary S. Lockwood, Washington, District of Columbia; Mrs. May Wright Sewall, Indiana; Mrs. J. C. Croly, New York; Miss Mary V. Temple, Tennessee; Mrs. Phoebe A. Hearst, California; Mrs. Kate Tannett Woods, Massachusetts; Mrs. Julia Plato Harvey, Illinois; Mrs. Jane O. Cooper, Colorado; Mrs. Harriet H. Robinson, Massachusetts; Mrs. Ellen M. Henrotin, Illinois; Mrs. Mary E. Mumford, Pennsylvania; Mrs. C. P. Barnes, Kentucky; Mrs. Philip N. Moore, Missouri; Mrs. Alice Ives Breed, Massachusetts; Mrs. Frank Trumbull, Colorado; Miss Annie Laws, Ohio; Mrs. Sarah S. Platt-Decker, Colorado; Mrs. J. C. Royle, Utah; Josephine Bates, Mary Rogers, Octavia W. Bates, Fanny Purdy Palmer, Julia Ward Howe, Cordelia I. Sterling, Katherine Nobles, Mary D. Steele, and their associates and successors, are hereby created a body corporate and politic, of the District of Columbia, by the name, style, and title of the General Federation of Women's Clubs, and by that name shall have perpetual succession, for educational, industrial, philanthropic, literary, artistic, and scientific culture, and to bring into communication with one another the various Women's Clubs throughout the world, with power in said corporation to make and use a common seal, and to alter the same at pleasure.

—purposes.

SEC. 2. That said corporation is authorized to acquire, by devise, bequest, or otherwise, hold, purchase, and convey, such real and personal estate as shall or may be required for the purposes of its incorporation, not exceeding two hundred thousand dollars, with authority in said corporation, should it be by it deemed necessary so to do, to mortgage or otherwise incur the real estate which it may hereafter own or acquire, and may give therefor such evidences of indebtedness as such corporation may decide upon.

Limit real estate holdings, etc.

SEC. 3. That said corporation shall have a constitution and may adopt and make by-laws for the admission and qualifications of members, the management of its property, and the regulation of its affairs, and shall have the power to amend said constitution and by-laws at pleasure. Said corporation shall have its headquarters at Washington, in the District of Columbia.

General powers.

Approved, March 3, 1901.

**CHAP. 861.**—An Act To establish Lowelltown, Maine, a subport of entry.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Lowelltown, Maine, be, and is hereby, established as a subport of entry in the customs collection district of Bangor, Maine.

Lowelltown, Me., made subport of entry

Approved, March 3, 1901.

**CHAP. 862.**—An Act To amend chapter five hundred and fifty-nine of the Revised Statutes of the United States, approved March third, eighteen hundred and ninety-one.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of chapter five hundred and fifty-nine of the Revised Statutes of the United States, approved March third, eighteen hundred and ninety-one, limiting the use of timber taken from public lands to residents of the State in which such timber is found, for use within said State, shall not apply to the

Public lands. Limitation of timber taking to citizens of State for use within State. Vol. 26, p. 1093, amended.

—exception from  
limitation.

south slope of Pryor Mountains, in the State of Montana, lying south of the Crow Reservation, west of the Big Horn River, and east of Sage Creek; but within the above-described boundaries the provisions of said chapter shall apply equally to the residents of the States of Wyoming and Montana, and to the use of timber taken from the above-described tract in either of the above-named States.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 863.**—An Act To authorize the Secretary of the Navy to loan naval equipment to certain military schools.

Loan of naval equip-  
ments to military  
schools authorized.

*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, upon the application of the governor of any State having seacoast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State, desiring to afford its cadets instruction in elementary seamanship, one fully equipped man-of-war's cutter for every fifty cadets in actual attendance, and such other equipment as may be spared and be deemed adequate for instruction in elementary seamanship: *Provided,* That the said school shall have adequate facilities for cutter drill, and shall have in actual attendance at least one hundred and forty cadets in uniform receiving military instruction and quartered in barracks under military regulation, and shall have the capacity to quarter and educate at the same time one hundred and fifty cadets: *And provided further,* That the Secretary of the Navy shall require a bond in each case in double the value of the property, for the care and safe keeping thereof, and for the return of the same when required.

*Provisos.*  
—conditions.

—bond.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 864.**—An Act To provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of Saint Louis, in the State of Missouri.

St. Louis Exposition  
authorized.  
Preamble.

Whereas it is fit and appropriate that the one hundredth anniversary of the purchase of the Louisiana territory be commemorated by an exhibition of the resources of the territory, their development, and of the progress of the civilization therein; and

Whereas such an exhibition should be of a national and international character, so that not only the people of that territory, but of our Union, and of all nations as well, can participate, and should therefore have the sanction of the Congress of the United States: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an exhibit of arts, industries, manufactures, and products of the soil, mine, forest, and sea shall be inaugurated in the year nineteen hundred and three, in the city of Saint Louis, in the State of Missouri, as herein provided.

“Louisiana Pur-  
chase Exposition  
Commission” author-  
ized.

**SEC. 2.** That a nonpartisan commission is hereby constituted, to consist of nine commissioners, to be known and designated as the “Louisiana Purchase Exposition Commission,” who shall be appointed, within thirty days from the passage of this Act, by the President of the United States, and who shall also be subject to removal by him. Vacancies in said commission to be filled in the same manner as original appointments.

SEC. 3. That the commissioners so appointed shall be called together by the Secretary of State of the United States, in the city of Saint Louis, by notice to the commissioners, as soon as convenient after the appointment of said commissioners, and within thirty days thereafter. The said commissioners, at said first meeting, shall organize by the election of their officers, and they may then, or thereafter, appoint such executive or other committees as may be deemed expedient, and a secretary at a salary of three thousand dollars per annum; that in addition to the salary of the secretary of said commission there is hereby allowed, out of any money appropriated to aid in carrying forward said exposition, the sum of ten thousand dollars per annum, or so much thereof as may be necessary, for the purpose of defraying the clerical, office, and other necessary expenses of said commission.

—first meeting.

—expenses.

SEC. 4. That said commission, when fully organized under the provisions of this Act, shall appoint two of their number to act in conjunction with a like number appointed by the Louisiana Purchase Exposition Company, to constitute a board of arbitration, to whom all matters of difference arising between said commission and said company, concerning the administration, management, or general supervision of said exposition, including all matters of difference arising out of the power given by this Act to the said company or to the said national commission to modify or approve any act of the other of the two bodies, shall be referred for determination; and in the case of the failure of said board of arbitration to agree upon such matters as may be so referred, said board of arbitration shall appoint a fifth member thereof; and in case of the failure of the said board to agree upon a fifth member, such fifth member shall then be appointed by the Secretary of the Treasury. And the decision of said board shall be final in all matters presented to it for consideration and determination.

Board of arbitration, powers, etc.

SEC. 5. That said commission be empowered, in its discretion, to accept, for the purposes of the exposition herein authorized, such site as may be selected and offered, and such plans and specifications of buildings for such purpose at the expense of and tendered by the corporation organized under the laws of the State of Missouri, known as "The Louisiana Purchase Exposition Company."

Commission authorized to accept site, etc.

SEC. 6. That the allotment of space for exhibitors, classification of exhibits, plan and scope of the exposition, the appointment of all judges and examiners for the exposition, and the awarding of premiums, if any, shall all be done and performed by the said Louisiana Purchase Exposition Company, subject, however, to the approval of the commission created by section two of this Act; and said commission is hereby authorized to appoint a board of lady managers, of such number and to perform such duties as may be prescribed by said commission, subject, however, to the approval of said company. Said board of lady managers may, in the discretion of said commission and corporation, appoint one member of all committees authorized to award prizes for such exhibits as may have been produced in whole or in part by female labor.

Louisiana Purchase Exposition Company, of Missouri, powers of, etc.

Board of lady managers.

SEC. 7. That after the plans for said exposition shall be prepared by said company and approved by said commission the rules and regulations of said corporation governing rates for entrance and admission fees, or otherwise affecting the rights, privileges, or interests of the exhibitors, or of the public, shall be fixed or established by said company, subject, however, to the modification or approval of said commission.

Company to fix rates for entrance, etc.

SEC. 8. That said commission shall provide for the dedication of the buildings of the Louisiana Purchase Exposition, in said city of Saint Louis, not later than the thirtieth day of April, nineteen hundred and three, with appropriate ceremonies, and thereafter said exposition shall be opened to visitors at such time as may be designated by said

Opening and closing of exposition.

company, subject to the approval of said commission, not later than the first day of May, nineteen hundred and three, and shall be closed at such time as the national commission may determine, subject to the approval of said company, but not later than the first day of December thereafter.

Proclamation by President.

SEC. 9. That whenever the President of the United States shall be notified by the national commission that provision has been made for grounds and buildings for the uses herein provided for, he shall be authorized to make proclamation of the same, through the Department of State, setting forth the time at which said exposition will be held, and the purpose thereof; and he shall communicate to the diplomatic representatives of foreign nations copies thereof, together with such regulations as may be adopted by the commission, for publication in their respective countries; and he shall, in behalf of the Government and the people, invite foreign nations to take part in the said exposition and to appoint representatives thereto.

Exemption from duty of imported exhibits.

SEC. 10. That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles and against the person who may be guilty of any illegal sale or withdrawal.

—sale of

*Proviso.*

—duty on.

Reports by commission.

SEC. 11. That it shall be the duty of the national commission to make reports monthly to the President of the United States, showing receipts and disbursements and giving a general summary of the financial condition of said exposition, and a final report within six months after the close of the exposition, presenting the results and a full exhibit thereof.

Termination of commission.

SEC. 12. That the national commission hereby authorized shall cease to exist on the first day of January, nineteen hundred and five.

United States not liable.

SEC. 13. That the United States shall not in any manner nor under any circumstances be liable for any of the acts, doings, proceedings, or representations of the said Louisiana Purchase Exposition Company, its officers, agents, or employees or any of them, or for the service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any certificates of stock, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses of any kind whatever attending such corporation or accruing by reason of the same.

Government exhibit.

SEC. 14. That there shall be exhibited at said exposition by the Government of the United States from its Executive Departments, the Smithsonian Institution, the National Museum, the United States Commission of Fish and Fisheries, and the Department of Labor such articles and material as illustrate the function and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people; and the Bureau of the American Republics is hereby invited to make an exhibit illustrating the resources and international relations of the American Republics, and space in the United

Bureau of American Republics.

States Government building shall be provided for the purpose of said exhibit; and to secure a complete and harmonious arrangement of such Government exhibit a board, to be known as the United States Government board, shall be created, independent of the commission hereinbefore provided, to be charged with the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles and material as the heads of the several Executive Departments, the Secretary of the Smithsonian Institution, the Commissioner of Fish and Fisheries, the Commissioner of Labor, and the Director of the Bureau of the American Republics may, respectively, decide shall be embraced in said Government exhibit. The President may also designate additional articles for exhibition. Such board shall be composed of one person to be named by the head of each Executive Department, one by the Secretary of the Smithsonian Institution, one by the Commissioner of Fish and Fisheries, one by the Commissioner of Labor, and one by the Director of the Bureau of American Republics. The President shall name one of said persons so detailed as chairman, and the board itself shall appoint its secretary, disbursing officer, and such other officers as it may deem necessary. The members of said board of management, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, while necessarily absent from their homes engaged upon the business of the board. Officers of the Army and Navy shall receive this allowance in lieu of the transportation and mileage now allowed by law. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with the said Louisiana Purchase Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine. The disbursing officer shall give bond in the sum of thirty thousand dollars for the faithful performance of his duties, said bond to be approved by the Secretary of the Treasury. The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as the Secretary of the Treasury may prescribe, a sum of money from the appropriation hereafter to be made for the Government exhibit, not exceeding at any one time the penalty of his bond, to enable him to pay the expenses of exhibit as authorized by the board of management herein created.

Government board, duties, etc.

Detail of Government employees not prohibited.

Employees of board.

SEC. 15. That the Secretary of the Treasury is hereby authorized and directed to place on exhibition, in connection with the exhibit of his Department, upon such grounds as shall be allotted for the purpose, one of the life-saving stations authorized to be constructed on the coast of the United States by existing law, and to cause the same to be fully equipped with all apparatus, furniture, and appliances now in use in all life-saving stations in the United States.

Life-saving station exhibit.

SEC. 16. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the Louisiana Purchase Exposition for the Government exhibits, as provided in this Act, and he is hereby authorized and directed to contract therefor in the same manner and under the same regulations as for other public buildings of the United States; but the contracts for said building or buildings shall not exceed the sum of two hundred and fifty thousand dollars, which sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense of erecting said Government building or buildings hereby authorized. The Secretary of the Treasury shall

Government building.

—limit of cost.

cause the said building or buildings to be constructed from plans to be approved by said Government board; and he is authorized and required to dispose of such building or buildings, or the material composing the same, at the close of the exposition, giving preference to the city of Saint Louis or to the said Louisiana Purchase Exposition Company to purchase the same at an appraised value, to be ascertained in such manner as he may determine.

SEC. 17. That the commissioners appointed by the President under the authority of this Act shall receive as compensation for their services and expenses the sum of five thousand dollars each per annum, the same to be paid by the Secretary of the Treasury and deducted from any money appropriated for said exposition.

SEC. 18. That no member of said commission or of said Government board, whether an officer or otherwise, shall be personally liable for any debt or obligation which may be created or incurred by the said commission or by the said United States Government board herein authorized.

SEC. 19. That whereas the Secretary of the Treasury has certified, under date of February sixth, nineteen hundred and one, that the Louisiana Purchase Exposition Company has presented to him proof to his satisfaction that it has raised ten million dollars for and on account of inaugurating and carrying forward an exposition at the city of Saint Louis, Missouri, in the year nineteen hundred and three, to celebrate the one hundredth anniversary of the purchase of the Louisiana Territory; therefore there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five million dollars, to aid in carrying forward such exposition, to pay the salaries of the members and secretary of the national Commission herein authorized, and such other necessary expenses as may be incurred by said commission in the discharge of its duties in connection with said exposition, and to discharge all other obligations incurred by the Government on account of said exposition, except for the erection of its own buildings and the making and care of its own exhibits at said exposition. That the money hereby appropriated shall be disbursed under the direction of the said Louisiana Purchase Exposition Company under rules and regulations to be prescribed by the Secretary of the Treasury and upon vouchers to be approved by him: *Provided*, That, except for the payment of the salaries and expenses of the national commission, no part of said appropriation shall become available until the sum of ten million dollars shall have been expended by said company on account of said exposition to the satisfaction of the Secretary of the Treasury: *Provided further*, That all sums expended by the Government on account of said exposition, including the salaries and expenses of said national commission, except for the erection of its own buildings and the making and care of its own exhibits at said exposition, shall be limited to and paid out of the appropriation of five million dollars herein provided for such purpose.

SEC. 20. That 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 Louisiana Purchase Exposition Company or the city of Saint Louis: *Provided*, That this section shall not be taken or construed to give the United States a right to share in the proceeds of said exposition beyond the actual amount appropriated to aid in carrying forward said exposition.

SEC. 21. That any bank or trust company located in the city of Saint Louis, or State of Missouri, may be designated by the Louisiana Purchase Exposition Company to conduct a banking office upon the exposition grounds, and if the bank so designated shall be a national bank, upon such designation being approved by the Comptroller of the Currency, said national bank is hereby authorized to open and

Commissioners.  
—compensation.

—not personally li-  
able.

Appropriation.

*Provisos.*  
—when available.

—Government ex-  
penditures.

Repayment.

—construction.

Location of branch  
bank on exposition  
grounds.



conduct such office as a branch of the bank, subject to the same restrictions and having the same rights as the bank to which it belongs: *Provided*, That the branch office authorized hereby, if the same shall be a branch of a national bank, shall not be operated for a period longer than two years, beginning not earlier than July first, nineteen hundred and two, and closing not later than July first, nineteen hundred and four.

*Proviso.*  
—limit period of operation.

SEC. 22. That no citizen of any foreign country shall be held liable for the infringement of any patent granted by the United States, or of any trade-mark or label registered in the United States, where the act complained of is or shall be performed in connection with the exhibition of any article or thing at the Louisiana Purchase Exposition.

Infringement of patents.

SEC. 23. That the Secretary of War be, and he hereby is, authorized, at his discretion, to detail for special duty; in connection with the Louisiana Purchase Exposition, such officers of the Army as may be required, to report to the general commanding the Department of Missouri; and the officers thus detailed shall not be subject to loss of pay or rank on account of such detail, nor shall any officer or employee of the United States receive additional pay or compensation because of services connected with the said exposition from the United States or from said exposition.

Detail of army officers.

SEC. 24. That nothing in this Act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said commission.

United States not liable.

SEC. 25. That as a condition precedent to the payment of this appropriation the directors shall contract to close the gates to visitors on Sundays during the whole duration of the fair.

Sunday closing.

Approved, March 3, 1901.

CHAP. 865.—An Act Amending section forty-seven hundred and eight of the Revised Statutes of the United States in relation to pensions to remarried widows.

March 3, 1901.

*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 eight of the laws of the United States governing the granting of army and navy pensions be, and the same is, amended to read as follows:

Pensions.  
—of widow or dependent mother, etc., to cease on remarriage.  
R. S., sec. 4708, p. 917, amended.

The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension, such pension shall cease: *Provided, however*, That any widow who was the lawful wife of any officer or enlisted man in the Army, Navy, or Marine Corps of the United States, during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support other than her daily labor as defined by the Acts of June twenty-seventh, eighteen hundred and ninety, and May ninth, nineteen hundred, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the Acts of July fourteenth, eighteen

*Provisos.*  
Pension restored on renewed widowhood.

Vol. 26, p. 182.  
Act, p. 170.  
Vol. 12, p. 566.  
Vol. 17, p. 567.  
Vol. 24, p. 5.

hundred and sixty-two, March third, eighteen hundred and seventy-three, and March nineteenth, eighteen hundred and eighty-six, such pension to commence from the date of the filing of her application in the Pension Bureau after the approval of this Act: *And provided further*, That where such widow is already in receipt of a pension from the United States she shall not be entitled to restoration under this Act: *And provided further*, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of sixteen years, she shall not be entitled to restoration under this Act unless said helpless or idiotic child, or child or children under sixteen years of age, be then a member or members of her family and cared for by her, and upon the restoration of said widow the payment of pension to said child or children shall cease.

Not restored if drawing pension.

—if pension accrued to helpless child, etc.

Agents' fees barred.

SEC. 2. No claim agent or other person shall be entitled to receive any compensation for services in making application for pension under this Act.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 866.**—An Act Requiring common carriers engaged in interstate commerce to make full reports of all accidents to the Interstate Commerce Commission.

Common carriers to report accidents to Interstate Commerce Commission.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, It shall be the duty of the general manager, superintendent, or other proper officer of every common carrier engaged in interstate commerce by railroad to make to the Interstate Commerce Commission, at its office in Washington, District of Columbia, a monthly report, under oath, of all collisions of trains or where any train or part of a train accidentally leaves the track, and of all accidents which may occur to its passengers or employees while in the service of such common carrier and actually on duty, which report shall state the nature and causes thereof, and the circumstances connected therewith.

Penalty.

SEC. 2. That any common carrier failing to make such report within thirty days after the end of any month shall be deemed guilty of a misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not more than one hundred dollars for each and every offense and for every day during which it shall fail to make such report after the time herein specified for making the same.

Report inadmissible as evidence.

SEC. 3. That neither said report nor any part thereof shall be admitted as evidence or used for any purpose against such railroad so making such report in any suit or action for damages growing out of any matter mentioned in said report.

Form of reports.

SEC. 4. That the Interstate Commerce Commission is authorized to prescribe for such common carriers a method and form for making the reports in the foregoing section provided.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 867.**—An Act To amend an Act amending the Act entitled "An Act to authorize the receipt of United States gold coin in exchange for gold bars."

Exchange of gold coin for gold bars authorized.  
Vol. 22, p. 97, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act approved March third, eighteen hundred and ninety-one, amending the Act approved May twenty-sixth, eighteen hundred and eighty-two, be amended so as to read as follows:

"That the superintendent of the coinage mints and of the United

States assay office at New York may, with the approval of the Secretary of the Treasury, but not otherwise, receive United States gold coin from any holder thereof in sums of not less than five thousand dollars, and pay and deliver in exchange therefor gold bars in value equaling such coin so received: *Provided*, That the Secretary of the Treasury may make, in his discretion, such exchange without charge, or may impose a charge therefor."

*Proviso.*  
—charge for discretionary.

Approved, March 3, 1901.

**CHAP. 868.**—An Act to amend section six, chapter one hundred and nineteen, United States Statutes at Large numbered twenty-four.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section six of chapter one hundred and nineteen of the United States Statutes at Large numbered twenty-four, page three hundred and ninety, is hereby amended as follows, to wit: After the words "civilized life," in line thirteen of said section six, insert the words "and every Indian in Indian Territory."

Citizenship accorded Indians.  
Vol. 24, p. 390, amended.

—in Indian Territory.

Approved, March 3, 1901.

**CHAP. 869.**—An Act Granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a right of way through the Devils Lake Indian Reservation, in the State of North Dakota, not exceeding two hundred feet in width, with grounds for station and depot purposes, according to the map and plat thereof, respectively, now on file in the office of the Secretary of the Interior, be, and is hereby, granted to the Jamestown and Northern Railway Company, a corporation duly organized under the laws of the then Territory and now State of North Dakota, upon the terms and conditions mentioned and set forth in a certain proposition in writing, dated July twenty-eighth, eighteen hundred and eighty-three, made and submitted to the United States Indian agent at Devils Lake Agency by F. R. Delano on behalf of the Northern Pacific Railway Company, as the same is modified by a memorandum of consent in writing thereto appended, signed by the majority of the chiefs and headmen of the Indians occupying the Devils Lake Reservation, now on file in the office of the Secretary of the Interior; which said terms and conditions, so modified, have been accepted by the said Jamestown and Northern Railway Company, by a resolution of the board of directors of said company adopted October fifth, eighteen hundred and eighty-three, a certified copy whereof is also on file in the said office: *Provided*, That the amount of compensation hereby agreed to be paid to said Indians shall be deposited by the said Jamestown and Northern Railway Company in the Treasury of the United States to the credit of the Sisseton, Wahpeton, and Cut-head Sioux Indians, occupying the Devils Lake Reservation, within sixty days after the passage of this Act, to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct: *Provided further*, That whenever said right of way and station and depot grounds shall cease to be used for railroad purposes the same shall revert to the United States; and that the right to repeal, alter, or amend this Act is reserved to Congress.

Jamestown and Northern Railway granted right of way through Devils Lake Indian Reservation, N. D.

*Provisos.*  
Deposit of Indians, compensation, etc.

Reversion of right of way.

Amendment.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 870.**—An Act To amend an Act entitled “An Act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes,” approved June eighth, eighteen hundred and ninety-eight.

District of Columbia.  
Proof of execution  
of wills affecting real  
estate.  
Vol. 30, p. 434, amend-  
ed.

*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 conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes,” approved June eighth, eighteen hundred and ninety-eight, be, and it is hereby, amended by adding thereto three sections, to be designated as sections thirteen, fourteen, and fifteen, which will read as follows:

Publication of  
notice to “unknown  
next of kin” binding.

“**SEC. 13.** In all cases where it is made to appear to the satisfaction of the court that all or any of the next of kin or heirs at law of the deceased are unknown, such unknown next of kin or heirs at law may be proceeded against and described in the publication of notice hereinbefore provided for as ‘the unknown next of kin,’ or ‘the unknown heirs at law,’ as the case may be, of the deceased, and by such publication of such notice under such designation such unknown next of kin and heirs at law shall be as effectually bound and concluded as if known and their names were specifically set forth in said order of publication.

Publication against  
unknown heirs in  
wills heretofore pro-  
bated authorized.

“**SEC. 14.** In case any will shall have been heretofore admitted to probate upon publication against unknown heirs or next of kin, any person interested may file a petition for further probate of such will, alleging that the heirs at law or next of kin of the deceased, or some of them, as the case may be, are unknown, and upon satisfactory showing being made to the court publication of notice may be made against the unknown next of kin or heirs at law of the deceased, and upon such publication being made, as required by the court, a decree may be made confirming such previous probate, and such decree so made shall be as effectual as if the said heirs at law or next of kin were named in the order of publication.

Previous probate  
confirmed, etc.

“**SEC. 15.** If any will be hereafter held invalid in any action begun after distribution made of the property by the executor or executrix in good faith, with the approval of the court, without knowledge on his or her part of such invalidity and without notice that such action was intended, the distributees of the property, and not such executor or executrix, shall be answerable for the property or its value to the person or persons entitled thereto.”

Distributee and not  
executor answerable  
for property under  
will afterwards in-  
validated.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 871.**—An Act To amend section fifty-one hundred and fifty-three of the Revised Statutes of the United States.

National banks de-  
positaries of public  
moneys, except cus-  
toms receipts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section fifty-one hundred and fifty-three of the Revised Statutes of the United States be amended to read as follows:

—exception not ap-  
plicable to Hawaii,  
Alaska, etc.

“**SEC. 5153.** All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary, but receipts derived from duties on imports in Alaska, the Hawaiian Islands, and other islands under the jurisdiction of the United States may be deposited in such depositaries subject to such regulations; and such depositaries may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public moneys

R. S., sec. 5153, p. 996,  
amended.

and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depository of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue or for loans or stocks."

Approved, March 3, 1901.

**CHAP. 872.**—An Act To establish the National Bureau of Standards.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Office of Standard Weights and Measures shall hereafter be known as the National Bureau of Standards.

National Bureau of Standards established.

SEC. 2. That the functions of the bureau shall consist in the custody of the standards; the comparison of the standards used in scientific investigations, engineering, manufacturing, commerce, and educational institutions with the standards adopted or recognized by the Government; the construction, when necessary, of standards, their multiples and subdivisions; the testing and calibration of standard measuring apparatus; the solution of problems which arise in connection with standards; the determination of physical constants and the properties of materials, when such data are of great importance to scientific or manufacturing interests and are not to be obtained of sufficient accuracy elsewhere.

Functions of bureau.

SEC. 3. That the bureau shall exercise its functions for the Government of the United States; for any State or municipal government within the United States; or for any scientific society, educational institution, firm, corporation, or individual within the United States engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments. All requests for the services of the bureau shall be made in accordance with the rules and regulations herein established.

—for whom exercised.

—requests for services.

SEC. 4. That the officers and employees of the bureau shall consist of a director, at an annual salary of five thousand dollars; one physicist, at an annual salary of three thousand five hundred dollars; one chemist, at an annual salary of three thousand five hundred dollars; two assistant physicists or chemists, each at an annual salary of two thousand two hundred dollars; one laboratory assistant, at an annual salary of one thousand four hundred dollars; one laboratory assistant, at an annual salary of one thousand two hundred dollars; one secretary, at an annual salary of two thousand dollars; one clerk, at an annual salary of one thousand two hundred dollars; one messenger, at an annual salary of seven hundred and twenty dollars; one engineer, at an annual salary of one thousand five hundred dollars; one mechanic, at an annual salary of one thousand four hundred dollars; one watchman, at an annual salary of seven hundred and twenty dollars, and one laborer, at an annual salary of six hundred dollars.

Officers and employees.

SEC. 5. That the director shall be appointed by the President, by and with the advice and consent of the Senate. He shall have the general supervision of the bureau, its equipment, and the exercise of its functions. He shall make an annual report to the Secretary of the Treasury, including an abstract of the work done during the year and a financial statement. He may issue, when necessary, bulletins for

Director, etc. powers,

—report.

Bulletins.

- public distribution, containing such information as may be of value to the public or facilitate the bureau in the exercise of its functions.
- Appointments.** SEC. 6. That the officers and employees provided for by this Act, except the director, shall be appointed by the Secretary of the Treasury, at such time as their respective services may become necessary.
- Appropriation** SEC. 7. That the following sums of money are hereby appropriated: For the payment of salaries provided for by this Act, the sum of twenty-seven thousand one hundred and forty dollars, or so much thereof as may be necessary; toward the erection of a suitable laboratory, of fireproof construction, for the use and occupation of said bureau, including all permanent fixtures, such as plumbing, piping, wiring, heating, lighting, and ventilation, the entire cost of which shall not exceed the sum of two hundred and fifty thousand dollars, one hundred thousand dollars; for equipment of said laboratory, the sum of ten thousand dollars; for a site for said laboratory, to be approved by the visiting committee hereinafter provided for and purchased by the Secretary of the Treasury, the sum of twenty-five thousand dollars, or so much thereof as may be necessary; for the payment of the general expenses of said bureau, including books and periodicals, furniture, office expenses, stationery and printing, heating and lighting, expenses of the visiting committee, and contingencies of all kinds, the sum of five thousand dollars, or so much thereof as may be necessary, to be expended under the supervision of the Secretary of the Treasury.
- Fees for tests, etc.** SEC. 8. That for all comparisons, calibrations, tests, or investigations, except those performed for the Government of the United States or State governments within the United States, a reasonable fee shall be charged, according to a schedule submitted by the director and approved by the Secretary of the Treasury.
- Regulations.** SEC. 9. That the Secretary of the Treasury shall, from time to time, make regulations regarding the payment of fees, the limits of tolerance to be attained in standards submitted for verification, the sealing of standards, the disbursement and receipt of moneys, and such other matters as he may deem necessary for carrying this Act into effect.
- Visiting committee.** SEC. 10. That there shall be a visiting committee of five members, to be appointed by the Secretary of the Treasury, to consist of men prominent in the various interests involved, and not in the employ of the Government. This committee shall visit the bureau at least once a year, and report to the Secretary of the Treasury upon the efficiency of its scientific work and the condition of its equipment. The members of this committee shall serve without compensation, but shall be paid the actual expenses incurred in attending its meetings. The period of service of the members of the original committee shall be so arranged that one member shall retire each year, and the appointments thereafter to be for a period of five years. Appointments made to fill vacancies occurring other than in the regular manner are to be made for the remainder of the period in which the vacancy exists.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 873.**—An Act To amend section fifty-five hundred and forty-six of the Revised Statutes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That section fifty-five hundred and forty-six of the Revised Statutes be amended by adding after the words "any court of the United States" the words "including consular courts," and after the words "District or Territory" by adding the words "or country," and after the words "where the conviction has occurred" by adding the words "and in case of convictions by a consular court the transportation shall be by some properly qualified agent

Designation of penitentiary by Attorney-General for convicts of United States courts.  
R. S., sec. 5546, p. 1074, amended.

or agents designated by the Department of State, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be defrayed from the appropriation for bringing home criminals;" so as to read:

"SEC. 5546. All persons who have been, or who may hereafter be, convicted of crime by any court of the United States, including consular courts, whose punishment is imprisonment in a District or Territory or country where, at the time of conviction or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts, or available therefor, shall be confined during the term for which they have been or may be sentenced, or during the residue of said term, in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the District or Territory where the conviction has occurred; and in case of convictions by a consular court the transportation shall be by some properly qualified agent or agents designated by the Department of State, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be defrayed from the appropriation for bringing home criminals; and if the conviction be had in the District of Columbia, the transportation and delivery shall be by the warden of the jail of that District, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and the marshal, or the warden of the jail in the District of Columbia only, to be paid by the Attorney-General out of the judiciary fund. But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory, or the District of Columbia in which there is no penitentiary will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences. And the place of imprisonment may be changed in any case when, in the opinion of the Attorney-General, it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel and improper treatment: *Provided, however,* That no change shall be made in the case of any prisoner on the ground of the unhealthiness of the prisoner or because of his treatment, after his conviction and during his term of imprisonment, unless such change shall be applied for by such prisoner, or some one in his behalf."

—of consular courts.

Transport and delivery of prisoners.

—consular prisoners; State Department agent to act.

In District of Columbia.

Expense of transporting.

Change of place of imprisonment.

*Proviso.* —application for, required.

Approved, March 3, 1901.

**CHAP. 874.** —An Act To authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Charleroi and Monessen Bridge Company, a corporation existing under the laws of the State of Pennsylvania is hereby authorized to construct, maintain, and operate a highway bridge across the Monongahela River, from a point in the borough of North Charleroi, county of Washington and State of Pennsylvania, to a point on the opposite side of the river, in the township of Rostraver, county of Westmoreland, and State of Pennsylvania. The said bridge, when built in accordance with this Act, shall be a legal structure, and may be used for all the purposes of a highway bridge.

Charleroi and Monessen Bridge Company may bridge Monongahela River.

—location, etc.

SEC. 2. That the channel span of any bridge built under the provisions of this Act shall not be less than fifty-four feet above the level

Spans, etc.

of the water at pool full in said river, measured to the lowest part of the superstructure thereof, nor shall the said span be less than three hundred feet in length in the clear, and the piers of the bridge shall be parallel with the current of the river, and the said span shall be over the main channel of the river at ordinary water: *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, upon which, also, no higher charge shall be made for the transportation over the same of the mails, the troops, or 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.

*Proviso.*  
Lawful structure  
and post route.

Secretary of War to  
approve plans.

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 bridge 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 the proposed location the depths and currents at all points of the same and the depths and the currents as far below the proposed location as he may require, and also give the location of any other bridge for three-fourths of a mile above and below the proposed location, together with all other information touching the 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 ap-  
proval, 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 upon 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 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 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.

SEC. 5. That said bridge shall be constructed and used for the passage of wagons and vehicles of all kinds, for the transit of animals and foot passengers, for the erection and maintenance thereon of telegraph and telephone wires, and the passage and operation of street cars over the same, for such reasonable rates of toll as may be fixed by the laws of the State of Pennsylvania, or may be agreed upon between the bridge company and such persons or corporations using the same, where the rates of toll are not fixed by law; and in case the parties interested shall fail to agree upon the sum 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 circuit court of the United States in and for any district in which any portion of said bridge may be. The United States shall also have the right of way over said bridge for postal-telegraph and telephone purposes: *Provided*, That all street railroad 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, and all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge.

-tolls.

-litigation.

-postal telegraph,  
etc.

*Proviso.*  
Street railways.

Telephone, etc.,  
companies.



SEC. 6. That said bridge herein authorized to be constructed shall so be 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 sunrise to sunset, such lights or other signals as the Light-House Board may prescribe; and such changes may 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; and in case of any litigation arising from any alleged obstruction to the navigation of any of said rivers created by the construction of any bridge under this Act, the cause or question arising may be tried before the circuit court of the United States in and for any district in which any portion of said obstruction or bridge may be.

Aids to navigation.

Lights.

Alterations.

Litigation.

SEC. 7. 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. 8. That Congress shall have power at any time to alter, amend, or repeal this Act.

Amendment.

Approved, March 3, 1901.

**CHAP. 875.**—An Act To provide an American register for the foreign-built ship Balclutha.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the foreign-built ship Balclutha, owned by citizens of the United States, to be registered as vessel of the United States.

Ship Balclutha granted American register.

Approved, March 3, 1901.

**CHAP. 876.**—An Act To incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That James Dean, of Freeport, Charles W. Ward, of Queens, William Scott, of Buffalo, and Charles Henderson, of New York City, all in the State of New York; William J. Stewart, Michael H. Norton, and Patrick Welch, of Boston, Edmund M. Wood, of Natick, and Lawrence Cotter, of Dorchester, all in the State of Massachusetts; Edward G. Hill, of Richmond, in the State of Indiana; John N. May, of Summit, John G. Esler, of Saddle River, Patrick O'Mara, of Jersey City, William A. Manda, of South Orange, all in the State of New Jersey; Benjamin Durfee, William R. Smith, William F. Gude, and Henry Small, jr., of Washington, in the District of Columbia; Willis N. Rudd, of Chicago, Emil Buettner, of Park Ridge, John C. Vaughan, of Chicago, all in the State of Illinois; Joseph A. Dirwanger, of Portland, in the State of Maine; Robert Craig, Edwin Lonsdale, W. Atlee Burpee, and John Burton, of Philadelphia, H. B. Beatty, of Oil City, and William Falconer, of Pittsburg, all in the State of Pennsylvania; George M. Kellogg, of Pleasant Hill, in the State of Missouri; John T. D. Fulmer, of Des Moines, and J. C. Rennison, of Sioux City, in the State of Iowa; L. A. Berckmans, of Augusta, in the State of Georgia; H. Papworth, of New Orleans, in the State of Louisiana; Elmer D. Smith, of Adrian, and Harry Balsley, of Detroit, in the State of Michigan; F. A. Whelan, of Mount

District of Columbia. Society of American Florists and Ornamental Horticulturists incorporated. —incorporators.

Vernon on the Potomac, in the State of Virginia; Adam Graham, of Cleveland, in the State of Ohio; William Fraser, of Baltimore, in the State of Maryland; John Spalding, of New London, and John N. Champion, of New Haven, in the State of Connecticut; and Charles W. Hoitt, of Nashua, in the State of New Hampshire, their associates and successors, are hereby created a body corporate and politic, within the District of Columbia, by the name of the Society of American Florists and Ornamental Horticulturists, for the development and advancement of floriculture and horticulture in all their branches, to increase and diffuse the knowledge thereof, and for kindred purposes in the interest of floriculture and horticulture. Said association is authorized to adopt a constitution and to make by-laws not inconsistent with law, to hold real and personal estate in the District of Columbia, so far only as may be necessary to its lawful ends, to an amount not exceeding fifty thousand dollars, and such other estate as may be donated or bequeathed in any State or Territory: *Provided*, That all property so held, and the proceeds thereof, shall be held and used solely for the purposes set forth in the Act. The principal office of the association shall be at Washington, in the District of Columbia, but annual meetings may be held in such places as the incorporators or their successors shall determine: *Provided*, That this incorporation shall not be permitted to occupy any park of the city of Washington.

**Purposes of incorporation.**

**Powers.**  
—to hold real estate.

**Proviso.**  
—limitation.

**Principal office.**

**Not to use parks.**

**Amendment.**

**SEC. 2.** That Congress reserves the right to alter, amend, or repeal this Act in whole or in part.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 877.**—An Act To authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River, in the State of Texas.

Paris, Choctaw and Little Rock Railway may bridge Red River at Hooks Ferry, Tex.

**Proviso.**  
Lawful structure and post route.

Postal telegraph, etc.

Secretary of War to approve plans.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Paris, Choctaw and Little Rock Railway Company, a corporation duly created under and by virtue of the laws of the State Texas, be, and is hereby, authorized to build a bridge across Red River, at a point suitable to the interest of navigation, at or near Hooks Ferry, Red River County, Texas, the said bridge to be so constructed as to not interfere with the navigation of said river: *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, upon which no higher rate shall be charged for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for through passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railways leading to said bridge; and the United States shall have the right of way for postal-telegraph and telephone purposes over said bridge.

**SEC. 2.** That any bridge constructed under this Act shall be built and located under and subject to such regulations for the security of the navigation of said river 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, a design and drawings of the bridge and piers, and a map of the location, giving for the space of at least 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, and the direction and strength of the current 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 plan and location of the bridge are approved by the Secretary of War the bridge shall not be built, and if any change be made in the plan of construction of said bridge during the progress of the work thereon, or after the completion of said bridge, such change shall be subject to the approval of the Secretary of War; and the said structure shall be so kept and managed at all times as to offer reasonable and proper means for the passage of vessels through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge, from sunset to sunrise, at the expense of the owners thereof, such lights and other signals as may be prescribed by the Light-House Board; and the said structure shall be changed and altered 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. 3. 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 cars over the same and the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and 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.

SEC. 4. That this Act shall be null and void if actual construction of the bridge herein authorized is not commenced within one year and completed within three years from the date hereof.

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

Approved, March 3, 1901.

Changes.  
Aids to navigation.  
Lights.  
Alterations.  
Rights of railroads to use.  
Telegraph, etc., companies.  
Commencement and completion.  
Amendment.

CHAP. 878.—An Act to authorize the Pigeon River Improvement, Slide, and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation, and improve the Pigeon River in said State at what is known as the cascades of said river.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Pigeon River Improvement, Slide, and Boom Company, a corporation organized and existing under the laws of the State of Minnesota, be, and hereby is, authorized, under such rules and regulations and subject to such conditions and limitations as the Secretary of the Interior may prescribe, to enter upon and improve the Pigeon River at what is known as the cascades of said river, for the purpose of making said river at said point navigable for floating logs, and to that end to enter upon the unallotted lands, and, with the consent of the allottees, upon any allotted lands, adjacent to said cascades, of the Grand Portage Indian Reservation, in said State, and to construct such sluice dams, wing dams, bulheads, spill dams, and other works necessary for said purpose, and to take from said unallotted lands timber for the construction of said improvements and works in quantity not to exceed one hundred and twenty-five thousand feet, board measure, for which timber said company shall pay such price as may be agreed upon between said company and the Secretary of the Interior, but not less than five dollars per thousand feet, board measure, the proceeds to be placed in the Treasury of the United States to the credit of the Chippewa

Pigeon River Improvement, Slide, and Boom Company may improve Pigeon River on Grand Portage Indian Reservation, Minn.

Use of timber by company.

—proceeds credited to Chippewa Indians, Minn.

*Proviso.*  
River open to pas-  
sage of timber.

Fishways.

Indians in Minnesota: *Provided*, That said river after being so improved shall be open at all times to the free passage of all timber cut from said Grand Portage Indian Reservation, and to the passage of all other timber for a reasonable charge therefor: *Provided further*, That suitable fishways shall be constructed and maintained by said company, to be approved by the United States Fish Commission.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 879.**—An Act To authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon.

Portland, Nehalem  
and Tillamook Rail-  
way may bridge Ne-  
halem Bay and River,  
Oreg.

*Proviso.*  
—location.

Transit, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Portland, Nehalem and Tillamook Railway Company, a corporation created and existing under the laws of Oregon, its successors and assigns, be, and is hereby, authorized to construct and maintain a bridge and approaches thereto across the upper portion of Nehalem Bay, or across the main channel of, or the North Fork of, the Nehalem River, to the opposite shore of said bay or rivers, in the county of Tillamook and State of Oregon: *Provided*, That a location is found within or near Nehalem Bay suitable to the interests of navigation and satisfactory to the Secretary of War. Said bridge will be constructed where necessary for the crossing of said bay and rivers with said railway company's railway at such points as may be selected by the said railway company, and subject to the approval of the Secretary of War, and shall be so constructed as to provide for the passage of railroad trains, and, at the option of said railway company 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 foot passengers, for such reasonable rates of toll as may be fixed by the said railway company and approved by the Secretary of War.

Lawful structure  
and post route.

Telegraph, etc.,  
companies.

*Proviso.*  
Rights of railroads  
to use.

**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, and shall enjoy the same rights and privileges as 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 and telephone purposes: *Provided*, 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 cars over the same and the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and 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.

Aids to navigation.

Secretary of War to  
approve plan.

**SEC. 3.** That the bridge across said Nehalem Bay or the main or North Fork of Nehalem River shall be so constructed, whether by draw, span, or otherwise, that a free and unobstructed passage may be secured to all vessels and other water craft navigating said bay or rivers, and be built under and subject to such regulations for the security of the navigation of the said bay or rivers over which they may be built as the Secretary of War may 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 bridge and

maps of location selected; and until said plans and locations are approved by the Secretary of War the bridge shall not be commenced or built; and should any changes be made in the plans of said bridge during the process of construction or after completion such changes shall be subject to the approval of the Secretary of War; and all changes in said bridge required by the Secretary of War at any time shall be at the expense of the corporations or persons owning or operating said bridge: *Provided*, That for the safety of vessels passing at night there shall be displayed on said bridge, from sunset to sunrise, at the expense of the owners thereof, such lights and other signals as the Light-House Board may prescribe.

Changes.

*Proviso.*  
Lights.

Amendment.

SEC. 4. That Congress may, at any time, alter, amend, or repeal this Act.

Commencement and completion.

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 four years from the date hereof.

Approved, March 3, 1901.

**CHAP. 880.**—An Act To authorize the city of Nashville, Tennessee, to construct a free public bridge across the Cumberland River within the corporate limits of said city.

March 3, 1901.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the mayor and city council of Nashville, a municipal corporation located in Davidson County, State of Tennessee, be, and is hereby, authorized to construct, maintain, and operate a free public bridge across the Cumberland River at the foot of Broad street, within the corporate limits of said city, provided such location is, in the judgment of the Secretary of War, suitable to the interests of navigation.

Nashville, Tenn.,  
may bridge Cumberland River.

SEC. 2. That the said bridge shall be located and built subject to such regulations for the security of navigation as the Secretary of War may prescribe; and to secure that object the said mayor and city council shall submit, for his examination, a design and drawing of the proposed bridge and a map of its location; and until the said plan and location shall be approved by him the bridge shall not be commenced or built; and should any change be made in said bridge, either before or after completion, such change shall likewise be subject to the approval of the Secretary of War.

Secretary of War to approve plans.

SEC. 3. That such bridge shall be so kept and managed as to offer reasonable and proper means for the passage of boats and other craft through or under the same; and for the safety of vessels passing at night there shall be displayed on said bridge, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe. And any changes in the 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.

Aids to navigation.

Lights.

SEC. 4. That this Act shall be null and void if the actual construction of said bridge shall not be commenced within one year and completed within three years after the date hereof.

Commencement and completion.

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

Amendment.

Approved, March 3, 1901.

March 3, 1901.

**CHAP. 881.**—An Act To amend an Act entitled “An Act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Texas, and for the appointment of a clerk for said court, and for other purposes,” approved February nineteenth, nineteen hundred and one.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section five of said Act be, and the same is hereby, amended to read as follows:

“**SEC. 5.** That the clerk of the circuit court of said eastern district shall maintain an office, in charge of himself or a deputy, at the said city of Sherman, which shall be kept open at all times for the transaction of the business of said division; and the district judge for the said eastern district shall appoint a clerk of the district court who shall maintain an office at the said city of Sherman, which shall be kept open at all times for the transaction of the business of said division.”

Approved, March 3, 1901.

Texas, eastern judicial district.  
New division of, etc.  
Clerk's office at Sherman, Tex.  
*Ante*, p. 798.

# 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, nineteen hundred, on the twentieth day of said month.

December 18, 1900.

*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, including the Capitol police, their respective salaries for the month of December, nineteen hundred, on the twentieth day of December, nineteen hundred.*

Officers, etc., of Congress to be paid December salaries December 20, 1900.

Approved, December 18, 1900.

[No. 2.] Joint Resolution To fill a vacancy in the Board of Regents of the Smithsonian Institution.

January 14, 1901.

*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 Lyne Wilson, of Virginia, shall be filled by the appointment of George Gray, a resident of Delaware.*

George Gray appointed regent Smithsonian Institution.

Approved, January 14, 1901.

[No. 3.] Joint Resolution Authorizing the publication of an edition of "A Digest of International Law."

January 14, 1901.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed the usual number of copies of "A Digest of the International Law of the United States, taken from the Opinions of Presidents and Secretaries of State, and of Attorney-Generals, and from the Decisions of Federal Courts, and of Joint International Commissions in which the United States was a party;" and that there be printed, in addition to said usual number, two thousand copies for the use of the State Department, two thousand copies for the use of the Senate, and four thousand copies for the use of the House of Representatives; said Digest to be printed under the direction of the Secretary of State, and to be brought down to date.*

"Digest of International Law." Publication authorized.

Approved, January 14, 1901.

January 14, 1901.

[No. 4.] Joint Resolution Authorizing the appointment of Charles A. Boutelle as a captain on the retired list of the Navy.

Charles A. Boutelle.  
Appointment as captain on retired list of Navy 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 he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint upon the retired list of the Navy, with the rank of captain, Charles A. Boutelle, formerly a volunteer lieutenant on the active list of the Navy.

Approved, January 14, 1901.

January 22, 1901.

[No. 5.] Joint Resolution Authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect, on March fourth, nineteen hundred and one, and so forth.

District of Columbia.  
Inauguration of President-elect.  
Permits for use of public reservations authorized.

Designation of streets to be used.

Proviso.  
Platforms, etc., supervision of, etc.

Use of conductors for illumination;

Provisos.  
—limit of time.

—removal of wires.

—no expense to United States, etc.

—no underground conduits.

Appropriation for preserving order.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is hereby authorized to grant permits to the committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect, on the fourth day of March, nineteen hundred and one, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate, for such and other purposes on the occasion aforesaid, such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however,* That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said inaugural committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the commissioner of public buildings and grounds, and the building inspector of the District of Columbia.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' inaugural committee for the inaugural ceremonies, March, nineteen hundred and one, to stretch suitable overhead conductors, with sufficient supports, wherever necessary and in the nearest practicable connection with the present supply of light, for the purpose of effecting the said illumination: *Provided,* That the said conductors shall not be used for the conveying of electrical currents after March sixth, nineteen hundred and one, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March fifteenth, nineteen hundred and one: *Provided further,* That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further,* That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia: *Provided further,* That for the purposes of this Act the construction of additional underground conduits is specifically prohibited.

SEC. 3. That ten thousand dollars, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in



equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the twenty-eighth of February to the ninth of March, nineteen hundred and one, both inclusive. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance during said period. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed one hundred dollars in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days.

Regulations.

—penalty.

SEC. 4. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, and so forth (except battle flags), that are not now in use and may be suitable and proper for decoration and may be spared without detriment to the public service, such flags to be used by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion, and the interior of the reception hall: *Provided*, That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to such flags not necessarily incident to such use.

Loan of flags, etc., for decorating.

*Proviso*. —liability for damage.

SEC. 5. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company and the Postal Telegraph Company to extend overhead wires into the Pension building and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the fourth day of March, anno Domini nineteen hundred and one.

Temporary telegraph wires.

—removal of.

SEC. 6. That the Commissioners of the District of Columbia are hereby authorized to issue to steam railroad companies in said District permits to temporarily occupy additional parts of streets for the purpose of accommodating the traveling public attending the inaugural ceremonies in March, nineteen hundred and one: *Provided*, That such temporary occupation shall not exceed the period of fifteen days, and shall be subject to conditions prescribed by said Commissioners: *Provided further*, That no temporary tracks shall be laid upon or over any of the parks of the city.

Temporary occupation of streets by railroads.

*Provision*. —limit of time.

—use of parks forbidden.

Approved, January 22, 1901.

[No. 7.] Joint Resolution To enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March fourth, nineteen hundred and one.

February 8, 1901.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.* That to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March fourth, nineteen hundred and one, in accordance with such programme as may be adopted by a Joint Committee of the Senate and House of Representatives, to be appointed under a concurrent resolution of the two Houses, including the pay for extra police for three days, at three dollars per day, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, seven thousand dollars, or so much thereof as may be necessary, the same to be immediately available.

Inauguration of President elect. Appropriation for expenses of Senate, etc.

Approved, February 8, 1901.

February 23, 1901.

[No. 8.] Joint Resolution Providing for the printing annually of the Report on Field Operations of the Division of Soils, Department of Agriculture.

Department of Agriculture,  
Division of Soils,  
Report on Field Operations,  
Printing of, annually authorized.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be printed seventeen thousand copies of the Report on Field Operations of the Division of Soils, Department of Agriculture, for nineteen hundred, of which three thousand copies shall be for the use of the Senate, six thousand copies for the use of the House of Representatives, and eight thousand copies for the use of the Department of Agriculture; and that annually hereafter a similar report shall be prepared and printed, the edition to be the same as for the report herein provided.

Approved, February 23, 1901.

February 23, 1901.

[No. 9.] Joint Resolution Providing for reprint of Bulletin Numbered Eighty, entitled "The Agricultural Experiment Stations of the United States."

Bulletin Agricultural Experiment Stations, United States,  
Printing authorized.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be printed from the stereotype plates in the Government Printing Office five thousand copies of Bulletin Numbered Eighty, office of Experiment Stations, entitled "The Agricultural Experiment Stations in the United States," of which one thousand copies shall be for the use of the Senate, two thousand copies for the use of the House of Representatives, and two thousand copies for the use of the Department of Agriculture; and the quality of paper and style of binding to be the same as in the original edition of the publication.

Approved, February 23, 1901.

February 28, 1901.

[No. 10.] Joint Resolution Authorizing the Secretary of the Interior to remove from the files of the Department of the Interior certain letters to be donated to the State of Iowa.

Department of the Interior,  
Donation of letters from files of, to State of Iowa 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 is hereby, authorized to remove from the files of the Department and donate to the State of Iowa such letters of Robert Lucas, John Chambers, and James Clark, addressed to the Commissioner of Indian Affairs, as may be designated by the curator of the historical department of said State, copies being retained in the files of the Department of the Interior if the Secretary shall deem such letters or any of them of any value to the Government.

Approved, February 28, 1901.

February 28, 1901.

[No. 11.] Joint Resolution Authorizing articles imported from foreign countries for the sole purpose of exhibition at the San Antonio International Fair and at the Texas State Fair and Dallas Exposition, to be held in the cities of San Antonio, Texas, and Dallas, Texas, to be imported free of duty, under regulations prescribed by the Secretary of the Treasury.

San Antonio International Fair, Texas,  
Texas State Fair and Dallas Exposition, Texas,  
Imported exhibits admitted free of duty.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That all articles which shall be imported from foreign countries for the sole purpose of exhibition at the annual fair held under the auspices of the San Antonio International Fair Association and at the Texas State Fair and Dallas Exposition, held annually in the cities of San Antonio, Texas, and Dallas,

Texas, respectively, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury may prescribe; but it shall be lawful at any time during the exhibition to sell, for delivery at the close of the said fairs and expositions, any goods or property imported for and actually on exhibition in the fair and exposition buildings or on their grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption in the United States, shall be subject to the duty, if any, imposed upon such article by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles and against the persons who may be guilty of any illegal sale or withdrawal.

—sale.

*Proviso.*

—payment of duty.

SEC. 2. That for the purposes of the execution of this Act San Antonio, Texas, and Dallas, Texas, may, in the discretion of the Secretary of the Treasury, be ports of delivery in the customs collection district in which they are situated: *Provided*, That all necessary expenses incurred, including salaries of customs officials in charge of imported articles, shall be paid into the Treasury of the United States by the San Antonio International Fair and the Texas State Fair and Dallas Exposition Association, respectively, as the goods imported, under regulations to be prescribed by the Secretary of the Treasury.

San Antonio and Dallas temporary ports of delivery.

*Proviso.*

Payment of expenses, etc.

Approved, February 28, 1901.

[No. 12.] Joint Resolution Extending the time within which certain street railroads in the District of Columbia may be constructed.

March 1, 1901.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the time within which the Washington and Gettysburg Railway Company, of Maryland, is allowed to extend its lines into and within the District of Columbia be, and the same is hereby, extended for two years from and after the passage of this resolution.

District of Columbia. Washington and Gettysburg Railway, Md. Time extended to run lines into the District.

SEC. 2. That the time within which the Columbia Railway is authorized to construct an extension of its lines from the intersection of Watts Creek and Anacostia road along the Anacostia road to its intersection with the eastern boundary line of the District of Columbia be, and the same is hereby, extended for two years from the passage of this resolution: *Provided*, That said branch of said railway shall be constructed in or along said Anacostia road in accordance with plans to be approved by the Commissioners of the District of Columbia.

Columbia Railway. Time for completing extension extended.

*Proviso.*  
Plans.

Approved, March 1, 1901.

[No. 13.] Joint Resolution Regulating licenses to proprietors of theaters in the District of Columbia.

March 1, 1901.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That any license issued by the assessor of the District of Columbia to the proprietor of a theater or other public place of amusement in the District of Columbia may be terminated by the Commissioners of the District of Columbia whenever it shall appear to them that, after due notice, the person holding such license shall have failed to comply with such regulations as may be prescribed by the said Commissioners for the public decency.

District of Columbia. Theater licenses may be terminated for indecent performances.

Approved, March 1, 1901.

March 2, 1901.

[No. 14.] Joint Resolution Giving the Commissioners of the District of Columbia authority to provide for the public comfort.

District of Columbia.  
Inaugural ceremonies.  
Appropriation to provide for public comfort.

*Resolved 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 expend a sum not to exceed five hundred dollars from the emergency fund of the District of Columbia to provide for the public comfort during the approaching inaugural ceremonies; and the said Commissioners may, from time to time, issue temporary permits for the aforesaid purpose, subject to such regulations as they may prescribe.

Approved, March 2, 1901.

March 2, 1901.

[No. 15.] Joint Resolution Providing for the publication of the report of the board of management of the United States Government exhibit at the Tennessee Centennial Exposition.

Tennessee Centennial Exposition.  
Printing authorized of report of board of managers Government exhibit.  
Vol. 29, p. 478.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much as may be necessary of the unexpended balance of the appropriation of one hundred thousand dollars provided in section three of the Act to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville in eighteen hundred and ninety-seven, approved December twenty-second, eighteen hundred and ninety-six, be applied to the preparation of illustrations and the printing and binding at the Government Printing Office of six thousand copies of the report of the board of management of the United States Government exhibit at said exposition, under the direction of the chairman of said board.

Approved, March 2, 1901.

March 2, 1901.

[No. 16.] Joint Resolution To regulate the distribution of public documents to the Library of Congress for its own use and for international exchange.

Library of Congress.  
Distribution of public documents to, regulated, etc.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That of the publications described in this section the number of copies which shall be printed and distributed by the Public Printer to the Library of Congress for its own use and for international exchange in lieu of the number now provided by law shall be sixty-two, except as such number shall be enlarged to not exceeding one hundred copies by request of the Librarian of Congress, to wit: The House documents and reports, bound; the Senate documents and reports, bound; the House Journals, bound; the Senate Journals, bound; all other documents bearing a Congressional number and all documents not bearing a Congressional number printed by order of either House of Congress, or by order of any Department, bureau, commission, or officer of the Government, except confidential matter, blank forms, and circular letters not of a public character; the Revised Statutes, bound; the Statutes at Large, bound; the Congressional Record, bound; the Official Register of the United States, bound.

Additional copies furnished.

SEC. 2. That in addition to the foregoing the Public Printer shall supply to the Library of Congress for its own use two copies of each of the above-described publications, unbound, as published; five copies of all bills and resolutions; ten copies of the daily Congressional Record; and two copies of all documents printed for the use of Congressional committees not of a confidential character.

SEC. 3. That of any publication printed at the Government expense by direction of any Department, commission, bureau, or officer of the Government elsewhere than at the Government Printing Office there shall be supplied to the Library of Congress for its own use and for international exchange sixty-two copies, except as such number shall be enlarged to not exceeding one hundred copies by request of the Joint Committee on the Library.

Number of copies of publications printed elsewhere than at Government Printing Office to be supplied Library.

Approved, March 2, 1901.

[No. 17.] Joint Resolution Concerning printing of additional copies of the Annual Report of the Geological Survey.

March 2, 1901.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That of the volumes or parts of the Annual Report of the Geological Survey which relate to hydrography, forestry, and mining and mineral resources there shall hereafter be published one thousand copies in addition to the number now published, for distribution by the Geological Survey.*

Geological Survey. Printing of additional copies of annual report authorized.

Approved, March 2, 1901.

[No. 18.] Joint Resolution Authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes.

March 3, 1901.

*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 he is hereby, authorized to cause to be struck bronze medals commemorative of the naval and other engagements in the waters of the West Indies and on the shores of Cuba during the war with Spain, and to distribute the same to the officers and men of the Navy and Marine Corps who participated in any of said engagements deemed by him of sufficient importance to deserve commemoration: *Provided*, That officers and men of the Navy or Marine Corps who rendered specially meritorious service, otherwise than in battle, may be rewarded in like manner: *And provided further*, That any person who may, under the provisions of this Act, be entitled to receive recognition in more than one instance shall, instead of a second medal, be presented with a bronze bar, appropriately inscribed, to be attached to the ribbon by which the medal is suspended. And to carry out the provisions of this resolution the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.*

Navy and Marine Corps. Bronze medals to officers, etc., Spanish war authorized.

*Provided*.

Bronze bar authorized instead of two medals.

Appropriation.

Approved, March 3, 1901.

[No. 19.] Joint Resolution Ratifying agreement between Tennessee and Virginia with reference to the boundary line of said States.

March 3, 1901.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a recent compact or agreement having been made by and between the States of Tennessee and Virginia, whereby the State of Tennessee, by an act of its legislature approved January twenty-eighth, nineteen hundred and one,*

Tennessee and Virginia boundary line. Interstate compact ratified.

ceded to the State of Virginia certain territory specifically described in said act and being the northern half of the main street between the cities of Bristol, Virginia, and Bristol, Tennessee, and the State of Virginia, by act of its general assembly, approved February ninth, nineteen hundred and one, having accepted said cession of the State of Tennessee, the consent of Congress is hereby given to said contract or agreement between said States fixing the boundary line between said States as shown by said acts referred to, and the same is hereby ratified.

Approved, March 3, 1901.