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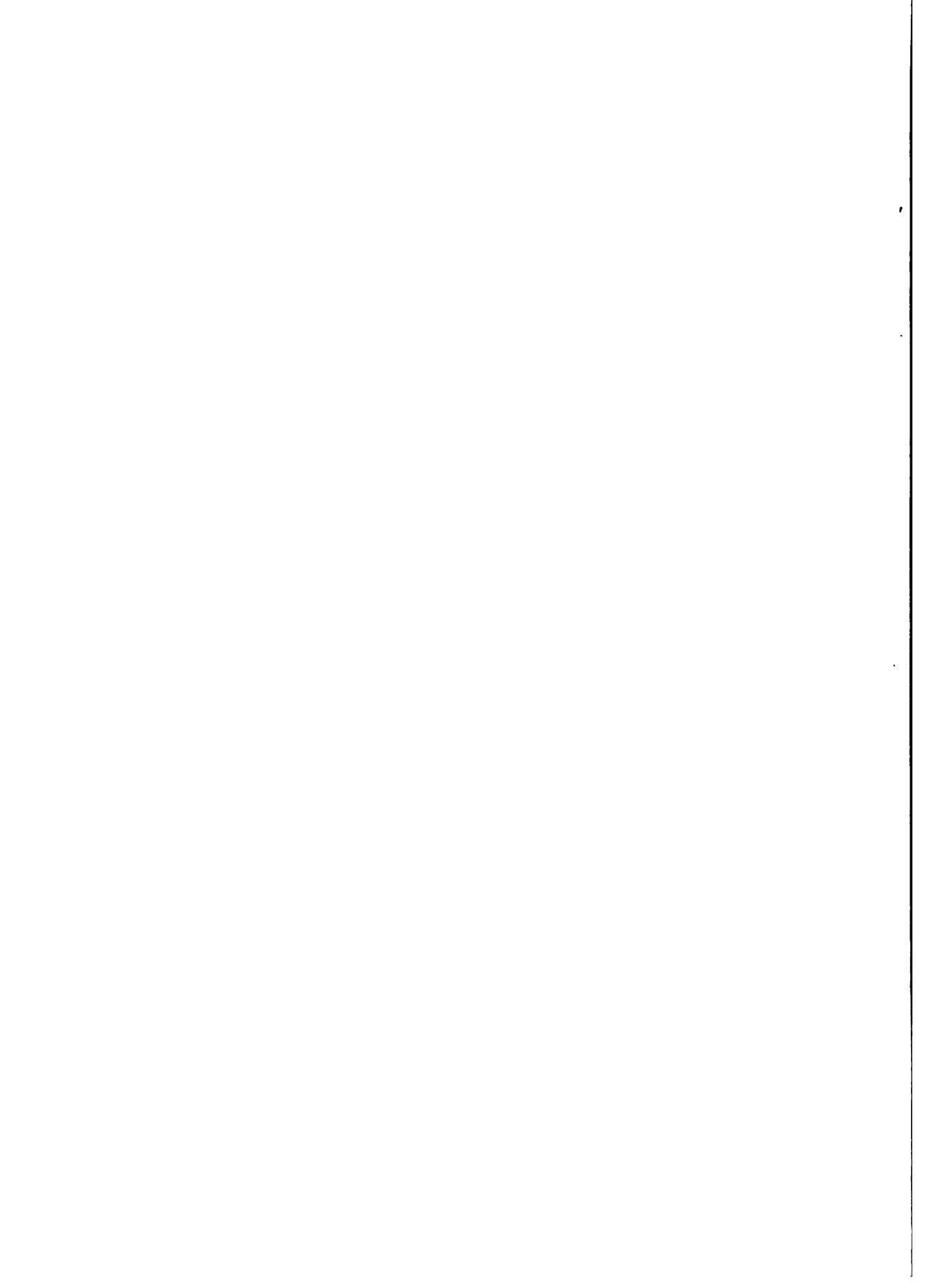
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REVISED STATUTES

United States.
[*Laws, etc. (Revised Statutes : 1875)*] OF

THE UNITED STATES,

PASSED AT THE

FIRST SESSION OF THE FORTY-THIRD CONGRESS,

1873-'74;

EMBRACING THE STATUTES OF THE UNITED STATES, GENERAL AND PERMANENT
IN THEIR NATURE, IN FORCE ON THE FIRST DAY OF DECEMBER, ONE
THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, AS REVISED
AND CONSOLIDATED BY COMMISSIONERS APPOINTED
UNDER AN ACT OF CONGRESS;

WITH

AN APPENDIX

CONTAINING

"AN ACT TO CORRECT ERRORS AND SUPPLY OMISSIONS."

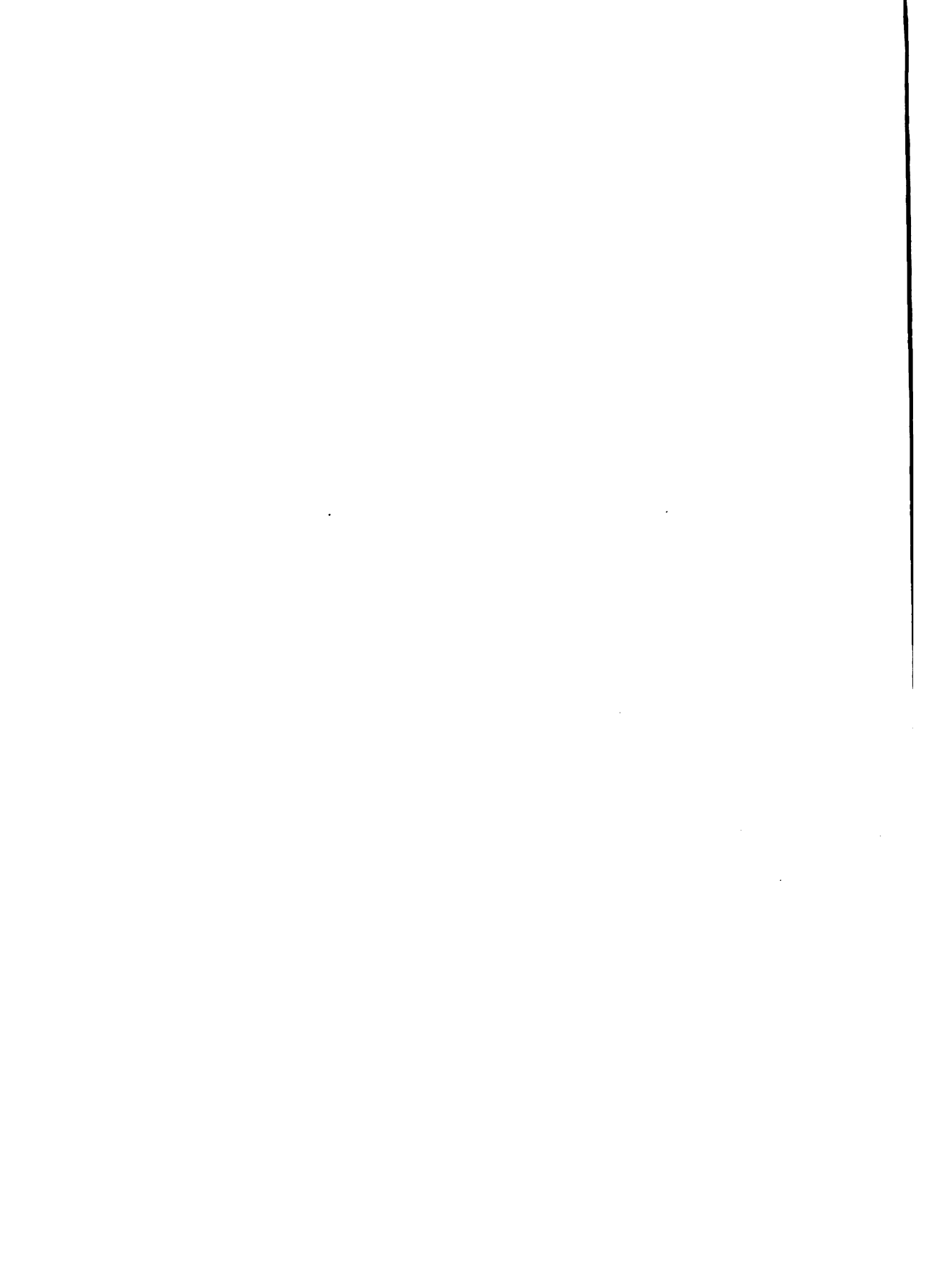
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EDITED, PRINTED, AND PUBLISHED UNDER THE AUTHORITY OF
AN ACT OF CONGRESS, AND UNDER THE DIRECTION
OF THE SECRETARY OF STATE.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.

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UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

Whereas, by section 2 of an act entitled "An act providing for publication of the Revised Statutes and the laws of the United States," approved June 20, 1874, it is provided as follows, viz :

"SEC. 2. That the Secretary of State is hereby charged with the duty of causing to be prepared for printing, publication, and distribution, the Revised Statutes of the United States enacted at this present session of Congress; that he shall cause to be completed the head-notes of the several titles and chapters, and the marginal notes referring to the statutes from which each section was compiled and repealed by said revision, and references to the decisions of the courts of the United States explaining or expounding the same, and such decisions of State courts as he may deem expedient, with a full and complete index to the same. And when the same shall be completed, the said Secretary shall duly certify the same under the seal of the United States, and when printed and promulgated as hereinafter provided, the printed volumes shall be legal evidence of the laws and treaties therein contained, in all the courts of the United States, and of the several States and Territories."

And whereas, by section 1 of an act entitled "An act providing for the authentication of the Revised Statutes of the United States and for preserving the originals of all laws in the Department of State," it is provided, "That the certificate to the printed volume of the Revised Statutes of the United States required by said section 2 of the act of June 20, 1874, shall be made by the Secretary of State under the seal of the Department of State."

Now, therefore, I, HAMILTON FISH, Secretary of State, do hereby certify that the following are the "Revised Statutes of the United States" as enacted by Congress on the 22d day of June, 1874, prepared, printed, and published according to the provisions of the said first-mentioned act of June 20, 1874.

In witness whereof, I have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington this twenty-second day of February, A. D. 1875, and of the Independence of the United States of America the ninety-ninth.

HAMILTON FISH.



HEIN 102.21.1012

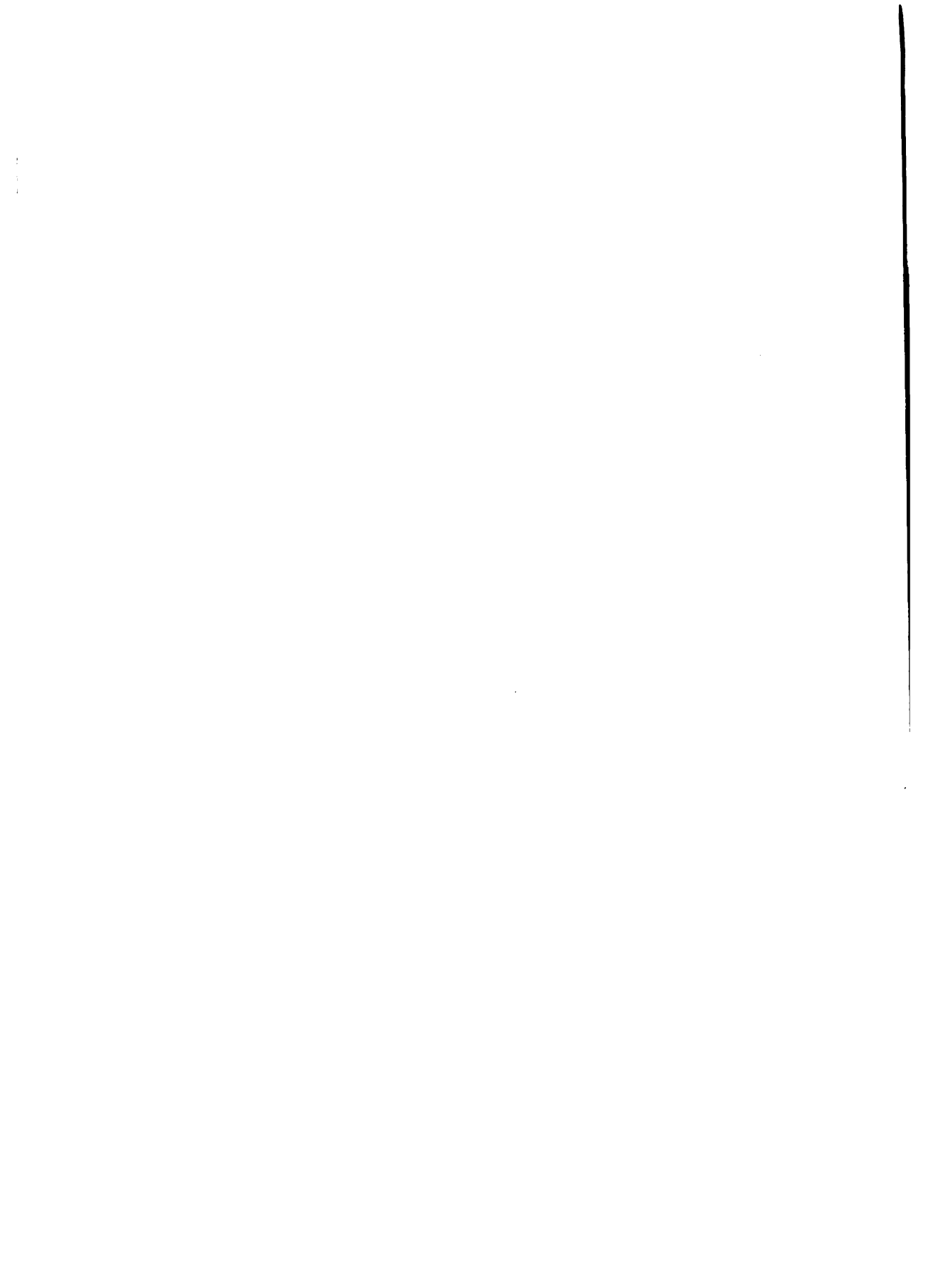


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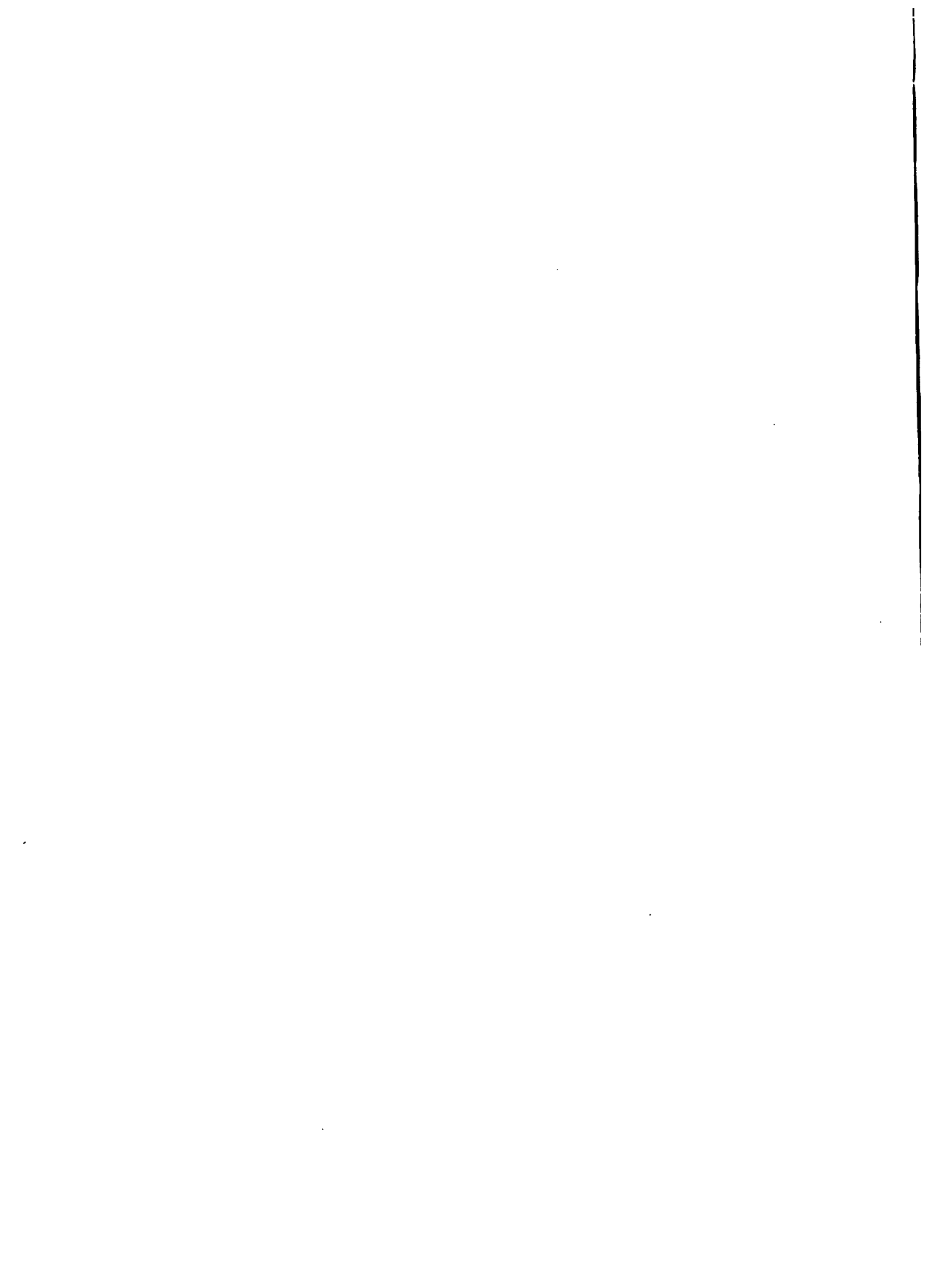
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FORTY-THIRD

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

AN ACT

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

TITLE I.

GENERAL PROVISIONS.

CHAPTER ONE.

Sec.

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

Sec.

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

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

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

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

Definitions.

- 25 Feb., 1871, c. 71, s. 2, v. 16, p. 431.
13 July, 1866, c. 184, s. 44, v. 14, p. 163.
30 June, 1864, c. 173, ss. 82, 126, v. 13, pp. 258, 257.
20 July, 1868, c. 186, s. 104, v. 15, p. 166.

County.

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

Vessel.

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

Vehicle.

18 July, 1866, c. 201, s. 1, v. 14, p. 178.

Company, association.

25 July, 1866, c. 242, s. 9, v. 14, p. 241.

Seal.

31 May, 1864, c. 60, s. 2, v. 10, p. 297.

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

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

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

CHAPTER TWO.

FORM OF STATUTES AND EFFECT OF REPEALS.

Sec.

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

Sec.

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

Enacting clause.

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

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

Resolving clause.

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

No enacting words after first section.

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

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

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

Numbering and frame of sections.

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

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

Title of appropriation acts.

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

Repeal not to revive former act.

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

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

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

Repeals not to affect liabilities, unless, &c.

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

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

TITLE II.

THE CONGRESS.

CHAPTER ONE.

ELECTION OF SENATORS.

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

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

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

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

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

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

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

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

When Senators to be elected.

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

Mode of election.

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

Vacancy occurring before meeting of legislature.

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

Vacancy during session of legislature.

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

Election of Senators certified.

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

Countersign of certificate.

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

CHAPTER TWO.

APPORTIONMENT AND ELECTION OF REPRESENTATIVES.

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

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

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

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

Representatives assigned to new States.

23 May, 1850, c. 11,

Reduction of representation under amendment 14.

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

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

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

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

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

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

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

SEC. 25. The Tuesday next after the first Monday in November, in the year eighteen hundred and seventy-six, is established as the day, in each of the States and Territories of the United States, for the election of Representatives and Delegates to the Forty-fifth Congress; and the Tuesday next after the first Monday in November, in every second year thereafter, is established as the day for the election, in each of said States and Territories, of Representatives and Delegates to the Congress commencing on the fourth day of March next thereafter. [See §§ 1992, 1995, 1996.]

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

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

Elections by districts.

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

Representative from California in Forty-fourth Congress.

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

Time of election.

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

Vacancies.

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

Votes by ballot.

28 Feb., 1871, c. 99, a. 19, v. 16, p. 440.
30 May, 1872, c. 239, v. 17, p. 192.

CHAPTER THREE.

ORGANIZATION OF MEETINGS OF CONGRESS.

Sec.
28. Oath of Senators.
29. Oath of President of the Senate.
30. Oath of Speaker, members, and delegates.
31. Roll of Representatives-elect.

Sec.
32. When roll made by Sergeant-at-Arms.
33. When by Door-keeper.
34. President may change place of meeting, when.

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

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

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

Oath of Senators.
1 June, 1789, c. 1, a. 2, v. 1, p. 23.

Oath of President of the Senate.
1 June, 1789, c. 1, a. 2, v. 1, p. 23.

Oath of Speaker, members, and delegates.
1 June, 1789, c. 1, a. 2, v. 1, p. 23.

Roll of Representatives-elect.

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

When roll made by Sergeant-at-Arms.

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

When by Door-keeper.

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

President may change place of meeting, when.

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

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

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

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

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

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

CHAPTER FOUR.

COMPENSATION OF MEMBERS.

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

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

Salaries of members of Congress.

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

Compensation of President of Senate.

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

Salary of Speaker.

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

Salary payable monthly to Representatives and Delegates elect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Salary payable monthly after taking oath.

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

Deductions for absence.

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

Deductions for withdrawal from seat.

17 July, 1863, Res. No. 68, s. 2, v. 12, p. 623.

Deductions for books.

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

Newspapers.

12 Feb., 1868, c. 8, s. 1, v. 15, p. 36. Postage.

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

Salary in lieu of all allowances, except traveling.

3 March, 1873, c. 226, s. 1, v. 17, p. 466.

Mode of payment.

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

Certificate of salary and accounts.

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

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

Effect of certificate.

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

Pay of member dying after commencement of a Congress.

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

Limits of the rule.

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

Pay of members elected to fill vacancies.

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

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

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

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

CHAPTER FIVE.

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

Sec.	Sec.
52. Officers and employes of the Senate.	65. Advertisements for stationery.
53. Officers and employes of the House of Representatives.	66. Form of advertisement.
54. Reporters for House of Representatives.	67. Notice of acceptance of proposals.
55. Chaplains' salaries.	68. Contracts for separate parts of stationery.
56. Secretary of the Senate a disbursing officer.	69. American goods to be preferred.
57. Bond of Secretary of the Senate.	70. Detailed reports of receipts and expenditures.
58. Bond of Clerk of the House.	71. Fees for copies from journals.
59. Custody of bonds.	72. Accounts of property.
60. Reports of Secretary and Clerk.	73. Door-keepers' duties.
61. What to exhibit.	74. Mileage of officers serving process.
62. Reports of subordinate disbursing officers.	75. Abridgments of accompanying documents.
63. Reports of expenditures.	76. Payments from contingent fund.
64. Statements of appropriations and of floes.	77. Congressional Directory.
	78. Printing of debates.
	79. Publication of laws.

Officers and employes of Senate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Officers and employes of House of Representatives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reporters for House of Representatives.

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

Chaplains' salaries.

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

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

Secretary of the Senate a disbursing officer.

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

Bond of Secretary of Senate.

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

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

Bond of Clerk of the House.

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

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

Custody of bonds.

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

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

Reports of Secretary and Clerk.

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

10 Feb., 1854, c. 11, s. 2, v. 10, p. 267.

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

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

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

What to exhibit.

1 Mar., 1823, Res. No. 1, v. 3, p. 759.

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

Reports of subordinate disbursing officers.

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

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

Reports of expenditures.

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

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

Statements of appropriations and offices.

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

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

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

Advertisements for stationery.

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

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

Form of advertisement.

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

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

Notice of acceptance of proposals.

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

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

Contracts for separate parts of stationery.

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

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

American goods to be preferred.

17 June, 1844, c. 106, s. 1, v. 5, p. 681.

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

Detailed reports of receipts and expenditures.

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

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

Fees for copies from journals.

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

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

Accounts of property.

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

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

Door-keepers' duties.

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

Mileage of officers serving process.

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

Abridgment of accompanying documents.

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

Payments from contingent fund.

14 Mar., 1864, c. 30, s. 1, v. 13, p. 92, (96.)

Congressional Directory.

14 Feb., 1866, Res. No. 15, v. 13, p. 568.

Printing of debates.

3 Mar., 1873, c. 227, s. 1, v. 17, p. 610.

Publication of laws.

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

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

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

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

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

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

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

CHAPTER SIX.

THE LIBRARY OF CONGRESS.

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Collections composing.

26 Jan., 1802, c. 2, v. 2, p. 125.

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

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

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

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

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

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

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

Library to be in two departments.

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

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

Joint Committee on Library.

24 April, 1800, c. 37, s. 5, v. 2, p. 55.
26 Jan., 1802, c. 2, s. 6, v. 2, p. 129.

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

Incidental expenses of law library.

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

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

Purchase of books for law library.

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

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

Regulations for the Library.

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

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

Duplicate, injured, or wasted books.

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

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

Agents for exchange, &c., of documents.

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

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

Appointment of Librarian.

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

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

Librarian's bond.

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

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

Librarian's salary.

8 July, 1870, c. 230, s. 65, v. 16, p. 212.

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

Assistant librarians.

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

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

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

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

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

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

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

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

No maps to be taken out.

26 Jan., 1802, c. 2.

Who may take out books.

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

Persons specially privileged to use Library.

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

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

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

13 Jan., 1820, Res. 2, v. 4, p. 429.

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

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

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

Use and regulation of law library.

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

Copies of Statutes at Large.

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

Copies of journals and documents.

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

Deposit in Library of Journals of Senate and House.

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

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

Smithsonian library.

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

How to be kept and used.

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

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

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

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

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

First. Heads of Departments.

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

Third. Members of the diplomatic corps.

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

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

Sixth. The Secretary of the Senate.

Seventh. The Clerk of the House of Representatives.

Eighth. The Chaplains of the two Houses of Congress.

Ninth. The Solicitor of the Treasury.

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

Eleventh. The Smithsonian Institution, through its Secretary.

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

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

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

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

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

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

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

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

CHAPTER SEVEN.

CONGRESSIONAL INVESTIGATIONS.

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

Oaths to witnesses, by whom administered.

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

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

Refusal of witness to testify.

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

SEC. 103. No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous. [See § 249.]

No privilege to refuse to answer criminal questions.

24 Jan., 1857, c. 11, v. 12, p. 333.

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

Proceedings against witnesses failing to testify.

24 Jan., 1857, c. 19, s. 3, v. 11, p. 155.

CHAPTER EIGHT.

CONTESTED ELECTIONS.

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

Notice of intention to contest.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 Jan., 1860, c. 15, v. 15, p. 267.

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

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

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

Fourth. Any registrar in bankruptcy or notary public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Service of subpoena.

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

Witnesses need not attend out of the county.

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

Penalty for failure to attend or testify.

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

Witnesses outside of district.

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

Party notified may select an officer.

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

Depositions taken by party or agent.

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

Examination of witnesses.

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

Testimony, to what confined.

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

Testimony, how written out and attested.

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

Production of papers.

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

Adjournments.

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

Notice, &c., attached to depositions.

19 Feb., 1851, c.

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

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

Copy of notice and answer to accompany testimony.

19 Feb., 1851, c.

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

11, s. 9, v. 9, p. 569.

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

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

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

Fees of witnesses.

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

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

Fees of officers.

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

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

Expenses of contest.

3 March, 1873, c. 226, s. 1, v. 17, p. 465, (490.)

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

TITLE III.

THE PRESIDENT.

CHAPTER ONE.

PRESIDENTIAL ELECTIONS.

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

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

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

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

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

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

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

Time of appointing electors.

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

Number of electors.

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

Vacancies in electoral college.

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

Failure to make a choice on the appointed day.

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

Meeting of electoral college.

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

List of names of electors to be furnished to them.

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

Manner of voting.

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

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

Certificates to be sealed and indorsed.

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

Transmission of the certificates.

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

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

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

Counting the electoral votes in Congress.

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

Provision for absence of President of the Senate.

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

Mileage of messengers.

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

Forfeiture for messenger's neglect of duty.

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

Vacancy in both offices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notification of vacancies to be published.

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

Requisites of the notification.

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

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

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

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

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

Time of holding election to fill vacancy.

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

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

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

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

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

Resignation or refusal of office.

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

CHAPTER TWO.

OFFICE AND COMPENSATION OF THE PRESIDENT.

Sec.
152. Commencement of term of office.
153. President's salary.
154. Vice-President's salary.

Sec.
155. Officers of the President's household.
156. Duties of the steward.
157. The steward's bond.

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

Commencement of term of office.

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

SEC. 153. The President shall receive in full for his services during the term for which he shall have been elected the sum of fifty thousand dollars a year, to be paid monthly, and shall be entitled to the use of the furniture and other effects belonging to the United States and kept in the Executive Mansion. [Sec. § 1529.]

President's salary.

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

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

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

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

3 March, 1857, c. 226, s. 1, v. 17, p. 486.

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

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

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

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

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

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

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

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

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

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

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

TITLE IV.

PROVISIONS APPLICABLE TO ALL THE EXECUTIVE DEPARTMENTS.

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

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

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

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

Application of provisions of this title.

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

Word "Department."

Salaries of heads of Departments.

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

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

Departmental regulations.

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

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

7 Aug., 1849, c. 7, v. 1, p. 49. 2 Sept., 1789, c. 12, v. 1, p. 65. 8 June, 1872, c. 335, v. 17, p. 283. 30 April, 1798, c. 35, v. 1, p. 553. 22 June, 1870, c. 150, s. 8, v. 16, p. 163. 3 March, 1849, c. 108, v. 9, p. 395.

Hours of business.

4 July, 1836, c. 352, s. 12, v. 5, p. 112.

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

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

Classification of Department clerks.

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

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

Examinations.

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

Clerkships open to women.

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

Distribution of clerks.

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

Salaries of persons employed in the Departments.

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

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

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

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

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

Temporary clerks.

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

Authority to employ clerks and other employes.

See appropriation acts since 1856.

Ex parte Hennen, 13 Feb., 230.

Extra compensation to clerks prohibited.

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

Restriction on employing extra clerks.

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

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

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

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

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

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

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

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

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

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

Sixth. To messengers, eight hundred and forty dollars.

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

Eighth. To laborers, seven hundred and twenty dollars.

Ninth. To watchmen, seven hundred and twenty dollars.

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

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

[See §§ 201, 214, 225, 228, 251, 293, 416, 446, 476.]

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

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

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

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

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

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

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

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

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

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

Restriction on employment of subordinate assistants.

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

Chief clerks to supervise subordinate clerks.

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

Chief clerks to distribute duties, &c.

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

Duty of chief on receipt of report.

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

Disbursing clerks.

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

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

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

[See §§ 201, 215, 225, 321, 308, 416, 440.]
Vacancies; how temporarily filled.

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

Vacancies in subordinate offices.

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

Discretionary authority of the President.

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

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

Temporary appointments limited to ten days.

23 July, 1868, c.

Restriction on temporary appointments.

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

Extra compensation disallowed.

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

Oaths, when administered by officers, &c.

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

Subpœnas to witnesses.

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

Witnesses' fees.

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

Compelling testimony.

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

Professional assistance; how obtained.

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

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

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

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

227, s. 3, v. 15, p. 168.

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

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

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

1870, c. 23, v. 16, p. 75.

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

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

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

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

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

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

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

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

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

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

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

Employment of attorneys or counsel.

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

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

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

Certified balances.

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

Expenditure for newspapers.

26 Aug., 1842, c. 202, s. 10, v. 5, p. 526.

Annual report of expenditure of contingent funds.

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

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

Report of clerks employed.

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

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

Time of making annual reports.

See all acts requiring reports.

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

Department reports, when to be furnished to Printer.

25 June, 1864, c. 155, ss. 1, 3, v. 13, pp. 184, 5. 22 June,

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

Inventories of property.

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

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

Biennial lists of employes to be filed in Interior Department.

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

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

14 July, 1832, Res. No. 11, v. 4, p. 606.

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

TITLE V.

THE DEPARTMENT OF STATE.

Sec.
 199. Establishment of the Department of State.
 200. Assistant and Second Assistant Secretaries of State.
 201. Subordinate officers, &c.
 202. Management of foreign affairs.
 203. Custody of seals and property.
 204. Promulgation of the laws.
 205. Amendments to the Constitution.
 206. State statutes to be procured.
 207. Report of returns of collectors and foreign agents.

Sec.
 208. Reports of foreign regulations of commerce, other commercial information, and consular fees.
 209. Statement of expenditures from contingent fund.
 210. Copies of acts and treaties furnished to printer.
 211. Publication of commercial information.
 212. Passports.
 213. Fees for copies of records.

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

Establishment of the Department of State.

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

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

Assistant and Second Assistant Secretaries of State.

25 July, 1866, c. 233, s. 2, v. 14, p. 226. 3 March, 1873, c. 226, s. 1, v. 17, p. 488.

3 March, 1863, c. 97, s. 6, v. 10, p. 212.

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

Subordinate officers, &c.

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

3 March, 1865, c. 175, s. 4, v. 10, p. 609.

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

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

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

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

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

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

One disbursing clerk. [See §§ 169, 172, 174, 176.]

Management of foreign affairs.

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

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

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

[See §§ 2000-2005, 2009, 1784.]

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

Custody of seals and property.

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

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

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

Promulgation of the laws.

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

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

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

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

Amendments to Constitution.

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

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

State statutes to be procured.

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

23 Sept., 1799, Res. No. 3, v. 1, p. 97.

Report of returns of collectors and foreign agents.

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

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

SEC. 208. The Secretary of State shall annually lay before Congress:

Reports of foreign regulations of commerce, other commercial information, and consular fees.

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

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

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

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

Third. A full list of all consular officers.

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

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

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

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

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

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

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

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

Statement of expenditures from contingent fund.

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

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

SEC. 210. The Secretary of State shall furnish to the Congressional Printer a correct copy of every act and joint resolution, as soon as possible after its approval by the President, or after it has become a law in accordance with the Constitution without such approval; also of every treaty between the United States and any foreign government as soon as possible after it has been duly ratified and has been proclaimed by the President; and also of every postal convention made between the Postmaster-General, by and with the advice and consent of the President, on the part of the United States and foreign countries, as soon as possible after copies of such conventions have been transmitted to him by the Postmaster-General. [See § 209.]

Copies of acts and treaties furnished to Printer.

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

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

Publication of commercial information.

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

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

Passports.

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

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

Fees for copies of records.

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

TITLE VI.

THE DEPARTMENT OF WAR.

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

Establishment of the Department of War.

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

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

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

SEC. 215. There shall be in the Department of War: One chief clerk of the Department, at a salary of two thousand five hundred dollars a year.

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

In the office of the Adjutant-General:

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

In the office of the Quartermaster-General:

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

One superintendent of the building, at a salary of two hundred dollars a year. [See §§ 169, 173, 174, 175.]

In the office of the Paymaster-General:

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

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

In the office of the Commissary-General:

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

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

In the office of the Surgeon-General:

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

In the office of the Chief of Engineers:

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

In the office of the Chief of Ordnance:

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

In the office of Military Justice:

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

Management of military affairs.

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

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

Custody of the departmental records and property.

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

SEC. 216. The Secretary of War shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to military commissions, the military forces, the warlike stores of the United States, or to other matters respecting military affairs; and he shall conduct the business of the Department in such manner as the President shall direct. [See §§ 2660-2665, 2669.]

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

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

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

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

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

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

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

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

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

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

Collecting flags, &c.

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

Purchase and transportation of supplies.

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

Transportation of troops, &c.

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

Meteorological observations, storm-signals.

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

Signal-stations, reports, &c.

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

Telegraph-lines connecting signal-stations.

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

Loss of certificate of discharge.

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

Power to administer oaths.

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

Surplus charts may be sold.

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

Surplus maps and publications of Signal-Office.

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

Report of unexpended balances to Congress.

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

Annual statement of contracts and purchases.

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

Report of bids for works.

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

Report of examinations of river and harbor improvements.

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

Abstract of returns of adjutants-general of States.

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

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

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

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

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

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

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

[See § 1636.]

TITLE VII.

THE DEPARTMENT OF THE TREASURY.

CHAPTER ONE

THE DEPARTMENT.

<p>Sec. 233. Establishment of the Department of the Treasury. 234. Assistant Secretaries. 235. Subordinate officers. 236. Public accounts to be settled in the Department of the Treasury. 237. Commencement of the fiscal year. 238. Commissions of officers employed in collecting revenue. 239. Accounts of receipts of internal revenue.</p>	<p>Sec. 240. Accounts of expenditures for contingent expenses. 241. Accounts of expenditures for furniture and repairs. 242. Temporary clerks. 243. Restrictions upon officers of the Department. 244. Restrictions upon clerks in the Department.</p>
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SEC. 233. There shall be at the seat of Government an Executive Department to be known as the Department of the Treasury, and a Secretary of the Treasury, who shall be the head thereof.

Establishment of the Department of the Treasury.

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

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

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

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

SEC. 235. There shall be in the Department of the Treasury, One chief clerk, at a salary of two thousand two hundred dollars a year, who shall act as superintendent of the Treasury building, and shall be entitled therefor to an additional salary of three hundred dollars a year.

Subordinate officers.

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

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

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

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

8 June, 1872, c. 335, s. 26, v. 17, p. 268.

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

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

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

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

Ex parte Hennen, 13 Pet., 230.

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

[See §§ 169, 172, 174, 176.]

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

In the office of the First Comptroller :

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

In the office of the Second Comptroller :

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

In the office of the First Auditor :

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

In the office of the Second Auditor :

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

One disbursing clerk.

In the office of the Third Auditor :

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

One disbursing clerk.

In the office of the Fourth Auditor :

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

In the office of the Fifth Auditor :

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

In the office of the Sixth Auditor :

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

One disbursing clerk.

Also in the money-order division :

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

In the office of the Treasurer of the United States :

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

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

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

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

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

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

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

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

In the office of the Register :

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

In the office of the Commissioner of Customs :

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

In the office of the Light-House Board :

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

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

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

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

In the office of the Comptroller of the Currency :

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

In the construction branch of the Treasury :

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

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

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

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

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

In the Bureau of Statistics :

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

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

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

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

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

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

Commencement of the fiscal year.

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

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

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

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

Commissions of officers employed in collecting revenue.

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

Accounts of receipts of internal revenue.

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

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

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

Accounts of expenditures for contingent expenses.

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

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

Accounts of expenditures for furniture and repairs.

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

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

Temporary clerks.

12 July, 1870, c. 251, s. 1, v. 16, p. 230, (238.) 3 March, 1871, c. 113, s. 1, v. 16, p. 483.

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

Restrictions upon officers of the Department.

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

States; and if any other person than a public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information. [See §§ 452, 2643.]

Restrictions upon clerks in the Department.

3 March, 1791, c. 18, s. 1, v. 1, p. 215.
8 May, 1792, c. 37, s. 13, v. 1, p. 281.

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

CHAPTER TWO.

THE SECRETARY OF THE TREASURY.

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

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

Duties of Assistant Secretaries.

3 March, 1849, c. 109, s. 13, v. 9, p. 336.
14 March, 1864, c. 30, s. 3, v. 13, p. 26.

Signing warrants.

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

Effect of warrants.

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

General duties of the Secretary.

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

8 May, 1792, c. 37, s. 9, v. 1, p. 281.

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

Ex parte Hennen, 13 Pet., 230.

*Neilson vs. La-
row*, 12 How., 98,
(7.)

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

[See § 177.]

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

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

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

shall perform all such services relative to the finances as he shall be directed to perform. [See §§ 2660-2665, 2666, 2670, 2672.]

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

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

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

SEC. 252. The Secretary of the Treasury, under the direction of the President, shall from time to time establish such regulations, not inconsistent with law, as the President shall think proper, to secure a just, faithful, and impartial appraisal of all goods, wares, and merchandise imported into the United States, and just and proper entries of the actual value thereof, and of the square yards, parcels, or other quantities thereof, as each case may require, and of the actual value of each. [See § 2602.]

SEC. 253. The Secretary of the Treasury may discontinue all ports of delivery, the revenue received at each of which does not amount to the sum of ten thousand dollars a year. [See Title 24, Ch. 1.]

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

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

Collection of duties.

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

Settlement of accounts within fiscal year.

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

Rules, regulations, and forms.

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

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

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

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

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

Lennig vs. Maxwell, 3 Blatch., 125.

Munsell vs. Maxwell, 3 Blatch., 364.

Regulation of appraisal of imports.

19 May, 1828, c. 35, s. 10, v. 4, p. 274.

Greely vs. Thompson, 10 How., 225.

[See § 2602.]

Discontinuance of ports of delivery.

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

Deposits of gold.

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

Appointment of disbursing agents.

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

Employment of persons to recover money of the United States.

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

Reports of the Secretary.

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

10 May, 1800, c. 53, v. 2, p. 79.

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

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

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

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

Reports of expenditures.

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

Report of statistics.

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

Reports upon appropriations for Departments of War and Navy.

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

SEC. 256. The Secretary of the Treasury shall have power to employ not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States whenever the same shall be withheld by any person or corporation, upon such terms and conditions as he shall deem best for the interests of the United States; but no compensation shall be paid to such persons except out of the money and property so secured; and no person shall be employed under the provisions of this clause who shall not have fully set forth in a written statement, under oath, addressed to the Secretary of the Treasury, the character of the claim out of which he proposes to recover or assist in recovering moneys for the United States, the laws by the violation of which the same have been withheld, and the name of the person, firm, or corporation having thus withheld such moneys. Every person so employed shall make report of his proceedings under such employment at any time when required to do so by the Secretary of the Treasury. Every person so employed who shall receive or attempt to receive any money or other consideration from any person, firm, or corporation alleged thus to have withheld money from the United States, except in pursuance of a written contract made in relation thereto with the Secretary of the Treasury, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than one thousand dollars or by imprisonment of not less than two years, or both.

SEC. 257. The Secretary of the Treasury shall make the following annual reports to Congress: [See §§ 195, 196. See also Title 43, Pub. Contracts.]

First. A report on the subject of finance, containing estimates of the public revenue and public expenditures for the fiscal year then current, and plans for improving and increasing the revenues from time to time, for the purpose of giving information to Congress in adopting modes of raising the money requisite to meet the public expenditures.

Second. A report containing a statement of all contracts for supplies or services which have been made by him or under his direction during the year preceding, and also a statement of the expenditure of the moneys appropriated for the discharge of miscellaneous claims not otherwise provided for, paid at the Treasury.

Third. A report of the rules and regulations established by him to secure a just, faithful, and impartial appraisal of all goods, wares, and merchandise imported into the United States, the actual value thereof, and the number of square yards, parcels, or other quantities thereof, together with his reasons for making such rules.

Fourth. A report containing a full and complete statement in detail of the amounts collected from seamen and the amounts expended for sick and disabled seamen, under the authority of the laws creating and administering a hospital-tax for the benefit of sick and disabled seamen.

SEC. 258. The Secretary of the Treasury shall lay before Congress at the commencement of each regular session a statement of the amount of money expended at each custom-house during the preceding fiscal year, and of the number of persons employed, and the occupation and salary of each person at each custom-house during the same period.

SEC. 259. The Secretary of the Treasury shall make a report to Congress on the first Monday of January in each year, containing the results of the information collected during the preceding year, by the Bureau of Statistics, upon the condition of the agriculture, manufactures, domestic trade, currency, and banks of the several States and Territories.

SEC. 260. The Secretary of the Treasury shall lay before Congress at the commencement of each regular session, accompanying his annual statement of the public expenditure, the reports which may be made to him by the Auditors charged with the examination of the accounts of the Department of War and the Department of the Navy, respectively, showing the application of the money appropriated for those Departments for the preceding year.

SEC. 261. The Secretary of the Treasury shall annually, in the month of December, lay before Congress an abstract, in tabular form, of the separate accounts of moneys received from internal duties or taxes in each of the respective States, Territories, and collection-districts, required by section two hundred and thirty-nine to be kept at the Treasury.

SEC. 262. The Secretary of the Treasury shall transmit to Congress, at the commencement of each regular session, a copy of each of the accounts kept by the superintendent of the Treasury buildings of all amounts expended under the head of contingent expenses for the several Bureaus of the Department of the Treasury, and of all amounts paid for furniture and repairs of furniture, and of the disposal of old furniture.

SEC. 263. The Secretary of the Treasury shall cause the annual report on the statistics of commerce and navigation, required from the Chief of the Bureau of Statistics, to be prepared and printed according to law, and to be submitted to Congress at as early a day in each regular session as practicable, and not later than the first Monday in January.

16 Sept., 1850, c. 55, ss. 1, 2, v. 9, p. 459. 28 July, 1866, c. 298,

SEC. 264. The Secretary of the Treasury shall report to Congress annually the number and names of the persons employed during the last preceding fiscal year upon the Coast Survey and business connected therewith; the amount of compensation of every kind respectively paid them, for what purpose, and the length of time employed; and shall report a full statement of all other expenditures made under the direction of the Superintendent of the Coast Survey.

SEC. 265. The Secretary of the Treasury shall furnish to the Congressional Printer on or before the first day of November of each year, the manuscript, prepared for printing, of a condensed statement of the aggregate amount of the exports and imports from foreign countries during the preceding fiscal year.

SEC. 266. The Secretary of the Treasury, at the expiration of thirty days from the end of each quarter, shall cause to be published in some newspaper at the seat of Government a statement of the whole receipts of such quarter, specifying the amount received from customs, from public lands, and from miscellaneous sources, and, also, the whole amount of payments made during the said quarter, specifying the general head of appropriation, whether for the civil list, the Army, the Navy, Indian Affairs, fortifications, or pensions.

SEC. 267. The Secretary of the Treasury shall cause to be published in some newspaper at the seat of Government, on the first day of each month, the last preceding weekly statement of the Treasurer of the United States, showing the amount to his credit in the different banks, in the mint, or other depositories, the amount for which drafts have been given, and those remaining unpaid, and the balance remaining subject to his draft; and he shall also specially note any changes that have been made in the depositories of the Treasury during the preceding month, and report to Congress, at the commencement of its next session, the reasons for such changes.

Abstract of receipts from internal taxes.

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

Accounts of superintendent of Treasury buildings.

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

Printing report on commerce and navigation.

10 Feb., 1820, c. 11, s. 1, v. 3, p. 541.

a. 13, v. 14, p. 331.

Report of Coast-Survey expenditures.

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

Printing statement of exports and imports.

3 Mar., 1863, Res. 27, s. 3, v. 12, p. 626.

Quarterly publication of statement of receipts and expenditures.

17 June, 1844, c. 105, s. 6, v. 5, p. 696.

Monthly publication of weekly statement of the Treasurer, &c.

17 June, 1844, c. 105, s. 5, v. 5, p. 696.

CHAPTER THREE.

THE COMPTROLLERS.

Sec.

268. Comptrollers.

269. Duties of the First Comptroller.

270. Appeal to First Comptroller from settlements by Sixth Auditor.

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Sec.

272. Report to Congress of officers failing to make settlement.

273. Duties of the Second Comptroller.

274. Power of Second Comptroller to regulate payment of arrears of pay.

275. Signing bounty certificates, &c.

SEC. 268. There shall be in the Department of the Treasury a First Comptroller and a Second Comptroller, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of five thousand dollars a year.

Comptrollers.

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

3 March, 1817, c. 45, s. 3, v. 3, p. 366.

18 May, 1872, c. 172, s. 1, v. 17, p. 127

Duties of the First Comptroller.

2 Sept., 1789, c. 12, s. 3, v. 1, p. 66.

3 March, 1817, c. 45, ss. 8, 10, v. 3, p. 367.

3 March, 1849, c. 108, s. 12, v. 9, p. 396.

Neilson vs. Lagow, 12 How., 98.

Appeal to First Comptroller from settlements by Sixth Auditor.

8 June, 1872, c.

Power of First Comptroller to direct settlement of accounts.

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

Report to Congress of officers failing to make settlement.

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

Duties of the Second Comptroller.

3 March, 1817, c. 45, s. 9, v. 3, p. 367.

7 May, 1822, c. 90, s. 3, v. 3, p. 689.

Power of Second Comptroller to regulate payment of arrears of pay.

4 July, 1864, c. 248, s. 3, v. 13, p. 390.

Signing bounty certificates, &c.

19 Mar., 1868, c. 31, s. 4, v. 15, p. 44.

SEC. 269. It shall be the duty of the First Comptroller:

First. To examine all accounts settled by the First Auditor, except those relating to receipts from customs, and all accounts settled by the Fifth Auditor, and by the Commissioner of the General Land-Office, and to certify the balances arising thereon to the Register.

Second. To superintend the adjustment and preservation of the public accounts subject to his revision.

Third. To countersign all warrants drawn by the Secretary of the Treasury, which shall be warranted by law.

Fourth. To superintend the recovery of all debts certified by him to be due to the United States, and for that purpose to direct all such suits and legal proceedings, and to take such measures as may be authorized by law, and are adapted to enforce prompt payment thereof. [See § 1000.]

SEC. 270. Whenever the Postmaster-General or any person whose accounts have been settled by the Sixth Auditor is dissatisfied with the settlement made by the Auditor, he may, within twelve months, appeal to the First Comptroller, whose decision shall be conclusive. [See § 277.]

335, s. 25, v. 17, p. 283.

SEC. 271. The First Comptroller, in every case where, in his opinion, further delays would be injurious to the United States, shall direct the First and Fifth Auditors of the Treasury forthwith to audit and settle any particular account which such officers may be authorized to audit and settle, and to report such settlement for revision and final decision by the First Comptroller.

SEC. 272. The First Comptroller shall make an annual report to Congress of such officers as shall have failed to make settlement of their accounts for the preceding fiscal year, within the year, or within such further time as may have been prescribed by the Secretary of the Treasury for such settlement. [See §§ 195, 196.]

SEC. 273. It shall be the duty of the Second Comptroller:

First. To examine all accounts settled by the Second, Third, and Fourth Auditors, and certify the balances arising thereon to the Secretary of the Department in which the expenditure has been incurred.

Second. To countersign all warrants drawn by the Secretaries of War and of the Navy, which shall be warranted by law. [See § 2672.]

Third. To report to the Secretaries of War and of the Navy the official forms to be issued in the different offices for disbursing the public money in those Departments, and the manner and form of keeping and stating the accounts of the persons employed therein.

Fourth. To superintend the preservation of the public accounts subject to his revision.

SEC. 274. The Second Comptroller may prescribe rules to govern the payment of arrears of pay due to any petty officer, seaman, or other person not an officer, on board any vessel in the employ of the United States, which has been sunk or destroyed, in case of the death of such petty officer, seaman, or person, to the person designated by law to receive the same.

SEC. 275. The Second Comptroller may detail one clerk to sign, in the place of the Comptroller, all certificates and papers issued under any provisions of law relating to bounties; but the Comptroller shall be responsible for the official acts of such clerk.

CHAPTER FOUR.**THE AUDITORS.**

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277. Duties of the Auditors.

278. Settlement of accounts of Army of-
ficers.

279. Signing bounty certificates, &c.

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280. Settlement of advance bounties paid
by paymasters.281. Settlement of overpayments by pay-
masters.

282. Evidence of honorable discharge to

- be returned to officers and enlisted men.
283. Manner of keeping accounts of Departments of War and the Navy.
284. Settlement of accounts of pursers of lost or captured public vessels.
285. Disbursements, &c., by order of commanding officer of Navy.
286. Fixing date of loss of missing vessels.
287. Accounts of petty officers, seamen, &c., on lost vessel.
288. Compensation for personal effects lost.
289. Payment of accounts of deceased petty officers, seamen, &c., of lost vessel.
290. Allowance for effects of officer of lost vessel.
291. Settlement of expenses of intercourse with foreign nations.
292. Collection of debts, &c., due the Post-Office Department.
293. Accounts of money-order business.
294. Accounts of expenses paid by postmasters.
295. Compromise of judgments.
296. Papers required in suits for delinquencies in Post-Office Department.
297. Auditors may administer oaths.
298. Oaths in settlements with Sixth Auditor.
299. Settlement of accounts of district attorneys.
300. Allowance of lost checks.

SEC. 276. There shall be connected with the Department of the Treasury six auditors of accounts, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be known as the First, Second, Third, Fourth, Fifth, and Sixth Auditors, respectively. Each Auditor is entitled to a salary of four thousand dollars a year.

270, a. 8, v. 5, p. 81. Ibid., s. 44, p. 89. 8 June, 1872, c. 335, s. 21, v. 17, p. 799, c. 38, s. 1, v. 1, p. 729. 3 March, 1873, c. 226, s. 3, v. 17, p. 508.

SEC. 277. The duties of the Auditors shall be as follows:

First. The First Auditor shall receive and examine all accounts accruing in the Treasury Department, all accounts relating to the receipts from customs, including accounts of collectors and other officers of the customs, all accounts accruing on account of salaries in the Patent-Office, all accounts of the judges, marshals, clerks, and other officers, of all the courts of the United States, all accounts of the officer in charge of the public buildings and grounds in the District of Columbia, all accounts of the expenditures of the Department of Agriculture, all accounts relating to prisoners convicted in any court of the United States; and, after examination of such accounts relating to the receipts from customs, including the accounts of collectors and other officers of the customs, he shall certify the balances and transmit the same, with the vouchers and certificates, to the Commissioner of Customs for his decision thereon, and he shall certify the balances of all other accounts, and transmit the same, in like manner, to the First Comptroller for his decision thereon.

Second. The Second Auditor shall receive and examine all accounts relating to the pay and clothing of the Army, the subsistence of officers, bounties, and premiums, military and hospital stores, and the contingent expenses of the War Department, all accounts relating to Indian affairs, and to agents of lead and other mines of the United States; and, after examination of such accounts, he shall certify the balances, and transmit such accounts, with the vouchers and certificate, to the Second Comptroller for his decision thereon.

Third. The Third Auditor shall receive and examine all accounts relative to the subsistence of the Army, the Quartermaster's Department, and generally all accounts of the War Department other than those provided for; all accounts relating to pensions for the Army, and all accounts for compensation for the loss of horses and equipments of officers and enlisted men in the military service of the United States, and for the loss of horses and equipments, or of steamboats, and all other means of transportation, in the service of the United States by contract or impressment; and, after the examination of such accounts, he shall certify the balances and shall transmit such accounts, with all the vouchers and papers and the certificate, to the Second Comptroller for his decision thereon. [See §§ 2482-2488.]

Fourth. The President may assign to either the Second or the Third Auditor the settlement of the accounts in the War Department existing at the conclusion of the war of eighteen hundred and twelve.

Auditors.

2 Sept., 1789, c. 12, s. 1, v. 1, p. 66.
3 March, 1817, c. 45, ss. 3, 15, v. 3, pp. 366, 368.
2 July, 1836, c. 287, 2 March.

Duties of the Auditors.

3 March, 1817, c. 45, s. 4, v. 3, p. 368.
3 March, 1849, c. 106, v. 9, p. 395.
20 July, 1868, c. 176, s. 1, v. 15, p. 206.
3 March, 1849, c. 129, s. 3, v. 9, p. 415.
28 July, 1866, c. 297, s. 8, v. 14, p. 327.
30 June, 1864, c. 173, s. 2, v. 13, p. 223.
8 June, 1872, c. 335, s. 22, v. 17, p. 267.

Fifth. The Fourth Auditor shall receive and examine all accounts accruing in the Navy Department or relative thereto, and all accounts relating to Navy pensions; and, after examination of such accounts, he shall certify the balances, and shall transmit such accounts, with the vouchers and certificate, to the Second Comptroller for his decision thereon.

Sixth. The Fifth Auditor shall receive and examine all accounts accruing in or relative to the Department of State, all accounts of the Commission of Internal Revenue, all accounts relating to the contingent expenses of the Patent-Office, and all accounts relating to the census.

Seventh. The Sixth Auditor shall receive all accounts arising in the Post-Office Department, or relative thereto, with the vouchers necessary to a correct adjustment thereof, and shall audit and settle the same and certify the balances thereon to the Postmaster-General. He shall keep and preserve all accounts and vouchers after settlement. He shall close the account of the Department quarterly, and transmit to the Secretary of the Treasury quarterly statements of its receipts and expenditures. He shall report to the Postmaster-General, when required to do so, the manner and form of keeping and stating the accounts of the Department, and the official forms of papers to be used in connection with its receipts and expenditures. He shall report to the Postmaster-General all delinquencies of postmasters in rendering their accounts and returns, or in paying over money-order funds and other receipts at their offices. He shall register, charge, and countersign all warrants upon the Treasury for receipts or payments issued by the Postmaster-General, when warranted by law. He shall perform such other duties in relation to the financial concerns of the Department as may be assigned to him by the Secretary of the Treasury, and make to the Secretary or to the Postmaster-General such reports respecting the same as either of them may require. [See § 270.]

Settlement of accounts of Army officers.

29 Mar., 1867, Res. No. 22, v. 15, p. 25.

Signing bounty certificates, &c.

19 Mar., 1868, c. 31, a. 4, v. 15, p. 44.

Settlement of advance bounties paid by paymasters.

3 March, 1868, c. 78, a. 6, v. 12, p. 743.

Settlement of overpayments by paymasters.

16 Mar., 1868, c. 29, v. 15, p. 42.

Evidence of honorable discharge to be returned to officers and enlisted men.

4 May, 1870, Res. No. 42, v. 16, p. 374.

SEC. 278. The Second Auditor shall audit and settle the accounts of line officers of the Army, to the extent of the pay due them for their services as such, notwithstanding the inability of any such line officer to account for property intrusted to his possession, or to make his monthly reports or returns, if such Auditor shall be satisfied by the affidavit of the officer or otherwise that the inability was caused by the officer's having been a prisoner in the hands of the enemy, or by any accident or casualty of war.

SEC. 279. The Second Auditor may detail one clerk to sign, in the place of the Auditor, all certificates and papers issued under any provisions of law relating to bounties; but the Auditor shall be responsible for the official acts of such clerk.

SEC. 280. Any moneys paid by a paymaster in the Army to an enlisted man as an advance bounty shall be allowed in the settlement of the accounts of the paymaster, notwithstanding the discharge of such enlisted man before serving the time required by law to entitle him to payment of such moneys.

SEC. 281. The proper accounting officers are authorized, in the settlement of the accounts of the paymasters of the Army, to allow such credits for overpayments made in good faith on public account, since the fourteenth day of April, eighteen hundred and sixty-one, and before the sixteenth day of March, eighteen hundred and sixty-eight, as shall appear to them, by such vouchers and testimony as they shall require, to be just.

SEC. 282. In all cases where it has become necessary for any officer or enlisted man of the Army to file his evidence of honorable discharge from the military service of the United States, to secure the settlement of his accounts, the accounting officer with whom it has been filed shall, upon application by said officer or enlisted man, deliver to him such evidence of honorable discharge; but his accounts shall first be duly settled, and the fact, date, and amount of such settlement shall be clearly

written across the face of such evidence of honorable discharge, and attested by the signature of the accounting officer before it is delivered.

SEC. 283. The Auditors charged with the examination of the accounts of the Departments of War and of the Navy, shall keep all accounts of the receipts and expenditures of the public money in regard to those Departments, and of all debts due to the United States on moneys advanced relative to those Departments; shall receive from the Second Comptroller the accounts which shall have been finally adjusted, and shall preserve such accounts, with their vouchers and certificates, and record all requisitions drawn by the Secretaries of those Departments, the examination of the accounts of which has been assigned to them. They shall annually, on the first Monday in November, severally report to the Secretary of the Treasury the application of the money appropriated for the Department of War and the Department of the Navy, and they shall make such reports on the business assigned to them as the Secretaries of those Departments may deem necessary and require.

SEC. 284. In every case of the loss or capture of a vessel belonging to the Navy of the United States, the proper accounting officers of the Treasury, under the direction of the Secretary of the Navy, are authorized, in the settlement of the accounts of the purser of such vessel, to credit him with such portion of the amount of the provisions, clothing, small stores, and money, with which he stands charged on the books of the Fourth Auditor of the Treasury, as they shall be satisfied was inevitably lost by such capture or loss of a public vessel; and such purser shall be fully exonerated by such credit from all liability on account of the provisions, clothing, small stores, and money so proved to have been captured or lost.

SEC. 285. Every disbursement of public moneys, or disposal of public stores, made by a disbursing officer pursuant to an order of any commanding officer of the Navy, shall be allowed by the proper accounting officers of the Treasury, in the settlement of the accounts of the officer, upon satisfactory evidence of the making of such order, and of the payment of money or disposal of stores in conformity with it; and the commanding officer by whose order such disbursement or disposal was made, shall be held accountable for the same.

SEC. 286. The proper accounting officers of the Treasury are authorized, under the direction of the Secretary of the Navy, in settling the accounts of seamen, and others, not officers, borne on the books of any vessel in the Navy which shall have been wrecked, or which shall have been unheard from so long that her wreck may be presumed, or which shall have been destroyed or lost with the rolls and papers necessary to a regular and exact settlement of such accounts, to fix a day when such wreck, destruction, or loss shall be deemed to have occurred.

SEC. 287. The proper accounting officers of the Treasury are authorized, in settling the accounts of the petty officers, seamen, and others, not officers, on board of any vessel in the employ of the United States, which by any casualty, or in action with the enemy, has been or may be sunk or otherwise destroyed, together with the rolls and papers necessary to the exact ascertainment of the several accounts of the same at the date of such loss, to assume the last quarterly return of the paymaster of any such vessel as the basis for the computation of the subsequent credits to those on board, to the date of such loss, if there be no official evidence to the contrary. Where such quarterly return has, from any cause, not been made, the accounting officers are authorized to adjust and settle such accounts on principles of equity and justice.

SEC. 288. The proper accounting officers of the Treasury Department are authorized, in settling the accounts of the petty officers, seamen, and others, not officers, on board of any vessel in the employ of the United States, which, by any casualty, or in action with the enemy, has been or may be sunk or otherwise destroyed, to allow and pay to each person, not an officer, employed on the vessel so sunk or destroyed, and whose personal effects have been lost, a sum not exceeding sixty dollars, as compensation for the loss of his personal effects.

Manner of keeping accounts of Departments of War and the Navy.

3 March, 1817, c. 45, ss. 5, 6, v. 3, p. 367.

Settlement of accounts of pursers of lost or captured public vessels.

3 March, 1847, c. 48, s. 6, v. 9, p. 173.

Disbursements, &c., by order of commanding officer of Navy.

3 March, 1849, Res. No. 17, s. 2, v. 9, p. 419.

Fixing date of loss of missing vessels.

4 July, 1864, c. 248, s. 1, v. 13, p. 389.

Accounts of petty officers, seamen, &c., on lost vessel.

4 July, 1864, c. 248, s. 2, v. 13, p. 390.

Compensation for personal effects lost.

4 July, 1864, c. 248, s. 2, v. 13, p. 390.

Payment of accounts of deceased petty officers, seamen, &c., of lost vessel.

4 July, 1864, c. 248, s. 3, v. 13, p. 390.

Allowance for effects of officer of lost vessel.

6 April, 1866, c. 27, s. 1, v. 14, p. 14.

Settlement of expenses of intercourse with foreign nations.

9 Feb., 1793, c. 4, s. 2, v. 1, p. 300.

Collection of debts, &c., due the Post-Office Department.

8 June, 1872, c. 336, s. 21, v. 17, p. 287.

Accounts of money-order business.

8 June, 1872, c. 335, s. 120, v. 17, p. 299.

Accounts of expenses paid by postmasters.

8 June, 1872, c. 335, s. 52, v. 17, p. 291.

Compromise of judgments.

8 June, 1872, c. 335, s. 315, v. 17, p. 325.

Papers required in suits for delinquencies in Post-Office Department.

8 June, 1872, c. 335, s. 311, v. 17, p. 324.

Auditors may administer oaths.

3 March, 1817, c. 45, s. 12, v. 3, p. 368.

SEC. 289. In case of the death of any such petty officer, seaman, or other person, not an officer, such payment shall be made to the widow, child or children, father, mother, or brothers and sisters jointly, following that order of preference; such credits and gratuity to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 290. In case any officer of the Navy or Marine Corps on board a vessel in the employ of the United States which, by any casualty, or in action with the enemy, at any time since the nineteenth day of April, eighteen hundred and sixty-one, has been or may be sunk or destroyed, shall thereby have lost his personal effects, without negligence or want of skill or foresight on his part, the proper accounting officers are authorized, with the approval of the Secretary of the Navy, to allow to such officer a sum not exceeding the amount of his sea-pay for one month as compensation for such loss. But the accounting officers shall in all cases require a schedule and certificate from the officer making the claim for effects so lost.

SEC. 291. Whenever any sum of money has been or shall be issued; from the Treasury, for the purposes of intercourse or treaty with foreign nations, in pursuance of any law, the President is authorized to cause the same to be duly settled annually with the proper accounting officers of the Treasury, by causing the same to be accounted for, specifically, if the expenditure may, in his judgment, be made public; and by making or causing the Secretary of State to make a certificate of the amount of such expenditure as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

SEC. 292. The Sixth Auditor shall superintend the collection of all debts due the Post-Office Department, and all penalties and forfeitures imposed for any violation of the postal laws, and take all such other measures as may be authorized by law to enforce the payment of such debts and the recovery of such penalties and forfeitures. He shall also superintend the collection of all penalties and forfeitures arising under other statutes, where such penalties and forfeitures are the consequence of unlawful acts affecting the revenues or property of the Post-Office Department.

SEC. 293. The Sixth Auditor shall keep the accounts of the money-order business separately, and in such manner as to show the number and amount of money-orders issued at each office, the number and amount paid, the amount of fees received, and all the expenses of the money-order business.

SEC. 294. The Sixth Auditor shall state and certify quarterly to the Postmaster-General an account of the money paid by postmasters out of the receipts of their offices, and pursuant to appropriations, on account of the expenses of the postal service; designating the heads under which such payments were made.

SEC. 295. Whenever a judgment is obtained for a debt or damages due the Post-Office Department, and it satisfactorily appears that such judgment, or so much thereof as remains unpaid, cannot be collected by due process of law, the Sixth Auditor may, with the written consent of the Postmaster-General, compromise such judgment, and accept in satisfaction less than the full amount thereof.

SEC. 296. In case of delinquency of any postmaster, contractor, or other officer, agent, or employé of the Post-Office Department, in which suit is brought, the Sixth Auditor shall forward to the Department of Justice certified copies of all papers in his office tending to sustain the claim.

SEC. 297. The several Auditors are empowered to administer oaths to witnesses in any case in which they may deem it necessary for the due examination of the accounts with which they shall be charged.

8 June, 1872, c. 335, s. 24, v. 17, p. 288.

SEC. 298. Any mayor of a city, justice of the peace, or judge of any court of record in the United States, may administer oaths, in relation to the examination and settlement of the accounts committed to the charge of the Sixth Auditor.

Oaths in settlements with Sixth Auditor.

8 June, 1872, c. 335, s. 24, v. 17, p. 288.

SEC. 299. All accounts of the United States district attorneys for services rendered in cases instituted in the courts of the United States, or of any State, when the United States is interested, but is not a party of record, or in cases instituted against the officers of the United States, or their deputies, or duly appointed agents, for acts committed or omitted or suffered by them in the lawful discharge of their duties, shall be audited and allowed as in other cases, assimilating the fees, as near as may be, to those provided by law for similar services in cases in which the United States is a party.

Settlement of accounts of district attorneys.

16 Aug., 1856, c. 124, s. 12, v. 11, p. 50.

SEC. 300. Whenever the disbursing officer, or agent by whom was issued any check which has been lost, destroyed, or stolen, is dead, or no longer in the service of the United States, the proper accounting officer shall, under such regulations as the Secretary of the Treasury may prescribe, state an account in favor of the owner of such original check for the amount thereof, and charge such amount to the account of such officer or agent.

Allowance of lost checks.

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

CHAPTER FIVE.

THE TREASURER.

Sec.

301. Treasurer.

302. Bond of Treasurer.

303. Assistant Treasurer.

304. When Assistant Treasurer may act as Treasurer.

305. Duties of Treasurer.

306. Liabilities outstanding three or more years.

Sec.

307. Vouchers for drafts remaining unpaid.

308. Payment upon presentation of outstanding drafts.

309. Accounts of disbursing officers unchanged for three years.

310. Reports of Treasurer, assistant treasurers, &c., and disbursing officers.

311. Report of Treasurer's accounts.

SEC. 301. There shall be in the Department of the Treasury a Treasurer of the United States, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of six thousand five hundred dollars a year.

Treasurer.

9 Sept., 1789, c. 12, s. 1, v. 1, p. 65.

23 July, 1866, c. 206, s. 2, v. 14, p. 206.

Bond of Treasurer.

9 Sept., 1789, c. 12, s. 4, v. 1, p. 66.

SEC. 302. The Treasurer shall, before entering upon the duties of his office, give bond, with sufficient sureties, to be approved by the Secretary of the Treasury and by the First Comptroller, in the sum of one hundred and fifty thousand dollars, payable to the United States, with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed, which bond shall be lodged in the office of the First Comptroller.

SEC. 303. There shall be in the Department of the Treasury an Assistant Treasurer of the United States, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of two thousand eight hundred dollars a year.

Assistant Treasurer.

3 March, 1863, c. 69, s. 1, v. 12, p. 761.

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

SEC. 304. The Treasurer may, in his discretion, with the consent of the Secretary of the Treasury, authorize the Assistant Treasurer to act in the place and discharge any or all the duties of the Treasurer of the United States.

When Assistant Treasurer may act as Treasurer.

3 March, 1863, c. 69, s. 1, v. 12, p. 761.

SEC. 305. The Treasurer shall receive and keep the moneys of the United States, and disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by either Comptroller, and recorded by the Register, and not otherwise. He shall take receipts for

Duties of the Treasurer.

9 Sept., 1789, c. 12, s. 4, v. 1, p. 65.

all moneys paid by him, and shall give receipts for all moneys received by him; and all receipts for moneys received by him shall be indorsed upon warrants signed by the Secretary of the Treasury, without which warrant, so signed, no acknowledgment for money received into the public Treasury shall be valid. He shall render his accounts to the First Comptroller quarterly, or oftener if required, and shall transmit a copy thereof, when settled, to the Secretary of the Treasury. He shall at all times submit to the Secretary of the Treasury and the First Comptroller, or either of them, the inspection of the moneys in his hands.

Liabilities outstanding three or more years.

2 May, 1866, c. 70,
ss. 1, 4, v. 14, pp. 41,
42.

SEC. 306. At the termination of each fiscal year all amounts of moneys that are represented by certificates, drafts, or checks, issued by the Treasurer, or by any disbursing officer of any Department of the Government, upon the Treasurer or any assistant treasurer, or designated depository of the United States, or upon any national bank designated as a depository of the United States, and which shall be represented on the books of either of such offices as standing to the credit of any disbursing officer, and which were issued to facilitate the payment of warrants, or for any other purpose in liquidation of a debt due from the United States, and which have for three years or more remained outstanding, unsatisfied, and unpaid, shall be deposited by the Treasurer, to be covered into the Treasury by warrant, and to be carried to the credit of the parties in whose favor such certificates, drafts, or checks were respectively issued, or to the persons who are entitled to receive pay therefor, and into an appropriation account to be denominated "outstanding liabilities."

Vouchers for drafts remaining unpaid.

2 May, 1866, c. 70,
s. 2, v. 14, p. 41.

SEC. 307. The certificate of the Register of the Treasury, stating that the amount of any draft issued by the Treasurer, to facilitate the payment of a warrant directed to him for payment, has remained outstanding and unpaid for three years or more, and has been deposited and covered into the Treasury in the manner prescribed by the preceding section, shall be, when attached to any such warrant, a sufficient voucher in satisfaction of any such warrant or part of any warrant, the same as if the drafts correctly indorsed and fully satisfied were attached to such warrant or part of warrant. And all such moneys mentioned in this and in the preceding section shall remain as a permanent appropriation for the redemption and payment of all such outstanding and unpaid certificates, drafts, and checks.

Payment upon presentation of outstanding drafts.

2 May, 1866, c. 70,
s. 3, v. 14, p. 42.

SEC. 308. The payee or the bona-fide holder of any draft or check the amount of which has been deposited and covered into the Treasury pursuant to the preceding sections, shall, on presenting the same to the proper officer of the Treasury, be entitled to have it paid by the settlement of an account and the issuing of a warrant in his favor, according to the practice in other cases of authorized and liquidated claims against the United States.

Accounts of disbursing officers unchanged for three years.

2 May, 1866, c. 70,
s. 5, v. 14, p. 42.

SEC. 309. The amounts, except such as are provided for in section three hundred and six, of the accounts of every kind of disbursing officer, which shall have remained unchanged, or which shall not have been increased by any new deposit thereto, nor decreased by drafts drawn thereon, for the space of three years, shall in like manner be covered into the Treasury, to the proper appropriation to which they belong; and the amounts thereof shall, on the certificate of the Treasurer that such amount has been deposited in the Treasury, be credited by the proper accounting officer of the Department of the Treasury on the books of the Department, to the officer in whose name it had stood on the books of any agency of the Treasury, if it appears that he is entitled to such credit.

Reports of Treasurer, assistant treasurers, &c., and disbursing officers.

2 May, 1866, c. 70,
s. 6, v. 14, p. 42.

SEC. 310. The Treasurer, each assistant treasurer, and each designated depository of the United States, and the cashier of each of the national banks designated as such depositories, shall, at the close of business on every thirtieth day of June, report to the Secretary of the Treasury the condition of every account standing, as in the preceding section specified, on the books of their respective offices, stating the

name of each depositor, with his official designation, the total amount remaining on deposit to his credit, and the dates, respectively, of the last credit and the last debit made to each account. And each disbursing officer shall make a like return of all checks issued by him, and which may then have been outstanding and unpaid for three years and more, stating fully in such report the name of the payee, for what purpose each check was given, the office on which drawn, the number of the voucher received therefor, the date, number, and amount for which it was drawn, and, when known, the residence of the payee.

SEC. 311. The Treasurer shall, on the third day of every session of Congress, lay before the Senate and House of Representatives fair and accurate copies of all accounts by him from time to time rendered to and settled with the First Comptroller, as also a true and perfect account of the state of the Treasury.

Report of Treasurer's accounts.

2 Sept., 1789, c. 12, s. 4, v. 1, p. 66.

CHAPTER SIX.

THE REGISTER.

Sec.

312. Register.

313. Duties of Register.

Sec.

314. Assistant Register.

315. Duties of Assistant Register.

SEC. 312. There shall be in the Department of the Treasury a Register of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of four thousand dollars a year.

Register.

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

8 May, 1872, c. 140, s. 13, v. 17, p. 85.

Duties of Register.

2 Sept., 1789, c. 12, s. 6, v. 1, p. 67.

8 May, 1872, c. 140, s. 5, v. 17, p. 83.

8 June, 1872, c. 335, s. 22, v. 17, p. 287.

7 May, 1822, c. 90, s. 3, v. 3, p. 689.

SEC. 313. It shall be the duty of the Register:

First. To keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States.

Second. To receive from the First Comptroller and Commissioner of Customs the accounts which shall have been finally adjusted, and preserve such accounts with their vouchers and certificates.

Third. To record all warrants for the receipt or payment of moneys at the Treasury, and certify the same thereon, except those drawn by the Postmaster-General, and those drawn by the Secretary of the Treasury upon the requisitions of the Secretaries of the War and Navy Departments.

Fourth. To transmit to the Secretary of the Treasury copies of the certificates of balances of accounts adjusted.

Fifth. To furnish to the proper accounting officers copies of all warrants covering proceeds of Government property, where the same may be necessary in the settlement of accounts in their respective offices.

SEC. 314. There shall be in the office of the Register of the Treasury an Assistant Register, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of two thousand dollars a year.

Assistant Register.

20 Feb., 1863, c. 44, s. 1, v. 12, p. 656.

14 March, 1864, c. 30, s. 7, v. 13, p. 28.

Duties of Assistant Register.

20 Feb., 1863, c. 44, s. 2, v. 12, p. 656.

SEC. 315. The Assistant Register shall perform such duties as may be devolved on him by the Register, and, in the absence of the Register, shall act in his stead; and any official record, certificate, or other document, excepting warrants, bonds, and drafts, signed by the Assistant Register, shall have the same effect as if signed by the Register.

CHAPTER SEVEN.

THE COMMISSIONER OF CUSTOMS.

<p>Commissioner of Customs.</p> <p>3 March, 1849, c. 106, s. 12, v. 9, p. 396.</p> <p>3 March, 1873, c. 226, s. 3, v. 17, p. 508.</p> <p>Duties of Commissioner of Customs.</p> <p>3 March, 1849, c. 106, s. 12, v. 9, p. 396.</p> <p>Duty to prescribe official forms.</p> <p>3 March, 1817, c. 45, s. 8, v. 3, p. 367.</p> <p>3 March, 1849, c. 106, s. 12, v. 9, p. 396.</p>	<p>Sec.</p> <p>316. Commissioner of Customs.</p> <p>317. Duties of Commissioner of Customs.</p> <p>SEC. 316. There shall be in the Department of the Treasury a Commissioner of Customs, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of four thousand dollars a year.</p> <p>SEC. 317. The Commissioner of Customs shall examine all accounts settled by the First Auditor relating to the receipts from customs, including accounts of collectors and other officers of the customs, and certify the balances arising thereon to the Register.</p> <p>SEC. 318. The Commissioner of Customs shall report to the Secretary of the Treasury official forms to be used in the different offices for collecting the public receipts from customs, and the manner and form of keeping and stating the accounts of the persons employed therein.</p>	<p>Sec.</p> <p>318. Duty to prescribe official forms.</p>
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CHAPTER EIGHT.

THE COMMISSIONER OF INTERNAL REVENUE.

<p>Commissioner of Internal Revenue.</p> <p>1 July, 1862, c. 119, s. 1, v. 12, p. 432.</p> <p>30 June, 1864, c. 173, s. 1, v. 13, p. 223.</p> <p>Chief clerk.</p> <p>24 Dec., 1872, c. 13, s. 9, v. 17, p. 403.</p> <p>Duties of Commissioner of Internal Revenue.</p> <p>30 June, 1864, c. 173, s. 1, v. 13, p. 223.</p>	<p>Sec.</p> <p>319. Commissioner of Internal Revenue.</p> <p>320. Chief Clerk.</p> <p>321. Duties of Commissioner of Internal Revenue.</p> <p>SEC. 319. There shall be in the Department of the Treasury a Commissioner of Internal Revenue, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of six thousand dollars a year.</p> <p>SEC. 320. The Commissioner of Internal Revenue is authorized to designate one of the heads of division as chief clerk of the Bureau without additional compensation.</p> <p>SEC. 321. The Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, shall have general superintendence of the assessment and collection of all duties and taxes now or hereafter imposed by any law providing internal revenue; and shall prepare and distribute all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the assessment and collection of internal revenue; and shall provide hydrometers, and proper and sufficient adhesive stamps and stamps or dies for expressing and denoting the several stamp duties, or, in the case of percentage duties, the amount thereof; and alter and renew or replace such stamps from time to time, as occasion may require. He may also contract for or procure the printing of requisite forms, decisions and regulations, but the printing of such forms, decisions and regulations shall be done at the Public Printing-Office unless the Public Printer shall be unable to perform the work: <i>Provided</i>, That the Commissioner of Internal Revenue may, under such regulations as may be established by the Secretary of the Treasury, after due public notice, receive bids and make contracts for supplying stationery, blank-books and blanks to the collectors in the several collection-districts; and the said Commissioner shall estimate in detail by collection-districts the expense of assessing and the expense of the collection of internal revenue. [See § 2671.]</p>	<p>Sec.</p> <p>322. Deputy Commissioner of Internal Revenue.</p> <p>323. Duties of Deputy Commissioner of Internal Revenue.</p>
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SEC. 322. There shall be in the office of the Commissioner of Internal Revenue a Deputy Commissioner of Internal Revenue, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of three thousand five hundred dollars a year.

Deputy Commissioner of Internal Revenue.

3 March, 1863, c. 74, s. 19, v. 12, p. 725.

30 June, 1864, c. 173, s. 3, v. 13, p. 224. 13 July, 1866, c. 184, s. 64, v. 14, p. 170.

SEC. 323. The Deputy Commissioner of Internal Revenue shall be charged with such duties in the office of the Commissioner of Internal Revenue as may be prescribed by the Secretary of the Treasury, or by law, and shall act as Commissioner of Internal Revenue in case of the absence of that officer.

Duties of Deputy Commissioner of Internal Revenue.

3 March, 1863, c. 74, s. 19, v. 12, p. 725.

30 June, 1864, c. 173, s. 3, v. 13, p. 224.

13 July, 1866, c. 184, s. 64, v. 14, p. 170.

CHAPTER NINE.

THE COMPTROLLER OF THE CURRENCY.

Sec.

324. Bureau of the Comptroller of the Currency.

325. Comptroller of the Currency.

326. Bond and oath of office of Comptroller of the Currency.

327. Deputy Comptroller of the Currency.

328. Clerks.

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329. Interest in national banks.

330. Seal of Comptroller of the Currency.

331. Rooms, vaults, furniture, &c., for Currency Bureau.

332. Banks in District of Columbia.

333. Report of Comptroller.

SEC. 324. There shall be in the Department of the Treasury a Bureau charged with the execution of all laws passed by Congress relating to the issue and regulation of a national currency secured by United States bonds; the chief officer of which Bureau shall be called the Comptroller of the Currency, and shall perform his duties under the general direction of the Secretary of the Treasury.

Bureau of the Comptroller of the Currency.

3 June, 1864, c. 106, s. 1, v. 13, p. 99.

SEC. 325. The Comptroller of the Currency shall be appointed by the President, on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years unless sooner removed by the President, upon reasons to be communicated by him to the Senate; and he shall be entitled to a salary of five thousand dollars a year.

Comptroller of the Currency.

3 June, 1864, c. 106, s. 1, v. 13, p. 99.

SEC. 326. The Comptroller of the Currency shall, within fifteen days from the time of notice of his appointment, take and subscribe the oath of office; and he shall give to the United States a bond in the penalty of one hundred thousand dollars, with not less than two responsible sureties, to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office.

Bond and oath of office of Comptroller of the Currency.

3 June, 1864, c. 106, s. 1, v. 13, p. 99.

SEC. 327. There shall be in the Bureau of the Comptroller of the Currency a Deputy Comptroller of the Currency, to be appointed by the Secretary, who shall be entitled to a salary of two thousand five hundred dollars a year, and who shall possess the power and perform the duties attached by law to the office of Comptroller during a vacancy in the office or during the absence or inability of the Comptroller. The Deputy Comptroller shall also take the oath of office prescribed by the Constitution and laws of the United States, and shall give a like bond in the penalty of fifty thousand dollars.

Deputy Comptroller of the Currency.

3 June, 1864, c. 106, s. 1, v. 13, p. 99.

SEC. 328. The Comptroller of the Currency shall employ, from time to time, the necessary clerks, to be appointed and classified by the Secretary of the Treasury, to discharge such duties as the Comptroller shall direct. [See § 169.]

Clerks.

3 June, 1864, c. 106, s. 1, v. 13, p. 100.

SEC. 329. It shall not be lawful for the Comptroller or the Deputy Comptroller of the Currency, either directly or indirectly, to be interested in any association issuing national currency under the laws of the United States.

Interest in national banks.

3 June, 1864, c. 106, s. 1, v. 13, p. 99.

Seal of Comptroller of the Currency.

3 June, 1864, c. 106, s. 2, v. 13, p. 100.

Rooms, vaults, furniture, &c., for Currency Bureau.

3 June, 1864, c. 106, s. 3, v. 13, p. 100.

Banks in District of Columbia.

20 Jan., 1873, c. 43, v. 17, p. 412.

Report of Comptroller.

3 June, 1864, c. 106, s. 61, v. 3, p. 117.

19 Feb., 1873, c. 166, s. 1, v. 17, p. 466.

SEC. 330. The seal devised by the Comptroller of the Currency for his office, and approved by the Secretary of the Treasury, shall continue to be the seal of office of the Comptroller, and may be renewed when necessary.

SEC. 331. There shall be assigned, from time to time, to the Comptroller of the Currency, by the Secretary of the Treasury, suitable rooms in the Treasury building for conducting the business of the Currency Bureau, containing safe and secure fire-proof vaults, in which the Comptroller shall deposit and safely keep all the plates not necessarily in the possession of engravers or printers, and other valuable things belonging to his Department; and the Comptroller shall from time to time furnish the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of the business of his office.

SEC. 332. The Comptroller of the Currency, in addition to the powers conferred upon him by law for the examination of national banks, is further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any bank in the District of Columbia organized under act of Congress. The Comptroller, at his discretion, may report to Congress the results of such examination. The expense necessarily incurred in any such examination shall be paid out of any appropriation made by Congress for special bank examinations.

SEC. 333. The Comptroller of the Currency shall make an annual report to Congress, exhibiting— (See §§ 195, 196.)

First. A summary of the state and condition of every association from which reports have been received the preceding year, at the several dates to which such reports refer, with an abstract of the whole amount of banking capital returned by them, of the whole amount of their debts and liabilities, the amount of circulating notes outstanding, and the total amount of means and resources, specifying the amount of lawful money held by them at the times of their several returns, and such other information in relation to such associations as, in his judgment, may be useful.

Second. A statement of the associations whose business has been closed during the year, with the amount of their circulation redeemed and the amount outstanding.

Third. Any amendment to the laws relative to banking by which the system may be improved, and the security of the holders of its notes and other creditors may be increased.

Fourth. A statement exhibiting under appropriate heads the resources and liabilities and condition of the banks, banking companies, and savings-banks organized under the laws of the several States and Territories; such information to be obtained by the Comptroller from the reports made by such banks, banking companies, and savings-banks to the legislatures or officers of the different States and Territories, and, where such reports cannot be obtained, the deficiency to be supplied from such other authentic sources as may be available.

Fifth. The names and compensation of the clerks employed by him, and the whole amount of the expenses of the banking department during the year.

CHAPTER TEN.

THE BUREAU OF STATISTICS.

Sec.

334. Bureau of Statistics.

335. Purpose of the Bureau.

336. Annual report of commerce and navigation.

337. Regulations imposed on collectors.

338. Coasting trade to be included.

Sec.

339. Monthly reports of exports and imports.

340. Annual statement of vessels.

341. Annual statement of merchandises.

342. Statistics of manufactures.

Bureau of Statistics.

SEC. 334. There shall be in the Department of the Treasury a Bureau to be called the Bureau of Statistics; and the Secretary of the Treasury

may appoint one division clerk, who shall superintend the Bureau, and shall be entitled to a salary of two thousand five hundred dollars a year.

15 June, 1844, Res. No. 16, v. 5, p. 719.

184, s. 64, v. 14, p. 170. 28 July, 1866, c. 298, s. 13, v. 14, p. 330. s. 1, v. 15, p. 99.

13 July, 1866, c. 20 July, 1868, c. 176,

SEC. 335. The purpose of the Bureau of Statistics is the collection, arrangement, and classification of such statistical information as may be procured, showing, or tending to show, each year the condition of the agriculture, manufactures, domestic trade, currency, and banks of the several States and Territories.

Purpose of the Bureau.

15 June, 1844, Res. No. 16, v. 5, p. 719.

SEC. 336. The Chief of the Bureau of Statistics shall, under the direction of the Secretary of the Treasury, annually prepare a report on the statistics of commerce and navigation of the United States with foreign countries, to the close of the fiscal year. Such accounts shall comprehend all goods, wares, and merchandise exported from the United States to other countries; all goods, wares, and merchandise imported into the United States from other countries, and all navigation employed in the foreign trade of the United States; which facts shall be stated according to the principles and in the manner hereby directed.

Annual report of commerce and navigation.

10 Feb., 1820, c. 11, s. 1, 4, v. 3, p. 541.

28 July, 1866, c. 298, s. 3, 5, 6, 13, v. 14, pp. 328, 329, 330.

2 March, 1861, c. 68, s. 29, v. 12, p. 197.

First. The kinds, quantities, and values of all articles exported, and the kinds, quantities, and values of all articles imported, shall be distinctly stated in such accounts, except in cases in which it may appear to the Secretary of the Treasury that separate statements of the species, quantities, or values of any particular articles would swell the annual statements without utility; and, in such cases, the kinds and total values of such articles shall be stated together, or in such classes as the Secretary of the Treasury may think fit. (See §§ 193, 196.)

Second. The exports shall be so stated as to show the exports to each foreign country, and their values; and the imports shall be so stated as to show the imports from each foreign country, and their values.

Third. The exports shall be so stated as to show, separately, the exports of articles of the production or manufacture of the United States, and their values; and the exports of articles of the production or manufacture of foreign countries, and their values.

Fourth. The navigation employed in the foreign trade of the United States shall be stated in such manner as to show the amount of the tonnage of all vessels departing from the United States for foreign countries; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and also the foreign nations to which such foreign tonnage belongs, and the amount of such tonnage belonging to each foreign nation; and in such manner as also to show the amount of the tonnage of all vessels departing for every particular foreign country with which the United States have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and in such manner as to show the amount of the tonnage of all vessels arriving in the United States from foreign countries; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and also the foreign nations to which such foreign tonnage belongs, and the amount of such tonnage belonging to each foreign nation; and in such manner as also to show the amount of the tonnage of all vessels arriving from every particular foreign country with which the United States have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels.

Fifth. Such accounts shall comprehend and include, in tabular form, the quantity by weight or measure, as well as the amount of value, of the several articles of foreign commerce, whether dutiable or otherwise; and also a similar and separate statement of the commerce of the United States with the British Provinces, under the late so-called reciprocity treaty with Great Britain.

Regulations imposed on collectors.

10 Feb., 1820, c. 11, ss. 7, 12, v. 3, pp. 542, 3.

SEC. 337. In order to enable the Chief of the Bureau of Statistics to prepare the annual report on the statistics of commerce and navigation required to be submitted to Congress by the Secretary of the Treasury, the following regulations shall be observed by all collectors of customs :

First. The kinds and quantities of all imported articles free from duty shall be ascertained by entry, made upon oath or affirmation, by the owner, or by the consignee or agent of the importer, or by actual examination, where the collector shall think such examination necessary ; and the values of all such articles shall be ascertained in the same manner in which the values of imports subject to duties ad valorem are ascertained.

Second. The values of all imported articles subject to specific duties shall be ascertained in the manner in which the values of imports subject to duties ad valorem are ascertained.

Third. The several collectors shall keep separate accounts of the kinds, quantities, and values of such parts of the imports subject to duties ad valorem as may be directed by the Secretary of the Treasury.

Fourth. All articles exported shall be valued at their actual cost, or the values which they may truly bear, at the time of exportation, in the ports of the United States from which they are exported ; and all articles imported shall be valued at their actual cost, or the values which they may truly bear in the foreign ports from which they are exported for importation into the United States, at the time of such exportation.

Fifth. Before a clearance shall be granted for any vessel bound to a foreign place, the collector shall require the owners, shippers, or consignors of the cargo to deliver to the collector manifests of the cargo, or of the parts thereof shipped by them respectively, which manifests shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of articles ; and state that such manifest contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation. And the collector shall also require the master of the vessel, and the owners, shippers, and consignors of the cargo, to state in writing, to the collector, the foreign place or country in which such cargo is truly intended to be landed. The manifests and statements hereby required shall be verified by the oath of the person by whom they are respectively made and subscribed.

Sixth. Every collector shall keep an accurate account of the national characters and tonnage of all vessels which depart from his district for foreign countries, and of the foreign places or countries for which such vessels depart ; and, also, an accurate account of the national characters and tonnage of all vessels which enter his district from foreign countries, and of the foreign places or countries from which such vessels arrive.

Seventh. The several collectors shall make quarter-yearly returns to the Bureau of Statistics of all the facts and matters which they are hereby required to ascertain.

Coasting trade to be included.

14 May, 1856, Res. No. 9, v. 11, p. 144.

Monthly reports of exports and imports.

28 July, 1866, c. 298, s. 13, v. 14, p. 330.

SEC. 338. The annual report of the statistics of commerce and navigation shall state the kinds, quantities, and value of the merchandise entered and cleared coastwise into and from the collection districts of the United States.

SEC. 339. The Chief of the Bureau of Statistics shall, under the direction of the Secretary of the Treasury, prepare and publish monthly reports of the exports and imports of the United States, including the quantities and values of goods warehoused or withdrawn from warehouse, and such other statistics relative to the trade and industry of the country as the Secretary of the Treasury may consider expedient.

SEC. 340. The Chief of the Bureau of Statistics shall also prepare an annual statement of vessels registered, enrolled, and licensed under the laws of the United States, together with the class, name, tonnage, and place of registry of each vessel, and such other information as the Secretary of the Treasury may deem proper to embody therein.

Annual statement of vessels.
28 July, 1866, c. 298, s. 13, v. 14, p. 330.

SEC. 341. The Chief of the Bureau of Statistics shall prepare an annual statement of all merchandise passing in transit through the United States to foreign countries, each description of merchandise, so far as practicable, warehoused, withdrawn from warehouse for consumption, for exportation, for transportation to other districts, and remaining in the warehouse at the end of each fiscal year.

Annual statement of merchandise.
28 July, 1866, c. 298, s. 13, v. 14, p. 330.

SEC. 342. The Chief of the Bureau of Statistics shall collect, digest, and arrange, for the use of Congress, the statistics of the manufactures of the United States, their localities, sources of raw material, markets, exchanges with the producing regions of the country, transportation of products, wages, and such other conditions as are found to affect their prosperity.

Statistics of manufactures.
28 July, 1866, c. 298, s. 13, v. 14, p. 330.

CHAPTER ELEVEN.

BUREAU OF THE MINT.

Sec.
343. Bureau of the Mint.
344: Salary and expenses of Director.

Sec.
345. Powers of, and reports by Director.

SEC. 343. There shall be established in the Treasury Department a Bureau of the Mint, embracing in its organization and under its control all mints for the manufacture of coin, and all assay-offices for the stamping of bars, which are now, or which may be hereafter, authorized by law. The chief officer of the said Bureau shall be denominated the Director of the Mint, and shall be under the general direction of the Secretary of the Treasury. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold his office for the term of five years, unless sooner removed by the President, upon reasons to be communicated by him to the Senate.

Bureau of the Mint.
12 Feb., 1873, c. 131, s. 1, v. 17, p. 424.

SEC. 344. There shall be allowed to the Director of the Mint an annual salary of four thousand five hundred dollars, payable monthly, and actual necessary traveling expenses in visiting the different mints and assay-offices, for which vouchers shall be rendered.

Salary and expenses of Director.
12 Feb., 1873, c. 131, s. 12, v. 17, p. 426.

SEC. 345. The Director of the Mint shall have the general supervision of all mints and assay-offices, and shall make an annual report to the Secretary of the Treasury of their operations, at the close of each fiscal year, and from time to time such additional reports, setting forth the operations and condition of such institutions, as the Secretary of the Treasury shall require, and shall lay before him the annual estimates for their support. And the Secretary of the Treasury shall appoint the number of clerks, classified according to law, necessary to discharge the duties of said Bureau.

Powers of, and reports by Director.
12 Feb., 1873, c. 131, s. 2, v. 17, p. 424.

TITLE VIII.

THE DEPARTMENT OF JUSTICE.

Sec.	Sec.
346. Establishment of Department of Justice.	368. Accounts of district attorneys, marshals, &c.
347. Solicitor-General.	369. Requisitions.
348. Assistant Attorneys-General.	370. Traveling expenses of officers of the Department.
349. Solicitor of Treasury, &c., in Department of Justice.	371. Disbursement of moneys.
350. What officers under control of Attorney-General.	372. Records formerly appertaining to the office of agent of the Treasury.
351. Subordinate officers.	373. Liability of district attorney upon receiving a bond for suit.
352. Rooms to be provided.	374. Examination of reports of district attorneys and collectors upon bonds delivered for suit.
353. Seal.	375. False reports of bonds delivered for suit.
354. Duties of Attorney-General.	376. Measures taken for the discovery of frauds.
355. Title to land to be purchased by the United States.	377. Rules established by Solicitor of the Treasury respecting suits.
356. Opinion of Attorney-General upon questions of law.	378. Report by Solicitor of the Treasury of moneys received.
357. Legal advice to Departments of War and Navy.	379. Instructions by Solicitor of the Treasury to district attorneys and other officers.
358. Reference of questions by Attorney-General to subordinates.	380. Conduct of suits involving national banks.
359. Conduct and argument of cases.	381. Duties of United States attorneys.
360. Performance of duty by officers of Department of Justice.	382. Proceedings in equity in cases of Post-Office Department.
361. Officers of the Department to perform all legal services required for other Departments.	383. Publication of opinions.
362. Superintendence of district attorneys and marshals.	384. Report of business and statistics.
363. Retaining counsel to aid district attorneys.	385. Report of additional attorneys and counsel employed.
364. Attendance of counsel.	386. Distribution of statutes and reports to judges.
365. Counsel fees restricted.	387. Register of statutes and reports distributed.
366. Appointment and oath of special attorneys or counsel.	
367. Interest of United States in pending suits, who may attend to.	

Establishment of Department of Justice.

24 Sept., 1789, c.

Solicitor-General.

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

Assistant Attorneys-General.

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

25 Feb., 1871, c. 72, v. 16, p. 432.

Solicitor of Treasury, &c., in Department of Justice.

22 June, 1870, c. 150, ss. 3, 9, 10, v. 16, pp. 162, 3.

SEC. 346. There shall be at the seat of Government an Executive Department to be known as the Department of Justice, and an Attorney-General, who shall be the head thereof.

20, s. 35, v. 1, p. 92. 22 June, 1870, c. 150, s. 1, v. 16, p. 162.

SEC. 347. There shall be in the Department of Justice an officer, learned in the law, to assist the Attorney-General in the performance of his duties, called the Solicitor-General, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of seven thousand five hundred dollars a year. In case of a vacancy in the office of Attorney-General, or of his absence or disability, the Solicitor-General shall have power to exercise all the duties of that office.

SEC. 348. There shall be in the Department of Justice three officers, learned in the law, called the Assistant Attorneys-General, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall assist the Attorney-General and Solicitor-General in the performance of their duties. Each of them is entitled to a salary of five thousand dollars a year.

SEC. 349. There shall be in the Department of Justice a Solicitor of the Treasury, an Assistant Solicitor of the Treasury, a Solicitor of Internal Revenue, a Naval Solicitor, and an Examiner of Claims for the Department of State, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to the

following salaries: The Solicitor of the Treasury to four thousand dollars a year, the Assistant Solicitor of the Treasury to three thousand dollars a year, the Solicitor of Internal Revenue to five thousand dollars a year, the Naval Solicitor to three thousand five hundred dollars a year, and the Examiner of Claims for the Department of State four thousand dollars a year.

184, s. 64, v. 14, p. 170. 23 July, 1866, c. 208, s. 5, v. 14, p. 207. 27 May, 1870, Res. 66, s. 1, v. 16, p. 378. 3 March, 1873, c. 226, s. 3, v. 17, p. 508.

SEC. 350. The officers named in the preceding section shall exercise their functions under the supervision and control of the head of the Department of Justice.

22 June, 1870, c. 150, s. 3, v. 16, p. 162. 2 Aug., 1861, c. 37, s. 1, v. 12, p. 285. 6 Aug., 1861, c. 65, v. 12, p. 327.

What officers under control of Attorney-General.

SEC. 351. There shall be in the Department of Justice,
One chief clerk, at a salary of two thousand two hundred dollars a year.
One law clerk, acting as examiner of titles, at a salary of three thousand dollars a year.

Subordinate officers.

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

3 March, 1853, c. 97, s. 3, v. 10, p. 211.
3 March, 1865, c. 98, s. 1, v. 13, p. 516.
23 July, 1866, c. 208, s. 5, v. 14, p. 207.

In the office of the Solicitor of the Treasury:

One chief clerk, at a salary of two thousand dollars a year, and such temporary clerks as may from time to time be needed, but the allowances for such temporary clerks shall in no one year exceed one thousand dollars. [See §§ 109, 112, 174, 176.]

22 June, 1870, c. 150, s. 10, v. 16, p. 163.

25 June, 1868, c. 71, s. 5, v. 15, p. 75.
22 June, 1870, c. 150, s. 3, v. 16, p. 162.

SEC. 352. The superintendent of the Treasury building shall from time to time provide such rooms as may be suitable and necessary for the accommodation of the Department of Justice, in some building in the vicinity of the Treasury building.

Rooms to be provided.

SEC. 353. The seal heretofore provided for the office of the Attorney-General shall be, with such change as the President shall approve, the seal of the Department of Justice.

22 June, 1870, c. 150, s. 13, v. 16, p. 164.

Seal.

SEC. 354. The Attorney-General shall give his advice and opinion upon questions law, whenever required by the President.

5 Mar., 1872, c. 30, s. 2, v. 17, p. 35.
Duties of Attorney-General.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92.

SEC. 355. No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy-yard, custom-house, light-house, or other public building, of any kind whatever, until the written opinion of the Attorney-General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney-General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the Secretaries of the Departments, upon the application of the Attorney-General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the Departments respectively.

Title to land to be purchased by the United States.

11 Sept., 1841, Res. No. 6, v. 5, p. 468.

SEC. 356. The head of any Executive Department may require the opinion of the Attorney-General on any questions of law arising in the administration of his Department.

Opinion of Attorney-General upon questions of law.

22 June, 1870, c. 150, s. 6, v. 16, p. 163.

SEC. 357. Whenever a question of law arises in the administration of the Department of War or the Department of the Navy, the cognizance of which is not given by statute to some other officer from whom the head of the Department may require advice, it shall be sent to the

Legal advice to Departments of War and Navy.

22 June, 1870, c. 150, s. 6, v. 16, p. 163.

Reference of questions by Attorney-General to subordinates.

22 June, 1870, c. 170, s. 4, v. 16, p. 162.

Conduct and argument of cases.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92.
25 June, 1868, c. 71, s. 5, v. 15, p. 75.
22 June, 1870, c. 150, s. 5, v. 16, p. 162.

Performance of duty by officers of Department of Justice.

22 June, 1870, c. 150, s. 14, v. 16, p. 164.

Officers of the Department to perform all legal services required for other Departments.

22 June, 1870, c. 150, s. 14, v. 16, p. 164.

Superintendence of district attorneys and marshals.

2 Aug., 1861, c. 37, s. 1, v. 12, p. 285.
22 June, 1870, c. 150, ss. 16, 17, v. 16, p. 164.

Retaining counsel to aid district attorneys.

2 Aug., 1861, c. 37, s. 2, v. 12, p. 285.
3 March, 1869, c. 121, s. 1, v. 15, pp.

Attendance of counsel.

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

Counsel fees restricted.

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

Attorney-General, to be by him referred to the proper officer in his Department, or otherwise disposed of as he may deem proper.

SEC. 358. Any question of law submitted to the Attorney-General for his opinion, except questions involving a construction of the Constitution of the United States, may be by him referred to such of his subordinates as he may deem appropriate, and he may require the written opinion thereon of the officer to whom the same may be referred. If the opinion given by such officer is approved by the Attorney-General, such approval indorsed thereon shall give the opinion the same force and effect as belong to the opinions of the Attorney-General.

SEC. 359. Except when the Attorney-General in particular cases otherwise directs, the Attorney-General and Solicitor-General shall conduct and argue suits and writs of error and appeals in the Supreme Court and suits in the Court of Claims in which the United States is interested, and the Attorney-General may, whenever he deems it for the interest of the United States, either in person conduct and argue any case in any court of the United States in which the United States is interested, or may direct the Solicitor-General or any officer of the Department of Justice to do so.

SEC. 360. The Attorney-General may require any solicitor or officer of the Department of Justice to perform any duty required of the Department or any officer thereof.

SEC. 361. The officers of the Department of Justice, under the direction of the Attorney-General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of Departments, and the heads of Bureaus and other officers in the Departments, to discharge their respective duties; and shall, on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court and in the Court of Claims, in which the United States, or any officer thereof, as such officer, is a party or may be interested; and no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the Department of Justice, except in the cases provided by section three hundred and sixty-three.

SEC. 362. The Attorney-General shall exercise general superintendence and direction over the attorneys and marshals of all the districts in the United States and the Territories as to the manner of discharging their respective duties; and the several district attorneys and marshals are required to report to the Attorney-General an account of their official proceedings, and of the state and condition of their respective offices, in such time and manner as the Attorney-General may direct.

SEC. 363. The Attorney-General shall, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counsel the amount of compensation, and shall have supervision of their conduct and proceedings.

283, 294. 10 April, 1869, c. 25, v. 16, p. 46. 22 June, 1870, c. 150, s. 16, v. 16, p. 164.

SEC. 364. Whenever the head of a Department or Bureau gives the Attorney-General due notice that the interests of the United States require the service of counsel upon the examination of witnesses touching any claim, or upon the legal investigation of any claim, pending in such Department or Bureau, the Attorney-General shall provide for such service.

SEC. 365. No compensation shall hereafter be allowed to any person, besides the respective district attorneys and assistant district attorneys for services as an attorney or counselor to the United States, or to any branch or Department of the Government thereof, except in cases specially authorized by law, and then only on the certificate of the

Attorney-General that such services were actually rendered, and that the same could not be performed by the Attorney-General, or Solicitor-General, or the officers of the Department of Justice, or by the district attorneys.

SEC. 366. Every attorney or counselor who is specially retained, under the authority of the Department of Justice, to assist in the trial of any case in which the Government is interested, shall receive a commission from the head of such Department, as a special assistant to the Attorney-General, or to some one of the district attorneys, as the nature of the appointment may require; and shall take the oath required by law to be taken by the district attorneys, and shall be subject to all the liabilities imposed upon them by law.

SEC. 367. The Solicitor-General, or any officer of the Department of Justice, may be sent by the Attorney-General to any State or District in the United States to attend to the interests of the United States in any suit pending in any of the courts of the United States, or in the courts of any State, or to attend to any other interest of the United States.

SEC. 368. The Attorney-General shall exercise general supervisory powers over the accounts of district attorneys, marshals, clerks, and other officers of the courts of the United States.

SEC. 369. The Attorney-General shall sign all requisitions for the advance or payment of moneys appropriated for the Department of Justice, out of the Treasury, subject to the same control as is exercised on like estimates or accounts by the First Auditor or First Comptroller of the Treasury. [See §§ 3000-3005, 3009.]

SEC. 370. Whenever the Solicitor-General, or any officer of the Department of Justice, is sent by the Attorney-General to any State, District, or Territory, to attend to any interest of the United States, the person so sent shall receive, in addition to his salary, his actual and necessary expenses while absent from the seat of Government; the account thereof to be verified by affidavit.

SEC. 371. All moneys drawn out of the Treasury upon the requisition of the Attorney-General shall be disbursed by such one of the clerks in the Department of Justice as the Attorney-General may designate.

SEC. 372. The Solicitor of the Treasury shall have charge, within the Department of Justice, of the books, papers, and records formerly appertaining to the office of agent of the Treasury, or to the superintendence of the collection of outstanding direct taxes and internal duties which have been transferred to him by the act of May twenty-nine, eighteen hundred and thirty, and remain in his charge; and of the seal adopted for the office of the Solicitor of the Treasury.

SEC. 373. Whenever the Solicitor of the Treasury receives information from a collector of duties that such collector has delivered any bond for duties to a district attorney for suit, the Solicitor of the Treasury shall make such entry thereof as that the attorney may duly appear chargeable therewith, until the amount has been paid to the United States, or he has obtained judgment thereon and delivered execution to the marshal, or otherwise been duly discharged therefrom.

SEC. 374. The Solicitor of the Treasury shall make constant and strict examinations and comparisons of the reports made by collectors of bonds for duties delivered by them to district attorneys for suit, and of the returns made by district attorneys of such bonds so received by them.

SEC. 375. Whenever it appears that any collector has made return of any bond as in suit, or delivered for suit, which is not, at the time, in suit, or delivered for suit, or has returned any bond as in suit for the whole amount thereof, when part thereof has been paid to him, or as in

Appointment and oath of special attorneys or counsel.

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

Interest of United States in pending suits, who may attend to.

22 June, 1870, c. 150, s. 5, v. 16, p. 162.

Accounts of district attorneys, marshals, &c.

22 June, 1870, c. 150, s. 15, v. 16, p. 164.

Requisitions.

22 June, 1870, c. 150, s. 15, v. 16, p. 164.

Traveling expenses of officers of the Department.

22 June, 1870, c. 150, s. 5, v. 16, p. 162.

Disbursement of moneys.

22 June, 1870, c. 150, s. 11, v. 16, p. 163.

Records formerly appertaining to the office of agent of the Treasury.

29 May, 1830, c. 153, s. 2, v. 4, p. 414.

22 Feb., 1849, c. 61, s. 2, v. 9, p. 347.

Liability of district attorney upon receiving a bond for suit.

29 May, 1830, c. 153, s. 3, v. 4, p. 414.

Examination of reports of district attorneys and collectors upon bonds delivered for suit.

29 May, 1830, c. 153, s. 3, v. 4, p. 414.

False reports of bonds delivered for suit.

29 May, 1830, c. 153, s. 3, v. 4, p. 414.

suit for more than is actually due thereon, the Solicitor of the Treasury shall, immediately upon discovery thereof, communicate the facts to the President of the United States.

Measures taken for the discovery of frauds.

3 Mar., 1863, c. 76, s. 2, v. 12, p. 739.

Rules established by Solicitor of Treasury respecting suits.

29 May, 1830, c. 153, s. 7, v. 4, p. 415.

Report by Solicitor of Treasury of moneys recovered.

29 May, 1830, c. 153, s. 6, v. 4, p. 415.

Instructions by Solicitor of Treasury to district attorneys and other officers.

29 May, 1830, c. 153, s. 5, v. 4, p. 415.

Conduct of suits involving national banks.

25 Feb., 1863, o. 58, s. 55, v. 12, p. 680. 3 June, 1864,

Duties of United States attorneys.

8 June, 1872, c. 335, s. 309, v. 17, p. 324.

Proceedings in equity in cases of Post-Office Department.

8 June, 1872, c. 335, s. 310, v. 17, p. 324.

Publication of opinions.

22 June, 1870, c. 150, s. 18, v. 16, p. 165.

Report of business and statistics.

22 June, 1870, c. 150, s. 12, v. 16, p. 164.

SEC. 376. The Solicitor of the Treasury, under direction of the Secretary of the Treasury, shall take cognizance of all frauds or attempted frauds upon the revenue, and shall exercise a general supervision over the measures for their prevention and detection, and for the prosecution of persons charged with the commission thereof.

SEC. 377. The Solicitor of the Treasury shall establish such regulations, not inconsistent with law, with the approbation of the Secretary of the Treasury, for the observance of collectors of the customs, and, with the approbation of the Attorney-General, for the observance of district attorneys and marshals respecting suits in which the United States are parties, as may be deemed necessary for the just responsibility of those officers, and the prompt collection of all revenues and debts due and accruing to the United States. But this section does not apply to suits for taxes, forfeitures, or penalties arising under the internal-revenue laws. [See § 2315.]

SEC. 378. The Solicitor of the Treasury shall report all moneys recovered or collected under his direction to the officer from whom the bond or other evidence of debt was received, who shall give proper credit therefor; and he shall report in like manner all credits allowed by due course of law on any suits under his direction.

SEC. 379. The Solicitor of the Treasury shall have power to instruct the district attorneys, marshals, and clerks of the circuit and district courts in all matters and proceedings appertaining to suits in which the United States is a party or interested, except suits for taxes, penalties, or forfeitures under the internal-revenue laws, and to cause them, or either of them, to report to him from time to time any information he may require in relation to the same.

SEC. 380. All suits and proceedings arising out of the provisions of law governing national banking associations, in which the United States or any of its officers or agents shall be parties, shall be conducted by the district attorneys of the several districts under the direction and supervision of the Solicitor of the Treasury.

c. 106, s. 56, v. 13, p. 116. *Kennedy vs. Gibson*, 8 Wall., 498.

SEC. 381. In the prosecution of any suit for money due the Post-Office Department, the United States attorney conducting the same shall obey the directions which may be given him by the Department of Justice.

SEC. 382. When proceedings at law for money due the Post-Office Department are fruitless, the Department of Justice may direct the institution of a suit in chancery, in any United States district or circuit court, to set aside fraudulent conveyances or trusts, or attach debts due the defendant, or obtain any other proper exercise of the powers of equity to have satisfaction of any judgment against such defendant.

SEC. 383. The Attorney-General shall from time to time cause to be edited, and printed at the Government Printing-Office, an edition of one thousand copies of such of the opinions of the law-officers herein authorized to be given as he may deem valuable for preservation in volumes, which shall be, as to size, quality of paper, printing, and binding, of uniform style and appearance, as nearly as practicable, with volume eight of such opinions, published, by Robert Farnham, in the year eighteen hundred and sixty-eight. Each volume shall contain proper head-notes, a complete and full index, and such foot-notes as the Attorney-General may approve. Such volumes shall be distributed in such manner as the Attorney-General may from time to time prescribe.

SEC. 384. It shall be the duty of the Attorney-General to make to Congress, at the commencement of each regular session, a report of the business of the Department of Justice for the last preceding fiscal year, and of any other matters appertaining thereto that he may deem proper,

including a statement of the several appropriations now or which may hereafter be placed under its control, the amount appropriated, and a detailed statement of the amounts used for defraying the expenses of the United States courts in each judicial district; also the statistics of crime under the laws of the United States, and a statement of the number of causes, civil and criminal, pending during the preceding year in each of the several courts of the United States. [See §§ 196, 196.]

3 March, 1873, c. 238, s. 1, v. 17, p. 578.

SEC. 385. The Attorney-General shall make an annual report to Congress of the names of all persons employed or retained as attorneys or counselors at law to assist any district attorneys in the performance of their duties, stating where and upon what business each was employed, and the compensation paid to each. [See §§ 196, 196.]

Report of additional attorneys and counsel employed.

10 April, 1869, c. 25, v. 16, p. 46.

SEC. 386. The Department of Justice shall be charged with the distribution to the various judges and courts of the statutes, reports, and other judicial documents provided for by law.

Distribution of statutes and reports to judges.

3 March, 1873, c. 238, s. 2, v. 17, p. 578.

SEC. 387. A register of the statutes of the United States and reports of the Supreme Court shall be kept, under the authority of the head of the Department of Justice, showing the quantity of each kind received by him from the Secretary of the Interior; and it shall be his duty to cause to be entered in such register, and at the proper time, when, where, and to whom the same, or any part of them, have been distributed and delivered, and to report the same to Congress in his annual report.

Register of statutes and reports distributed.

3 March, 1873, c. 238, s. 3, v. 17, p. 578.

TITLE IX.

THE POST-OFFICE DEPARTMENT.

<p>Sec. 388. Establishment of the Post-Office Department. 389. Assistant Postmasters-General. 390. Assistant Attorney-General for Post-Office Department. 391. Oath of office. 392. Oath, before whom taken. 393. Clerks and employes. 394. Superintendent of free delivery. 395. Seal. 396. Duties of Postmaster-General. 397. Property in charge of the Department. 398. Postal arrangements with foreign countries. 399. Publication of postal conventions. 400. Blank-agency at Washington. 401. Foreign dead-letters. 402. Date of orders, entries, contracts, &c., to be indorsed. 403. Form of bonds and contracts.</p>	<p>Sec. 404. Copies of contracts for carrying mail. 405. Orders and regulations affecting accounts. 406. Warrant of Postmaster-General, on quarterly statement of Auditor. 407. Postal revenues and collections to be paid into the Treasury. 408. Deposits, how brought into the Treasury. 409. Investigating and remitting fines, penalties, and forfeitures. 410. Discharge of judgment debtors from imprisonment. 411. Subsequent execution on same judgment. 412. Restriction upon employes being interested in contracts. 413. Reports of Postmaster-General. 414. Copy of estimates to be furnished to Secretary of Treasury.</p>
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Establishment of the Post-Office Department.

8 May, 1794, c. 23, s. 3, v. 1, p. 357.
 8 June, 1872, c. 335, ss. 1, 2, v. 17, p. 283.

Assistant Postmasters-General.

8 June, 1872, c. 335, s. 2, v. 17, p. 284.
 3 March, 1873, c. 226, s. 3, v. 17, p. 508.

Assistant Attorney-General for Post-Office Department.

8 June, 1872, c. 335, s. 3, v. 17, p. 284.

Oath of office.

8 June, 1872, c. 335, s. 15, v. 17, p. 287.

Oath, before whom taken.

8 June, 1872, c. 335, s. 15, v. 17, p. 287.

SEC. 388. There shall be at the seat of Government an Executive Department to be known as the Post-Office Department, and a Postmaster-General, who shall be the head thereof, and who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner; and the term of the Postmaster-General shall be for and during the term of the President by whom he is appointed, and for one month thereafter, unless sooner removed.

SEC. 389. There shall be in the Post-Office Department three Assistant Postmasters-General, who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner, and who shall be entitled to a salary of four thousand dollars a year each. [See § 177.]

SEC. 390. There shall be employed in the Post-Office Department one Assistant Attorney-General, who shall be appointed by the Postmaster-General, and shall be entitled to a salary of four thousand dollars a year.

SEC. 391. Before entering upon the duties of his office, and before he shall receive any salary, the Postmaster-General and each of the persons employed in the postal service shall respectively take and subscribe, before some magistrate or other competent officer, the following oath: "I, A. B., do solemnly swear (or affirm) that I will faithfully perform all the duties required of me, and abstain from everything forbidden by the laws in relation to the establishment of post-offices and post-roads within the United States; and that I will honestly and truly account for and pay over any money belonging to the said United States which may come into my possession or control: So help me, God."

SEC. 392. Any officer, civil or military, holding a commission under the United States, is authorized to administer and certify the oath prescribed by the preceding section.

SEC. 393. There shall be in the Post-Office Department :

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

One superintendent of the Post-Office building and disbursing clerk, at a salary of two thousand three hundred dollars a year.

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

One stenographer, at a salary of one thousand eight hundred dollars a year.

One messenger to the Postmaster-General, at a salary of nine hundred dollars a year.

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

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

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

One carpenter, at a salary of one thousand two hundred and fifty-two dollars a year.

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

One fireman and blacksmith, at a salary of nine hundred dollars a year.

Two firemen, at a salary of seven hundred and twenty dollars a year each.

Three female laborers, at a salary of four hundred and eighty dollars a year each.

In the office of the money-order system :

One superintendent, at a salary of four thousand dollars a year.

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

In the office of foreign mails :

One superintendent, at a salary of four thousand dollars a year.

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

In the dead-letter office :

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

In the office of mail-depredations :

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

In the office of the blank-agency :

One superintendent, at a salary of one thousand eight hundred dollars a year.

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

Four assistants, at a salary of one thousand two hundred dollars a year each.

In the office of each of the Assistant Postmasters-General :

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

SEC. 394. The Postmaster-General may designate one of the present fourth-class clerks to act as superintendent of free delivery in the Post-Office Department, at an annual salary of two thousand five hundred dollars : *Provided*, That the salary hereby fixed shall terminate at the end of the fiscal year ending June thirtieth, eighteen hundred and seventy-four.

SEC. 395. The Postmaster-General shall keep the seal heretofore adopted for his Department, which shall be affixed to all commissions of postmasters and others, and used to authenticate all transcripts and copies which may be required from his Department.

SEC. 396. It shall be the duty of the Postmaster-General :

First. To establish and discontinue post-offices.

Second. To instruct all persons in the postal service with reference to their duties.

Third. To decide on the forms of all official papers.

Fourth. To prescribe the manner of keeping and stating accounts.

Fifth. To enforce the prompt rendition of returns relative to accounts.

Clerks and employés.

8 June, 1872, c. 335, ss. 3, 4, v. 17, p. 284.

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

[See §§ 166, 172, 174, 178.]

Superintendent of free delivery.

3 March, 1873, c. 231, s. 1, v. 17, p. 557.

Seal.

8 June, 1872, c. 335, s. 5, v. 17, p. 285.

Duties of Postmaster-General.

8 June, 1872, c. 335, s. 6, v. 17, p. 285.

Locke vs. U. S., 3 Mas., 446.

Sixth. To control, according to law, and subject to the settlement of the Sixth Auditor, all expenses incident to the service of the Department.

Seventh. To superintend the disposal of the moneys of the Department.

Eighth. To direct the manner in which balances shall be paid over; issue warrants to cover money into the Treasury; and to pay out the same.

Ninth. To superintend generally the business of the Department, and execute all laws relative to the postal service. [See §§ 3660-3665, 3668, 3669.]

Property in charge of the Department.

8 June, 1872, c. 335, s. 10, v. 17, p. 266.

Postal arrangements with foreign countries.

8 June, 1872, c. 335, s. 167, v. 17, p. 304.

Publication of postal conventions.

8 June, 1872, c. 335, s. 20, v. 17, p. 287.

Blank agency at Washington.

8 June, 1872, c. 335, s. 30, v. 17, p. 289.

Foreign dead-letters.

8 June, 1872, c. 335, s. 197, v. 17, p. 308.

Date of orders, entries, contracts, &c., to be indorsed.

8 June, 1872, c. 335, s. 18, v. 17, p. 287.

Form of bonds and contracts.

8 June, 1872, c. 335, s. 13, v. 17, p. 287.

Copies of contracts for carrying mail.

8 June, 1872, c. 335, s. 262, v. 17, p. 315.

Orders and regulations affecting accounts.

8 June, 1872, c. 335, s. 29, v. 17, p. 289.

Warrant of Postmaster-General, on quarterly statement of Auditor.

8 June, 1872, c. 335, s. 53, v. 17, p. 292.

SEC. 397. The Postmaster-General shall make out and keep, in proper books, full and complete inventories and accounts of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by him and under his charge; and shall add thereto, from time to time, an account of such property as may be procured subsequently to the taking of the same, and also an account of the sale or disposal of any such property, and to report the same to Congress during the first week of each annual session. But this section shall not apply to the supplies of stationery and fuel.

SEC. 398. For the purpose of making better postal arrangements with foreign countries, or to counteract their adverse measures affecting our postal intercourse with them, the Postmaster-General, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage on mail-matter conveyed between the United States and foreign countries.

SEC. 399. The Postmaster-General shall transmit a copy of each postal convention concluded with foreign governments to the Secretary of State, who shall furnish a copy of the same to the Congressional Printer for publication; and the printed proof-sheets of all such conventions shall be revised at the Post-Office Department. [See § 210.]

SEC. 400. The Postmaster-General may establish a blank-agency for the Post-Office Department, to be located at Washington, District of Columbia.

SEC. 401. The action of the Post-Office Department respecting foreign dead-letters shall be subject to conventional stipulations with the respective foreign administrations.

SEC. 402. Every order, entry, or memorandum whatever, on which any action is to be based, allowance made, or money paid, and every contract, paper, or obligation made by or with the Post-Office Department, shall have its true date affixed to it; and every paper relating to contracts or allowances filed in the Department shall have the date when it was filed indorsed upon it.

SEC. 403. All bonds taken and contracts entered into by the Post-Office Department shall be made to and with the United States of America.

SEC. 404. The Postmaster-General shall deliver to the Sixth Auditor, within sixty days after the making of any contract for carrying the mail, a duplicate copy thereof.

SEC. 405. All orders and regulations of the Postmaster-General which may originate a claim, or in any manner affect the accounts of the postal service, shall be certified to the Sixth Auditor.

SEC. 406. Upon the certified quarterly statement by the Sixth Auditor of the payments by postmasters on account of the postal service, the Postmaster-General shall issue his warrant to the Treasurer to carry the amount to the credit of the postal revenues and to the debit of the proper appropriations upon the books of the Auditor.

SEC. 407. The postal revenues and all debts due the Post-Office Department shall, when collected, be paid into the Treasury of the United States, under the direction of the Postmaster-General; and the Treasurer, assistant treasurer, or designated depository receiving such payment, shall give the depositor duplicate receipts therefor.

SEC. 408. All deposits on account of the postal service shall be brought into the Treasury by warrants of the Postmaster-General, countersigned by the Auditor; and no credit shall be allowed for any deposit until such warrant has been issued.

SEC. 409. In all cases of fine, penalty, forfeiture, or disability, or alleged liability for any sum of money by way of damages or otherwise, under any provision of law in relation to the officers, employes, operations, or business of the postal service, the Postmaster-General may prescribe such general rules and modes of proceeding as shall appear to be expedient, for the government of the Sixth Auditor, in ascertaining the fact in each case in which the Auditor shall certify to him that the interests of the Department probably require the exercise of his powers over fines, penalties, forfeitures, and liabilities; and upon the fact being ascertained, the Auditor may, with the written consent of the Postmaster-General, mitigate or remit such fine, penalty, or forfeiture, remove such disability, or compromise, release, or discharge such claim for such sum of money and damages, and on such terms as the Auditor shall deem just and expedient.

SEC. 410. The Postmaster General may discharge from imprisonment any person confined in jail on any judgment in a civil case, obtained in behalf of the Department, if it be made to appear that the defendant has no property of any description.

SEC. 411. The release provided for by the preceding section shall not bar a subsequent execution against the property of the defendant on the same judgment.

SEC. 412. No person employed in the Post-Office Department shall become interested in any contract for carrying the mail, or act as agent, with or without compensation, for any contractor or person offering to become a contractor, in any business before the Department; and any person so offending shall be immediately dismissed from office, and shall be liable to pay so much money as would have been realized from said contract, to be recovered in an action of debt, for the use of the Post-Office Department.

SEC. 413. The Postmaster-General shall make the following annual reports to Congress: [See §§ 195, 196.]

First. A report of all contracts for carrying the mail made within the preceding year, giving in each case the name of the contractor; the date and duration of the contract; the routes embraced therein, with the length of each; the time of arrival and departure at the ends of each route; the mode of transportation; and the price to be paid, together with a copy of the recorded abstracts of all proposals for carrying the mail, as provided by section three thousand nine hundred and forty-eight, Title "THE POSTAL SERVICE."

Second. A report of all land and water mails established or ordered within the preceding year, other than those let to contract at the annual letting, giving in each case the route or water-course on which the mail is established; the name of the person employed to transport it; the mode of transportation; the price to be paid; and the duration of the order or contract.

Third. A report of all allowances made to contractors within the preceding year above the sums originally stipulated in their respective contracts, and the reasons for the same, and of all orders made whereby additional expense is incurred on any route beyond the original contract

Postal revenues and collections to be paid into the Treasury.

8 June, 1872, c. 335, s. 54, v. 17, p. 292.

Deposits, how brought into the Treasury.

8 June, 1872, c. 335, s. 55, v. 17, p. 292.

Investigating and remitting fines, penalties, and forfeitures.

8 June, 1872, c. 335, s. 316, v. 17, p. 325.

Discharge of judgment debtors from imprisonment.

8 June, 1872, c. 335, s. 314, v. 17, p. 324.

Subsequent execution on same judgment.

8 June, 1872, c. 335, s. 314, v. 17, p. 324.

Restriction upon employes being interested in contracts.

8 June, 1872, c. 335, s. 12, v. 17, p. 286.

Reports of Postmaster-General.

8 June, 1872, c. 335, s. 8, v. 17, p. 285

price, giving in each case the route; the name of the contractor; the original service provided for by the contract; the original price; the additional service required; and the additional allowance therefor.

Fourth. A report of all curtailments of expenses effected within the preceding year, giving in each case the same particulars as in the preceding report.

Fifth. A report of the finances of the Department for the preceding year, showing the amount of balance due the Department at the beginning of the year; the amount of postage which accrued within the year; the amount of engagements and liabilities; and the amount actually paid during the year for carrying the mail, showing how much of the amount was for carrying the mail in preceding years.

Sixth. A report of the fines imposed on and the deductions from the pay of contractors, made during the preceding year, stating the name of the contractor; the nature of the delinquency; the route on which it occurred; when the fine was imposed; and whether the fine or deduction has been remitted; and for what reason.

Seventh. A copy of each contract for carrying the mail between the United States and foreign countries, with a statement of the amount of postage derived under the same, so far as the returns of the Department will enable it to be done.

Eighth. A report showing all contracts which have been made by the Department, other than for carrying the mail, giving the name of the contractor; the article or thing contracted for; the place where the article was to be delivered, or the thing performed; the amount paid therefor; and the date and duration of the contract.

Ninth. A report on the postal business and agencies in foreign countries.

Tenth. A report of the amount expended in the Department for the preceding fiscal year, including detailed statements of expenditures made from the contingent fund.

And the Postmaster-General shall cause all of such reports to be printed at the Public Printing Office, either together or separately, and in such numbers as may be required by the exigencies of the service or by law.

Copy of estimates to be furnished to Secretary of Treasury.

8 June, 1872, c. 335, s. 19, v. 17, p. 287.

SEC. 414. The Postmaster-General shall furnish a copy of his annual estimates to the Secretary of the Treasury prior to the first of November in each year, which shall be reported to Congress by the latter in his regular printed estimates.

TITLE X.

THE DEPARTMENT OF THE NAVY.

Sec.	Sec.
415. Establishment of the Department of the Navy.	425. Chief of Bureau of Provisions and Clothing.
416. Clerks and employés.	426. Chief of Bureau of Medicine and Surgery.
417. Procurement of naval stores and equipment of vessels.	427. Use of engraved plates of Wilkes's Expedition.
418. Custody of the books and records.	428. Collection of enemies' flags.
419. Establishment of Bureaus.	429. Reports to Congress by Secretary of the Navy.
420. Custody of books and records of Bureaus.	430. Estimates for expenses.
421. Appointment of chiefs of Bureaus.	431. Hydrographic Office.
422. Chiefs of Bureaus of Yards and Docks, Equipment and Recruiting, Navigation, and Ordnance.	432. Maps, charts, &c.
423. Chief of Bureau of Construction and Repair.	433. Money received from sale of maps, charts, &c.
424. Chief of Bureau of Steam Engineering.	434. Naval Observatory.
	435. Meridians.
	436. Nautical Almanac.

SEC. 415. There shall be at the seat of Government an Executive Department, to be known as the Department of the Navy, and a Secretary of the Navy, who shall be the head thereof.

Establishment of the Department of the Navy.

30 April, 1798, c. 35, s. 1, v. 1, p. 563.

SEC. 416. There shall be in the Department of the Navy:

Clerks and employés.

One chief clerk, at a salary of two thousand five hundred dollars a year, so long as there is no Assistant Secretary of the Navy, and at a salary of two thousand two hundred dollars a year when there is an Assistant Secretary of the Navy.

5 July, 1862, c. 134, v. 12, p. 510:

2 July, 1864, c. 219, s. 4, v. 13, p. 373.

23 July, 1866, c. 208, s. 8, v. 14, p. 207.

3 Mar., 1871, c. 113, s. 3, v. 16, p. 492.

3 Mar., 1873, c. 226, s. 1, v. 17, pp. 501, 502.

One disbursing clerk.

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

In the Bureau of Yards and Docks:

One civil engineer, at a salary of three thousand dollars a year.

One chief clerk, at a salary of one thousand eight hundred dollars a year.

[See §§ 169, 173, 174, 178.]

One draughtsman, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Equipment and Recruiting:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Construction and Repair:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Steam Engineering:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

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

In the Bureau of Navigation:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Ordnance :

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Provisions and Clothing :

One chief clerk, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Medicine and Surgery :

One chief clerk, at a salary of one thousand eight hundred dollars a year.

Procurement of naval stores and equipment of vessels.

30 April, 1798, c. 35, s. 1, v. 1, p. 553.

Custody of the books and records.

30 April, 1798, c. 35, s. 3, v. 1, p. 554.

Establishment of Bureaus.

31 Aug., 1842, c. 286, s. 2, v. 5, p. 579.

5 July, 1862, c. 134, s. 1, 4, v. 12, pp. 510, 511.

Custody of books and records of Bureaus.

31 Aug., 1842, c. 286, s. 8, v. 5, p. 580.

5 July, 1862, c. 134, s. 4, v. 12, p. 511.

Appointment of chiefs of Bureaus.

5 July, 1862, c. 134, s. 1, 2, v. 12, p. 510.

3 Mar., 1871, c. 117, s. 10, v. 16, p. 537.

Chiefs of Bureaus of Yards and Docks, Equipment and Recruiting, Navigation, and Ordnance.

Chief of Bureau of Construction and Repair.

5 July, 1862, c. 134, s. 1, v. 12, p. 510.

Chief of Bureau of Steam Engineering.

5 July, 1862, c. 134, s. 1, v. 12, p. 510.

Chief of Bureau of Provisions and Clothing.

5 July, 1862, c. 134, s. 1, v. 12, p. 510.

SEC. 417. The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment. [See Title Public Contracts. Also §§ 3060-3067, 3069.]

SEC. 418. The Secretary of the Navy shall have the custody and charge of all the books, records, and other property now remaining in and appertaining to the Department of the Navy, or hereafter acquired by it.

SEC. 419. The business of the Department of the Navy shall be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper among the following Bureaus :

First. A Bureau of Yards and Docks.

Second. A Bureau of Equipment and Recruiting.

Third. A Bureau of Navigation.

Fourth. A Bureau of Ordnance.

Fifth. A Bureau of Construction and Repair.

Sixth. A Bureau of Steam Engineering.

Seventh. A Bureau of Provisions and Clothing.

Eighth. A Bureau of Medicine and Surgery.

SEC. 420. The several Bureaus shall retain the charge and custody of the books of records and accounts pertaining to their respective duties ; and all of the duties of the Bureaus shall be performed under the authority of the Secretary of the Navy, and their orders shall be considered as emanating from him, and shall have full force and effect as such.

SEC. 421. The chiefs of the several Bureaus in the Department of the Navy shall be appointed by the President, by and with the advice and consent of the Senate, from the classes of officers mentioned in the next five sections respectively, or from officers having the relative rank of captain in the staff corps of the Navy, on the active list, and shall hold their offices for the term of four years.

SEC. 422. The chiefs of the Bureau of Yards and Docks, of the Bureau of Equipment and Recruiting, of the Bureau of Navigation, and of the Bureau of Ordnance, shall be appointed from the list of officers of the Navy, not below the grade of commander.

5 July, 1862, c. 134, s. 1, v. 12, p. 510.

SEC. 423. The chief of the Bureau of Construction and Repair shall be appointed from the list of officers of the Navy, not below the grade of commander, and shall be a skillful naval constructor.

SEC. 424. The chief of the Bureau of Steam Engineering shall be appointed from the chief engineers of the Navy, and shall be a skillful engineer.

SEC. 425. The chief of the Bureau of Provisions and Clothing shall be appointed from the list of paymasters of the Navy of not less than ten years' standing.

SEC. 426. The chief of the Bureau of Medicine and Surgery shall be appointed from the list of the surgeons of the Navy.

5 July, 1862, c. 134.

Chief of Bureau of Medicine and Surgery.

a. 1, v. 12, p. 510.

SEC. 427. The Joint Committee on the Library shall grant to the Department of the Navy the use of such of the engraved plates of the United States Exploring Expedition under Captain Wilkes, in charge of the committee, as may be desired for the purpose of printing a supply of charts for the use of the Department.

Use of engraved plates of Wilkes's Expedition.

26 July, 1866, Res. No. 80, v. 14, p. 366.

SEC. 428. The Secretary of the Navy shall from time to time cause to be collected and transmitted to him at the seat of Government all flags, standards, and colors taken by the Navy from the enemies of the United States.

Collection of enemies' flags.

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

SEC. 429. The Secretary of the Navy shall make annual reports to Congress upon the following subjects: [See §§ 193, 194.]

Reports to Congress by Secretary of the Navy.

First. A statement of the appropriations of the preceding fiscal year for the Department of the Navy, showing the amount appropriated under each specific head of appropriation, the amount expended under each head, and the balance which, on the thirtieth day of June preceding such report, remained unexpended. Such report shall be accompanied by estimates of the probable demands which may remain on each appropriation.

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

3 March, 1843, c. 83, v. 5, p. 617.

27 July, 1866, c. 287, s. 3, v. 14, p. 305.

Second. A statement of all offers for contracts for supplies and services made during the preceding year, by classes, indicating such as have been accepted.

Third. A statement showing the amounts expended during the preceding fiscal year for wages of mechanics and laborers employed in building, repairing, or equipping vessels of the Navy, or in receiving and securing stores and materials for those purposes, and for the purchase of material and stores for the same purpose; and showing the cost or estimated value of the stores on hand, under this appropriation, in the navy-yards, at the commencement of the next preceding fiscal year; and the cost or estimated value of articles received and expended during the year; and the cost or estimated value of the articles belonging to this appropriation which may be on hand in the navy-yards at the close of the next preceding fiscal year.

Fourth. A statement of all acts done by him in making sale of any vessel or materials of the Navy; specifying all vessels and materials sold, the parties buying the same, and the amount realized therefrom, together with such other facts as may be necessary to a full understanding of his acts.

SEC. 430. All estimates for specific, general, and contingent expenses of the Department, and of the several Bureaus, shall be furnished to the Secretary of the Navy by the chiefs of the respective Bureaus.

[See § 226.]

Estimates for expenses.

5 July, 1862, c. 134, s. 5, v. 12, p. 511.

SEC. 431. There shall be a Hydrographic Office attached to the Bureau of Navigation in the Navy Department, for the improvement of the means for navigating safely the vessels of the Navy and of the mercantile marine, by providing, under the authority of the Secretary of the Navy, accurate and cheap nautical charts, sailing directions, navigators, and manuals of instructions for the use of all vessels of the United States, and for the benefit and use of navigators generally.

Hydrographic Office.

21 June, 1866, c. 129, s. 1, v. 14, p. 69.

SEC. 432. The Secretary of the Navy is authorized to cause to be prepared, at the Hydrographic Office attached to the Bureau of Navigation in the Navy Department, maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators, sailing directions and instructions, as he may consider necessary, and when he may deem it expedient to do so, and under such regulations and instructions as he may prescribe.

Maps, charts, &c.

21 June, 1866, c. 129, s. 2, v. 14, p. 69.

Money received
from sale of maps,
charts, &c.

21 June, 1866, c.
120, s. 3, v. 14, p. 60.

Naval Observa-
tory.

3 March, 1865, c.
114, v. 13, p. 533.

Meridians.

28 Sept., 1850, c.
80, s. 1, v. 9, p. 515.

Nautical Alma-
nac.

3 March, 1857, c.
111, s. 3, v. 11, p.
246.

SEC. 433. All moneys which may be received from the sale of maps, charts, and nautical books shall be returned by the Secretary of the Navy into the Treasury of the United States, to be used in the further preparation and publication of maps, charts, navigators, sailing directions, and instructions for the use of seamen, to be sold at the rates as set forth in the preceding section.

SEC. 434. The officer of the Navy employed as superintendent of the Naval Observatory at Washington shall be entitled to receive the shore-duty pay of his grade, and no other.

SEC. 435. The meridian of the Observatory at Washington shall be adopted and used as the American meridian for all astronomical purposes, and the meridian of Greenwich shall be adopted for all nautical purposes.

SEC. 436. The Secretary of the Navy may place the supervision of the Nautical Almanac in charge of any officer or professor of mathematics in the Navy who is competent for that service. Such officer or professor, when so employed, shall be entitled to receive the shore-duty pay of his grade, and no other.

TITLE XI.

THE DEPARTMENT OF THE INTERIOR.

CHAPTER ONE.

THE DEPARTMENT.

<p>Sec. 437. Establishment of Department of the Interior. 438. Assistant Secretary of the Interior.</p>	<p>Sec. 439. His duties. 440. Clerks and employés.</p>
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SEC. 437. There shall be at the seat of Government an Executive Department to be known as the Department of the Interior, and a Secretary of the Interior, who shall be the head thereof.

3 March, 1849, c. 108, s. 1, v. 9, p. 395.

SEC. 438. There shall be in the Department of the Interior an Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of six thousand dollars a year, to be paid monthly. [See § 177.]

14 Mar., 1862, c. 41, s. 6, v. 12, p. 369.
3 March, 1873, c. 226, s. 1, v. 17, p. 486.

SEC. 439. The Assistant Secretary of the Interior shall perform such duties in the Department of the Interior as shall be prescribed by the Secretary, or may be required by law.

Assistant Secretary of the Interior.
His duties.

14 Mar., 1862, c. 41, s. 6, v. 12, p. 369.

SEC. 440. There shall also be in the Department of the Interior:
One chief clerk, at a salary of two thousand two hundred dollars a year.

Clerks and employés.

3 March, 1849, c. 108, v. 9, pp. 395, 396.

A superintendent of the building, to be designated from the fourth-class clerks, who shall be paid two hundred dollars a year additional.

25 April, 1812, c. 66, v. 2, p. 716.

Three disbursing clerks.

4 July, 1836, c. 352, v. 5, pp. 107, 111.

The Secretary may, if he deem it necessary and proper, pay two hundred dollars a year additional to any four clerks of the fourth class.

3 March, 1853, c. 97, v. 10, pp. 189, 209.

Three messengers, at a salary of nine hundred dollars a year each.

2 March, 1867, c. 158, v. 14, p. 434.

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

3 March, 1873, c. 226, s. 1, v. 17, pp. 502, 503, 504.

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

8 July, 1870, c. 230, v. 16, p. 198.

Twenty-eight watchmen for the general service of the Department building and all the bureaus therein, to be allotted to day or night service, as the Secretary may direct.

Public Documents: One superintendent, at a salary of two thousand five hundred dollars a year.

In the General Land-Office:

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

One principal clerk, on account of military bounty-lands, at a salary of two thousand dollars a year. [See §§ 169, 173, 174, 176.]

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

One assistant draughtsman, at a salary of one thousand four hundred dollars a year.

Two packers, at a salary of seven hundred and twenty dollars a year each.

In the office of the Commissioner of Indian Affairs:

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

In the office of the Commissioner of Pensions:

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

One engineer, at one thousand four hundred dollars a year.

One assistant engineer, at one thousand dollars a year.

In the Patent-Office:

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

One examiner in charge of interferences, at a salary of two thousand five hundred dollars a year.

One examiner in charge of trade-marks, at a salary of two thousand five hundred dollars a year.

Twenty-four principal examiners, at a salary of two thousand five hundred dollars a year each.

Twenty-four first assistant examiners, at a salary of one thousand eight hundred dollars a year each.

Twenty-four second assistant examiners, (two of whom may be women,) at a salary of one thousand six hundred dollars a year each.

Twenty-four third assistant examiners, at a salary of one thousand four hundred dollars a year each.

One librarian, at a salary of two thousand dollars a year.

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

Three skilled draughtsmen, at a salary of one thousand two hundred dollars a year each.

Thirty-five copyists of drawings, at a salary of one thousand dollars a year each.

One messenger and purchasing clerk, at a salary of one thousand dollars a year.

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

Eight attendants in the model-room, at a salary of one thousand dollars a year each.

Eight attendants in the model-room, at a salary of nine hundred dollars a year each.

In the Office of Education:

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

One statistician, at a salary of eighteen hundred dollars a year.

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

CHAPTER TWO.

THE SECRETARY OF THE INTERIOR.

Sec.

441. Duties of Secretary.

442. Powers of Secretary.

443. Supervision of census.

Sec.

444. Expenditures of the Department.

445. Annual report to Congress.

Duties of Secretary.

3 March, 1849, c. 108, ss. 3, 5, 6, 7, 8, 9, v. 9, p. 395.

8 July, 1870, c. 230, s. 1, v. 16, p. 198.

5 Feb., 1859, c. 22, s. 1, v. 11, p. 379.

20 July, 1868, c. 176, s. 1, v. 15, pp. 92, 106.

Magnire vs. Tyler, 1 Bl., 195.

Powers of Secretary.

1 March, 1873, c. 217, v. 17, p. 484.

SEC. 441. The Secretary of the Interior is charged with the supervision of public business relating to the following subjects:

First. The census; when directed by law.

Second. The public lands, including mines.

Third. The Indians.

Fourth. Pensions and bounty-lands.

Fifth. Patents for inventions.

Sixth. The custody and distribution of publications.

Seventh. Education.

Eighth. Government Hospital for the Insane.

Ninth. Columbia Asylum for the Deaf and Dumb.

SEC. 442. The Secretary of the Interior shall hereafter exercise all the powers and perform all the duties in relation to the Territories of the United States that were, prior to March first, eighteen hundred and seventy-three, by law or by custom exercised and performed by the Secretary of State.

SEC. 443. The Secretary of the Interior shall exercise supervisory and appellate powers in relation to all acts of marshals and others in taking and returning the census of the United States.

Supervision of census.

3 March, 1849, c. 108, s. 7, v. 9, p. 395.

Expenditures of the Department.

3 March, 1849, c. 108, s. 2, v. 9, p. 395.

SEC. 444. The Secretary of the Interior shall sign all requisitions for the advance or payment of money, out of the Treasury, upon estimates or accounts for expenditures upon business assigned by law to his Department; subject, however, to adjustment and control by the proper accounting officers of the Department of the Treasury. [See §§ 3000-3005, 3009.]

Annual reports to Congress.

29 May, 1872, c. 233, s. 7, v. 17, p. 190.

5 Feb., 1859, c. 22, s. 3, v. 11, p. 380.

SEC. 445. The Secretary of the Interior shall make annual reports to Congress as follows: [See §§ 195, 196.]

First. A report showing the nature, character, and amount of all claims presented to him during the preceding year under laws or treaty stipulations for compensation for depredations committed by Indians, whether allowed by him or not, and the evidence upon which his action was based.

Second. A report showing the quantity and kind of the copies of public journals, books, and documents which have been received by him for distribution on behalf of the Government, and showing, also, the time when, the place where, and the person to whom, any of the same have been distributed and delivered during the preceding year.

CHAPTER THREE.

THE GENERAL LAND-OFFICE.

<p>Sec. 446. Commissioner of the General Land-Office. 447. Recorder of General Land-Office. 448. Principal clerks on private and public land-claims. 449. Principal clerk of the surveys. 450. Secretary to the President to sign land-patents. 451. Assistant secretary to sign land-patents. 452. Restriction upon officers, clerks, and employes.</p>	<p>Sec. 453. Duties of Commissioner. 454. Custody of seal, books, records, &c. 455. Plate of lands surveyed. 456. Returns and accounts relative to lands. 457. Warrants for military lands. 458. Issue of patents for lands. 459. Duties of Recorder. 460. Copies of papers filed in the Department. 461. Fees for exemplifications of patents, &c.</p>
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SEC. 446. There shall be in the Department of the Interior a Commissioner of the General Land-Office, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of four thousand dollars a year.

Commissioner of the General Land-Office.

68, s. 11, v. 2, p. 717. 4 July, 1836, c. 352, s. 1, v. 5, p. 107. 3 March, 1873, c. 226, s. 3, v. 17, p. 503.

SEC. 447. There shall be in the General Land-Office an officer called the Recorder of the General Land-Office, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of two thousand dollars a year.

Recorder of General Land-Office.

4 July, 1836, c. 352, s. 4, v. 5, p. 111.

3 March, 1837, c. 33, s. 1, v. 5, pp. 163, 164.

SEC. 448. There shall be in the General Land-Office a Principal Clerk of the Public Lands, and a Principal Clerk on Private Land-Claims, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall each be entitled to a salary of one thousand eight hundred dollars a year; and they shall perform such duties as may be assigned to them by the Commissioner of the General Land-Office. And the chief-clerk of the General Land-Office shall perform the duties of the Commissioner of the General Land-Office in case of a vacancy in said office, or of the absence or sickness of the Commissioner.

Principal clerks on private and public land-claims.

4 July, 1836, c. 352, s. 2, v. 5, p. 109.

Principal clerk
of the surveys.

4 July, 1836, c.
352, s. 3, v. 5, p. 110.

Secretary to the
President to sign
land-patents.

4 July, 1836, c.
352, s. 6, v. 5, p. 111.

Assistant secre-
tary to sign land-
patents.

26 Jan., 1848, c.
4, v. 9, p. 209.

Restriction upon
officers, clerks, and
employés.

25 April, 1812, c.
68, s. 10, v. 2, p. 717.

Duties of Com-
missioner.

25 April, 1812, c.
68, s. 1, v. 2, p. 716.

4 July, 1836, c.
352, s. 1, v. 5, p. 107.

Barnard's Heirs vs. Ashley's Heirs et al., 18 How., 43. *Bell vs. Hearne et al.*, 19 How., 252. *Magnire vs. Tyler*, 1 Black, 195.

Custody of seal,
books, records, &c.

25 April, 1812, c. 68,
ss. 4, 5, v. 2, p. 717.

Plat of lands
surveyed.

25 April, 1812, c.
68, s. 6, v. 2, p. 717.

Returns and ac-
counts relative to
lands.

25 April, 1812, c.
68, s. 9, v. 2, p. 717.

Warrants for mil-
itary lands.

25 April, 1812, c.
68, s. 7, v. 2, p. 717.

Issu of patents
for lands.

25 April, 1812, c.
68, s. 8, v. 2, p. 717.

3 March, 1841, c. 26, s. 2, v. 5, p. 417.

SEC. 449. There shall be in the General Land-Office a Principal Clerk of the Surveys, who shall be appointed by the President, by and with the advice and consent of the Senate; and shall be entitled to a salary of one thousand eight hundred dollars a year. He shall direct and superintend the making of surveys, the returns thereof, and all matters relating thereto, which are done through the officers of the Surveyor-General, and perform such other duties as may be assigned to him by the Commissioner of the General Land-Office.

SEC. 450. The President is authorized to appoint, from time to time, by and with the advice and consent of the Senate, a secretary, at a salary of one thousand five hundred dollars a year, whose duty it shall be, under the direction of the President, to sign in his name, and for him, all patents for land sold or granted under the authority of the United States.

SEC. 451. If at any time the number of patents for lands sold or granted under the authority of the United States, is such that they cannot be signed within a reasonable time by the secretary appointed under the preceding section, the President may appoint an assistant secretary to sign the same, but such assistant shall be employed by the express direction of the President, and only for such time as may be necessary to bring up the arrears of patents which may be ready for signature.

SEC. 452. The officers, clerks, and employés in the General Land-Office are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his office.

4 July, 1836, c. 352, s. 14, v. 5, p. 112. [See §§ 243, 244.]

SEC. 453. The Commissioner of the General Land-Office shall perform, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land, and the issuing of patents for all agents^(*) of land under the authority of the Government.

SEC. 454. The Commissioner of the General Land-Office shall retain the charge of the seal heretofore adopted for the office, which may continue to be used, and of the records, books, papers, and other property appertaining to the Office.

SEC. 455. The Commissioner of the General Land-Office shall, when required by the President or either House of Congress, make a plat of any land surveyed under the authority of the United States, and give such information respecting the public lands and concerning the business of his Office as shall be directed.

SEC. 456. All returns relative to the public lands shall be made to the Commissioner of the General Land-Office; and he shall have power to audit and settle all public accounts relative to the public lands; and upon the settlement of any such account, he shall certify the balance, and transmit the account with the vouchers and certificate to the First Comptroller of the Treasury, for his examination and decision thereon.

SEC. 457. In all cases in which land has heretofore or shall hereafter be given by the United States for military services, warrants shall be granted to the parties entitled to such land by the Secretary of the Interior; and such warrants shall be recorded in the General Land-Office, in books to be kept for the purpose, and shall be located as is or may be provided by law; and patents shall afterwards be issued accordingly.

SEC. 458. All patents issuing from the General Land-Office shall be issued in the name of the United States, and be signed by the President, and countersigned by the Recorder of the General Land-Office; and shall be recorded in the Office, in books to be kept for the purpose.

(*) Sec. 453, "agents" should be "grants."

SEC. 459. It shall be the duty of the Recorder of the General Land-Office, in pursuance of instructions from the Commissioner, to certify and affix the seal of the Office to all patents for public lands, and to attend to the correct engrossing, recording, and transmission of such patents. He shall prepare alphabetical indexes of the names of patentees, and of persons entitled to patents; and he shall prepare such copies and exemplifications of matters on file or recorded in the General Land-Office as the Commissioner may from time to time direct. Whenever the office of Recorder shall become vacant, or in case of his sickness or absence, the duties of his office shall be performed ad interim by the principal clerk on private land-claims.

Duties of Recorder.

25 April, 1812, c. 68, s. 8, v. 2, p. 717.
4 July, 1836, c. 352, s. 4, v. 5, p. 111.

SEC. 460. Whenever any person claiming to be interested in or entitled to land, under any grant or patent from the United States, applies to the Department of the Interior for copies of papers filed and remaining therein, in anywise affecting the title to such land, it shall be the duty of the Secretary of the Interior to cause such copies to be made out and authenticated, under his hand and the seal of the General Land-Office, for the person so applying.

Copies of papers filed in the Department.

23 Jan., 1823, c. 6, v. 3, p. 721.
4 July, 1836, c. 352, s. 7, v. 5, p. 111.

SEC. 461. All exemplifications of patents, or papers on file or of record in the General Land-Office, which may be required by parties interested, shall be furnished by the Commissioner upon the payment by such parties at the rate of fifteen cents per hundred words, and two dollars for copies of township plats or diagrams, with an additional sum of one dollar for the Commissioner's certificate of verification with the General Land-Office seal; and one of the employes of the Office shall be designated by the Commissioner as the receiving clerk, and the amounts so received shall, under the direction of the Commissioner, be paid into the Treasury; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government, nor for such unverified copies as the Commissioner in his discretion may deem proper to furnish.

Fees for exemplifications of patents, &c.

2 July, 1864, c. 224, v. 13, p. 375.

CHAPTER FOUR.

THE COMMISSIONER OF INDIAN AFFAIRS.

Sec.

- 462. Commissioner of Indian Affairs.
- 463. Duties of Commissioner.
- 464. Accounts for claims and disbursements.
- 465. Regulations relating to Indian Affairs.

Sec.

- 466. Presentation and payment of claims for Indian depredations.
- 467. Sale of arms, &c., to Indians prohibited.
- 468. Commissioner to report annually to Congress.
- 469. Reports of Indian supplies.

SEC. 462. There shall be in the Department of the Interior a Commissioner of Indian Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to a salary of three thousand dollars a year.

Commissioner of Indian Affairs.

9 July, 1832, c. 174, s. 1, v. 4, p. 564.

SEC. 463. The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs, and of all matters arising out of Indian relations.

Duties of Commissioner.

9 July, 1832, c. 174, s. 1, v. 4, p. 564.
27 July, 1868, c. 259, s. 1, v. 15, p. 228.

SEC. 464. All accounts and vouchers for claims and disbursements connected with Indian affairs shall be transmitted to the Commissioner for administrative examination, and by him passed to the proper accounting officer of the Department of the Treasury for settlement.

Accounts for claims and disbursements.

9 July, 1832, c. 174, s. 3, v. 4, p. 564.

Regulations relating to Indian affairs.

30 June, 1834, c. 162, s. 17, v. 4, p. 738.

Presentation and payment of claims for Indian depredations.

29 May, 1872, c. 238, s. 7, v. 17, p. 190.

Sale of arms, &c., to Indians, prohibited.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 457.

Commissioner to report annually to Congress.

2 March, 1867, c. 173, s. 3, v. 14, p. 515.

Reports of Indian supplies.

14 Feb., 1873, c. 138, s. 7, v. 17, p. 463.

SEC. 465. The President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian affairs, and for the settlement of the accounts of Indian affairs.

SEC. 466. The Secretary of the Interior shall prepare and cause to be published such regulations as he may deem proper, prescribing the manner of presenting claims arising under laws or treaty stipulations, for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the regulations prepared by him; and no payment on account of any such claims shall be made without a specific appropriation therefor by Congress.

SEC. 467. The Secretary of the Interior shall adopt such rules as may be necessary to prohibit the sale of arms or ammunition within any district or country occupied by uncivilized or hostile Indians, and shall enforce the same.

SEC. 468. The Commissioner of Indian Affairs shall annually report, separately, to Congress, a tabular statement showing distinctly the separate objects of expenditure under his supervision, and how much disbursed for each object, describing the articles and the quantity of each, and giving the name of each person to whom any part was paid, and how much was paid to him, and for what objects, so far as they relate to the disbursement of the funds appropriated for the incidental, contingent, or miscellaneous expenses of the Indian service, during the fiscal year next preceding each report. [See §§ 198, 196.]

SEC. 469. The Commissioner of Indian Affairs shall embody in his annual report the reports of all agents or commissioners issuing food, clothing, or supplies of any kind to Indians, stating the number of Indians present and actually receiving the same.

CHAPTER FIVE.

THE COMMISSIONER OF PENSIONS.

Sec.

470. Commissioner of Pensions.
471. Duties of the Commissioner.
472. Deputy Commissioner.

Sec.

473. Person to sign bounty-land warrants.
474. Investigation of attempts at fraud.

Commissioner of Pensions.

2 March, 1833, c. 54, s. 1, v. 4, pp. 619, 622.
3 March, 1835, c. 46,

SEC. 470. There shall be in the Department of the Interior a Commissioner of Pensions, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to receive a salary of four thousand dollars a year.

ss. 1, 2, 3, v. 4, p. 779. 3 March, 1837, c. 43, v. 5, p. 187. 4 March, 1840, c. 4, ss. 1, 2, 3, v. 5, p. 369. 4 March, 1840, c. 4, s. 4, v. 5, p. 370. 20 Jan., 1843, c. 4, v. 5, p. 597. 14 Jan., 1846, c. 4, s. 1, v. 9, p. 3. 19 Jan., 1849, c. 20, s. 1, v. 9, p. 341. 3 March, 1873, c. 226, s. 3, v. 17, p. 508.

Duties of the Commissioner.

2 March, 1833, c. 54, s. 1, v. 4, pp. 619, 622. 3 March, 1835,

SEC. 471. The Commissioner of Pensions shall perform, under the direction of the Secretary of the Interior, such duties in the execution of the various pension and bounty-land laws as may be prescribed by the President.

c. 46, s. 2, v. 4, p. 779. 3 March, 1837, c. 43, s. 2, v. 5, p. 187. 4 March, 1840, c. 4, s. 2, v. 5, p. 369. 4 March, 1840, c. 4, s. 4, v. 5, p. 370. 20 Jan., 1843, c. 4, s. 2, v. 5, p. 597.

Deputy Commissioner.

3 March, 1873, c. 234, s. 29, v. 17, p. 575.

SEC. 472. There shall be in the Department of the Interior a Deputy Commissioner of Pensions, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall be charged with such duties in the Pension Bureau as may be prescribed by the Secretary of the Interior, or may be required by law, and in case of

death, resignation, absence, or sickness of the Commissioner, his duties shall devolve upon the Deputy Commissioner, until a successor is appointed or such absence or sickness ceases. The Deputy Commissioner shall be entitled to receive an annual salary of twenty-five hundred dollars.

SEC. 473. The Commissioner of Pensions is authorized, with the approval of the Secretary of the Interior, to appoint a person to sign the name of the Commissioner to certificates or warrants for bounty-lands; and certificates or warrants so signed shall be as valid as if signed by the Commissioner.

SEC. 474. The Commissioner of Pensions is authorized to detail, from time to time, any of the clerks in his Office to investigate any suspected attempts to defraud the United States, in or affecting the administration of any law relative to pensions, and to aid in prosecuting any person implicated, with such additional compensation as is customary in cases of special service. Any person so detailed shall have the power to administer oaths in the course of any such investigation.

Person to sign bounty-land warrants.

20 Feb., 1856, c. 1, v. 11, p. 1.

Investigation of attempts at fraud.

3 March, 1873, c. 234, s. 30, v. 17, p. 575.

CHAPTER SIX.

THE PATENT-OFFICE.

Sec.

- 475. Establishment of the Patent-Office.
- 476. Officers and employés.
- 477. Salaries.
- 478. Seal.
- 479. Bonds of Commissioner and chief clerk.
- 480. Restrictions upon officers and employés.
- 481. Duties of Commissioner.
- 482. Duties of examiners-in-chief.
- 483. Establishment of regulations.
- 484. Arrangement and exhibition of models, &c.
- 485. Disposals of models on rejected applications.
- 486. Library.

Sec.

- 487. Patent-agents may be refused recognition.
- 488. Printing of papers filed.
- 489. Printing copies of claims, laws, decisions, &c.
- 490. Printing specifications and drawings.
- 491. Additional specifications and drawings.
- 492. Lithographing and engraving.
- 493. Price of copies of specifications and drawings.
- 494. Annual report of the Commissioner.
- 495. Custody of collections of exploring expeditions.
- 496. Disbursements for Patent-Office.

SEC. 475. There shall be in the Department of the Interior an office known as the Patent-Office, where all records, books, models, drawings, specifications, and other papers and things pertaining to patents shall be safely kept and preserved.

Establishment of the Patent-Office.

8 July, 1870, c. 230, s. 1, v. 16, p. 198.

SEC. 476. There shall be in the Patent-Office a Commissioner of Patents, one Assistant Commissioner, and three examiners-in-chief, who shall be appointed by the President, by and with the advice and consent of the Senate. All other officers, clerks, and employés authorized by law for the Office shall be appointed by the Secretary of the Interior, upon the nomination of the Commissioner of Patents. [See § 100.]

Officers and employés.

8 July, 1870, c. 230, s. 2, v. 16, p. 198.

SEC. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

Salaries.

8 July, 1870, c. 230, s. 4, v. 16, p. 199.

The Commissioner of Patents, four thousand five hundred dollars a year.

The Assistant Commissioner of Patents, three thousand dollars a year.

Three examiners-in-chief, three thousand dollars a year each.

SEC. 478. The seal heretofore provided for the Patent-Office shall be the seal of the Office, with which letters-patent and papers issued from the Office shall be authenticated.

Seal.

8 July, 1870, c. 230, s. 12, v. 16, p. 200.

Bonds of Commissioner and chief clerk.

8 July, 1870, c. 230, s. 6, v. 16, p. 199.

Restrictions upon officers and employes.

8 July, 1870, c. 230, s. 16, v. 16, p. 200.

Duties of Commissioner.

8 July, 1870, c. 230, s. 7, v. 16, p. 199.

Duties of examiners-in-chief.

8 July, 1870, c. 230, s. 10, v. 16, p. 199.

Establishment of regulations.

8 July, 1870, c. 230, s. 19, v. 16, p. 200.

Arrangement and exhibition of models, &c.

8 July, 1870, c. 230, s. 13, v. 6, p. 200.

Disposals of models on rejected applications.

8 July, 1870, c. 230, s. 14, v. 16, p. 200.

Library.

8 July, 1870, c. 230, s. 15, v. 16, p. 200.

Patent-agents may be refused recognition.

8 July, 1870, c. 230, s. 17, v. 16, p. 200.

Printing of papers filed.

8 July, 1870, c. 230, s. 18, v. 16, p. 200.

Printing copies of claims, laws, decisions, &c.

8 July, 1870, c. 230, s. 20, v. 16, p. 200.

Printing specifications and drawings.

11 Jan., 1871, Res. No. 5 v. 16, p. 590.

SEC. 479. The Commissioner of Patents and the chief clerk, before entering upon their duties, shall severally give bond, with sureties, to the Treasurer of the United States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, conditioned for the faithful discharge of their respective duties, and that they shall render to the proper officers of the Treasury a true account of all money received by virtue of their offices.

SEC. 480. All officers and employes of the Patent-Office shall be incapable, during the period for which they hold their appointments, to acquire or take, directly or indirectly, except by inheritance or bequest, any right or interest in any patent issued by the Office.

SEC. 481. The Commissioner of Patents, under the direction of the Secretary of the Interior, shall superintend or perform all duties respecting the granting and issuing of patents directed by law; and he shall have charge of all books, records, papers, models, machines, and other things belonging to the Patent-Office.

SEC. 482. The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the appellant, to revise and determine upon the validity of the adverse decisions of examiners upon applications for patents, and for re-issues of patents, and in interference cases; and, when required by the Commissioner, they shall hear and report upon claims for extensions, and perform such other like duties as he may assign them.

SEC. 483. The Commissioner of Patents, subject to the approval of the Secretary of the Interior, may from time to time establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent-Office.

SEC. 484. The Commissioner of Patents shall cause to be classified and arranged in suitable cases, in the rooms and galleries provided for that purpose, the models, specimens of composition, fabrics, manufactures, works of art, and designs, which have been or shall be deposited in the Patent-Office; and the rooms and galleries shall be kept open during suitable hours for public inspection.

SEC. 485. The Commissioner of Patents may restore to the respective applicants such of the models belonging to rejected applications as he shall not think necessary to be preserved, or he may sell or otherwise dispose of them after the application has been finally rejected for one year, paying the proceeds into the Treasury, as other patent-moneys are directed to be paid.

SEC. 486. There shall be purchased for the use of the Patent-Office a library of such scientific works and periodicals, both foreign and American, as may aid the officers in the discharge of their duties, not exceeding the amount annually appropriated for that purpose.

SEC. 487. For gross misconduct the Commissioner of Patents may refuse to recognize any person as a patent-agent, either generally or in any particular case; but the reasons for such refusal shall be duly recorded, and be subject to the approval of the Secretary of the Interior.

SEC. 488. The Commissioner of Patents may require all papers filed in the Patent-Office, if not correctly, legibly, and clearly written, to be printed at the cost of the party filing them.

SEC. 489. The Commissioner of Patents may print, or cause to be printed, copies of the claims of current issues, and copies of such laws, decisions, regulations, and circulars as may be necessary for the information of the public.

SEC. 490. The Commissioner of Patents is authorized to have printed, from time to time, for gratuitous distribution, not to exceed one hundred and fifty copies of the complete specifications and drawings of each patent hereafter issued, together with suitable indexes, one copy to be placed for free public inspection in each capitol of every State and Territory, one for the like purpose in the clerk's office of the district court

of each judicial district of the United States, except when such offices are located in State or territorial capitols, and one in the Library of Congress, which copies shall be certified under the hand of the Commissioner and seal of the Patent-Office, and shall not be taken from the depositories for any other purpose than to be used as evidence.

SEC. 491. The Commissioner of Patents is authorized to have printed such additional numbers of copies of specifications and drawings, certified as provided in the preceding section, at a price not to exceed the contract price for such drawings, for sale, as may be warranted by the actual demand for the same; and he is also authorized to furnish a complete set of such specifications and drawings to any public library which will pay for binding the same into volumes to correspond with those in the Patent-Office, and for the transportation of the same, and which shall also provide for proper custody for the same, with convenient access for the public thereto, under such regulations as the Commissioner shall deem reasonable.

SEC. 492. The lithographing and engraving required by the two preceding sections shall be awarded to the lowest and best bidders for the interests of the Government, due regard being paid to the execution of the work, after due advertising by the Congressional Printer under the direction of the Joint Committee on Printing; but the Joint Committee on Printing may empower the Congressional Printer to make immediate contracts for engraving, whenever, in their opinion, the exigencies of the public service will not justify waiting for advertisement and award; or if, in the judgment of the Joint Committee on Printing, the work can be performed under the direction of the Commissioner of Patents more advantageously than in the manner above prescribed, it shall be so done, under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe.

SEC. 493. The price to be paid for uncertified printed copies of specifications and drawings of patents shall be determined by the Commissioner of Patents, within the limits of ten cents as the minimum and fifty cents as the maximum price.

SEC. 494. The Commissioner of Patents shall lay before Congress, in the month of January, annually, a report, giving a detailed statement of all moneys received for patents, for copies of records or drawings, or from any other source whatever; a detailed statement of all expenditures for contingent and miscellaneous expenses; a list of all patents which were granted during the preceding year, designating under proper heads the subjects of such patents; an alphabetical list of all the patentees, with their places of residence; a list of all patents which have been extended during the year; and such other information of the condition of the Patent-Office as may be useful to Congress or the public.

SEC. 495. The collections of the Exploring Expedition, now in the Patent-Office, shall be under the care and management of the Commissioner of Patents.

SEC. 496. All disbursements for the Patent-Office shall be made by the disbursing clerk of the Interior Department.

Additional specifications and drawings.

11 Jan., 1871, Eca. No. 5, v. 16, p. 590.

Lithographing and engraving.

11 Jan., 1871, Eca. No. 5, v. 16, p. 590.

24 Mar., 1871, c. 5, s. 1, v. 17, p. 2.

Price of copies of specifications and drawings.

24 March, 1871, c. 5, s. 2, v. 17, p. 3.

Annual report of the Commissioner.

8 July, 1870, c. 230, s. 9, v. 16, p. 190.

[See §§ 193, 196.]
Custody of collections of Exploring Expeditions.

4 Aug. 1854, c. 242, s. 8, v. 10, p. 572.

Disbursements for Patent-Office.

8 July, 1870, c. 230, s. 69, v. 16, p. 209.

CHAPTER SEVEN.

THE SUPERINTENDENT OF PUBLIC DOCUMENTS.

Sec.

497. Custody and distribution of public documents.

498. Statutes and reports of Supreme Court.

499. Register of publications received.

500. Manner of delivery.

Sec.

501. Distribution of copies of journals, books, &c.

502. Same subject.

503. Distribution of journals of Senate and House.

<p>Sec. 504. Distribution to legations and consulates. 505. Distribution of surplus volumes, &c. 506. Books, &c., not to be removed from proper offices. 507. Superintendent of public documents.</p>	<p>Sec. 508. Duties of the superintendent of public documents. 509. Rooms for public documents. 510. Preparation of the Biennial Register. 511. Distribution of Biennial Register.</p>
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Custody and distribution of public documents.

5 Feb., 1859, c. 22, ss. 1, 5, 7, v. 11, pp. 379, 380.

SEC. 497. The Secretary of the Interior is charged with receiving, arranging, and safe-keeping for distribution, and of distributing to the persons entitled by law to receive the same, all printed journals of the two Houses of Congress, and all other books and documents of every nature whatever, already or hereafter directed by law to be printed or purchased for the use of the Government, except such as are directed to be printed or purchased for the particular use of Congress, or of either House thereof, or for the particular use of the Executive or of any of the Departments, and any person whose duty it shall be by law to deliver any of the same, shall deliver them at the rooms assigned by the Secretary of the Interior therefor.

Statutes and reports of Supreme Court.

3 Mar., 1873, c. 238, s. 2, v. 17, p. 578.

SEC. 498. The Secretary of the Interior is required to furnish to the head of the Department of Justice, from time to time as they may be published, a sufficient number of the statutes of the United States and the reports of the Supreme Court of the United States, to be by him distributed to such officers of the courts of the United States as are now or may hereafter be by law entitled to receive them.

Register of publications received.

5 Feb., 1859, c. 22, s. 3, v. 11, p. 380.

SEC. 499. A register of all publications received at the Department of the Interior for safe-keeping and distribution shall be kept, under the direction of the Secretary, showing the quantity and kind at any time received by him; and he shall cause to be entered in such register, at the proper time, the time when, the place where, and the person to whom any of such publications have been distributed or delivered.

Manner of delivery.

5 Feb., 1859, c. 22, s. 4, v. 11, p. 380.

SEC. 500. The publications received by the Secretary of the Interior for distribution shall be delivered out only on the written requisition of the heads of Departments, Secretary of the Senate, Clerk of the House of Representatives, Librarian of Congress, and other officers and persons who are by law authorized to receive the same, except where by law the Secretary of the Interior is required, without such requisition, to cause the same to be sent and delivered; and in either of such cases it shall be the duty of the Secretary of the Interior to cause the same to be sent and delivered, the expenses thereof, except when otherwise directed, to be charged on the contingent fund of the Department.

Distribution of copies of journals, books, &c.

28 Jan., 1857, Res. No. 5, s. 3, v. 11, p. 253.

5 Feb., 1859, c. 22, s. 5, v. 11, p. 380.

2 Mar., 1861, c. 87, s. 1, v. 12, p. 244.

SEC. 501. The copies of journals, books, and public documents which are or may be authorized to be distributed to incorporated bodies, institutions, and associations within the States and Territories, shall be distributed to such bodies as shall be designated to the Secretary of the Interior by each of the Senators from the several States respectively, and by the Representatives in Congress from each congressional district, and by the Delegate from each Territory. The distribution shall be made in such manner that the quantity distributed to each congressional district and Territory shall be equal; except that whenever the number of copies of any publication is insufficient to supply therewith one institution, upon the designation of each member of the Senate and House of Representatives, the copies at the disposal of the Secretary may be distributed to such incorporated colleges, public libraries, atheneums, literary and scientific institutions, boards of trade, or public associations, as he may select.

Same subject.

2 March, 1861, c. 87, s. 2, v. 12, p. 245.

SEC. 502. The selection of an institution to receive the documents ordered to be published or procured at the first session of any Congress shall control the documents of the entire Congress, unless another designation be made before any distribution has taken place under the selection first made. Where the same work is printed by order both of the Senate and House of Representatives, the duplicates may be sent to different institutions, if so desired, by the member whose right it is to

direct the distribution. And the public documents to be distributed by the Secretary of the Interior shall be sent to the institutions already designated, unless he shall be satisfied that any such institution is no longer a suitable depository of the same. Congressional journals and public documents, authorized to be distributed to institutions on the designation of members of Congress, shall be sent to such libraries and institutions only as shall signify a willingness to pay the cost of their transportation.

SEC. 503. So many copies of the public journals of the Senate, and of the House of Representatives, shall be transmitted by the Secretary of the Interior to the executives of the several States and Territories, as shall be sufficient to furnish one copy to each executive, one copy to each branch of every State and territorial legislature, one copy to each university and college in each State, and one copy to the Historical Society incorporated, or which shall be incorporated, in each State. Fifty copies of the documents ordered by Congress to be printed shall be used for the purpose of exchange in foreign countries; the residue of the copies shall be deposited in the Library of the United States, subject to the future disposition of Congress.

SEC. 504. Only such of the books published by the Government, and usually known by the name of "public documents," shall hereafter be supplied to any legation or consulate of the United States as are first designated by the Secretary of State, by an order to be recorded in the State Department, as suitable for and required by such legation and consulate.

SEC. 505. Whenever there are in the custody of the Department of the Interior any sets of the documents of any session of Congress, or other documents or odd volumes, not necessary to supply deficiencies or losses that may happen in the Library of Congress, or in that of either of the Executive Departments, or in State or territorial libraries, the Secretary of the Interior shall distribute the same as equally as practicable to the several Senators, Representatives, and Delegates in Congress, for distribution to public libraries and other literary institutions in their respective districts.

SEC. 506. All such books and documents, when received at the proper offices, libraries, and other depositories, as provided by law, shall be kept there and not removed from such places.

SEC. 507. There shall be in the Department of the Interior a superintendent of public documents, who shall be appointed by the Secretary, and shall be entitled to receive a salary of twenty-five hundred dollars a year.

SEC. 508. The superintendent of public documents shall be charged, subject to the general direction of the Secretary of the Interior, with the duty of collecting, arranging, preserving, packing, and distributing the publications received at the Department of the Interior for distribution; and with the duty of compiling and supervising the Biennial Register.

SEC. 509. Suitable rooms in the Department of the Interior shall be from time to time assigned by the Secretary for the journals, books, and documents.

SEC. 510. As soon as practicable after the last day of September in each year in which a new Congress is to assemble, a register shall be compiled and printed under the direction of the Secretary of the Interior, of which seven hundred and fifty copies shall be published, and which shall contain the following lists, made up to such last day of September:

1. Correct lists of all the officers, clerks, employés, and agents, civil, military, and naval, in the service of the United States, including cadets and midshipmen, which lists shall exhibit the amount of compensation, pay, and emoluments allowed to each, the State or country in which he

Distribution of journals of Senate and House.

27 Dec., 1813, Res. 1, v. 3, p. 140.
20 July, 1840, Res. 5, v. 5, p. 409.

Distribution to legations and consulates.

22 May, 1872, c. 194, v. 17, p. 144.

Distribution of surplus volumes, &c.

17 Feb., 1871, Res. 36, v. 16, p. 597.

Books, &c., not to be removed from proper offices.

5 Feb., 1859, c. 22, s. 10, v. 11, p. 381.

Superintendent of public documents.

3 Mar., 1869, c. 121, s. 1, v. 15, p. 292.

Duties of the superintendent of public documents.

3 March, 1869, c. 121, s. 1, v. 15, pp. 283, 292.

Rooms for public documents.

3 March, 1869, c. 121, s. 1, v. 15, pp. 283, 292.

Preparation of Biennial Register.

27 April, 1816, Res. No. 6, ss. 1, 2, v. 3, p. 342.

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

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

2 Mar., 1861, c. 87, s. 4, v. 12, p. 245.

was born, the State or Territory from which he was appointed to office, and where employed.

2. A list of the names, force, and condition of all the ships and vessels belonging to the United States, and when and where built.

3. Lists of all printers of the laws of the United States, and of all printers employed by Congress or by any Department or officer of the Government, during the two years preceding the last day of September up to which such list is required to be made, with the compensation allowed to each, and designating the Department or officer causing the printing to be executed.

4. A statement of all allowances made by the Postmaster-General, within the same period of two years, to each contractor on contracts for carrying the mail, discriminating the sum paid as stipulated by the original contract and the sums paid as additional allowance.

Distribution of
Biennial Register.

27 April, 1816, Res.
6, s. 3, v. 3, p. 342.

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

SEC. 511. On the first Monday in January, in each year when a new Congress is assembled, there shall be delivered to the President, the Vice-President, each head of a Department, each member of the Senate and House of Representatives, one copy of the Biennial Register; to the Secretary of the Senate and the Clerk of the House of Representatives, ten copies each, for the use of the respective Houses; to the Library of Congress, twenty-five copies; and to the secretary of state of each State, one copy; and the residue of the copies shall be disposed of as Congress shall, from time to time, direct.

CHAPTER EIGHT.

THE RETURNS OFFICE.

Sec.

512. Returns Office.

513. Clerk to file returns.

Sec.

514. Indexes.

515. Copies of returns.

Returns Office.

2 June, 1862, c. 93,
s. 4, v. 2, p. 412.

Clerk to file re-
turns.

2 June, 1862, c. 93,
s. 4, v. 12, p. 412.

Indexes.

2 June, 1862, c. 93,
s. 4, v. 12, p. 412.

Copies of returns.

2 June, 1862, c. 93,
s. 4, v. 12, p. 412.

SEC. 512. The Secretary of the Interior shall from time to time provide a proper apartment, to be called the Returns Office, in which he shall cause to be filed the returns of contracts made by the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, and shall appoint a clerk of the first class to attend to the same. [See §§ 3744-3747.]

SEC. 513. The clerk of the Returns Office shall file all returns made to the Office, so that the same may be of easy access, keeping all returns made by the same officer in the same place, and numbering them in the order in which they are made.

SEC. 514. The clerk of the Returns Office shall provide and keep an index-book, with the names of the contracting parties, and the number of each contract opposite to the names; and shall submit the index-book and returns to any person desiring to inspect it.

SEC. 515. The clerk of the Returns Office shall furnish copies of such returns to any person paying therefor at the rate of five cents for every one hundred words, to which copies certificates shall be appended in every case by the clerk making the same, attesting their correctness, and that each copy so certified is a full and complete copy of the return.

CHAPTER NINE.

THE OFFICE OF EDUCATION.

Sec.

516. Office of Education.

517. Commissioner of Education.

Sec.

518. Duties of Commissioner.

519. Rooms for Office of Education.

Office of Educa-
tion.

SEC. 516. There shall be in the Department of the Interior a Bureau called the Office of Education, the purpose and duties of which shall be

to collect statistics and facts showing the condition and progress of education in the several States and Territories, and to diffuse such information respecting the organization and management of schools and school-systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school-systems, and otherwise promote the cause of education throughout the country.

SEC. 517. The management of the Office of Education shall, subject to the direction of the Secretary of the Interior, be intrusted to a Commissioner of Education, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of three thousand dollars a year.

2 Mar., 1867, c. 158, s. 1, v. 14, p. 434.
20 July, 1868, c. 176, s. 1, v. 15, pp. 92, 106.

Commissioner of Education.

2 Mar., 1867, c. 158, s. 2, v. 14, p. 434.
20 July, 1868, c. 176, s. 1, v. 15, pp. 92, 106.

SEC. 518. The Commissioner of Education shall present annually to Congress a report embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which the office is established.

Duties of Commissioner.

2 Mar., 1867, c. 158, s. 3, v. 14, p. 434.

SEC. 519. The Chief of Engineers shall furnish proper offices for the use of the Office of Education.

Rooms for Office of Education.

2 March, 1867, c. 158, s. 4, v. 14, p. 434. 2 March, 1867, c. 167, s. 2, v. 14, p. 466.

TITLE XII.

THE DEPARTMENT OF AGRICULTURE.

Sec.	Sec.
520. Establishment of the Department of Agriculture.	525. Custody of property, records, &c.
521. Commissioner of Agriculture.	526. Duties of Commissioner.
522. Clerks and employés.	527. Purchase and distribution of seeds, plants, &c.
523. Officers and employés.	528. Annual and special reports of Commissioner.
524. Bonds of Commissioner and chief clerk.	529. Annual report of expenditures.

Establishment of Department of Agriculture.

15 May, 1862, c. 72, s. 2, v. 12, p. 387.

Commissioner of Agriculture.

15 May, 1862, c. 72, s. 2, v. 12, p. 387.
3 March, 1873, c. 226, s. 3, v. 17, p. 508.

Clerks and employés.

15 May, 1862, c. 72, s. 4, p. 388.
3 March, 1873, c. 226, v. 17, p. 506.

Officers and employés.

15 May, 1862, c. 72, s. 4, v. 12, p. 388.

SEC. 520. There shall be at the seat of Government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

SEC. 521. The Department of Agriculture shall be under the charge of a Commissioner of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of four thousand dollars a year.

226, s. 3, v. 17, p. 508.

SEC. 522. There shall be in the Department of Agriculture:

One chief clerk, at a salary of two thousand dollars a year.
One chemist, at a salary of two thousand dollars a year.
One assistant chemist, at a salary of one thousand six hundred dollars a year.

One entomologist, at a salary of two thousand dollars a year.
One microscopist, at a salary of one thousand eight hundred dollars a year.

One botanist, at a salary of one thousand eight hundred dollars a year.

One statistician, at a salary of two thousand dollars a year.
One superintendent of experimental gardens and grounds, at a salary of two thousand dollars a year.

One assistant superintendent of experimental gardens and grounds, at a salary of one thousand two hundred dollars a year.

One disbursing clerk, at a salary of one thousand eight hundred dollars a year.

One superintendent of the seed-room, at a salary of one thousand eight hundred dollars a year.

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

One librarian, at a salary of one thousand eight hundred dollars a year.

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

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

Two attendants in the museum, at a salary of one thousand dollars a year each.

One carpenter, at a salary of nine hundred and sixty dollars a year.

SEC. 523. The Commissioner of Agriculture shall appoint a chief clerk, with a salary of two thousand dollars a year, who in all cases during the necessary absence of the Commissioner, or when the office of Commissioner shall become vacant, shall perform the duties of Commissioner, and he shall appoint such other employés as Congress may from time to

time provide, with salaries corresponding to the salaries of similar officers in other Departments of the Government; and he shall, as Congress may from time to time provide, employ other persons, for such time as their services may be needed, including chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture.

SEC. 524. The Commissioner, and the chief clerk, before entering upon their duties, shall severally give bonds to the Treasurer of the United States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, conditioned to render a true and faithful account to the Treasurer quarter-yearly of all moneys which shall be by them received by virtue of their office, with sureties to be approved by the Solicitor of the Treasury. Such bonds shall be filed in the office of the First Comptroller of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

SEC. 525. The Commissioner of Agriculture shall have charge, in the building and premises appropriated to the Department, of the library, furniture, fixtures, records, and other property appertaining to it, or hereafter acquired for use in its business.

SEC. 526. The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his Office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among agriculturists.

SEC. 527. The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our own country to another; and the purchase or propagation and distribution of trees, plants, shrubs, vines, and cuttings, shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.

25 June, 1864, c. 147, s. 1, v. 13, pp. 145, 155. 2 March, 1865, c. 73, 455. 2 March, 1867, c. 166, s. 1, v. 14, pp. 440, 452.

SEC. 528. The Commissioner of Agriculture shall annually make a general report in writing of his acts to the President and to Congress, in which he may recommend the publication of papers forming parts of or accompanying his report, which shall also contain an account of all moneys received and expended by him. He shall also make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject in his charge requires it.

SEC. 529. The Commissioner of Agriculture shall, on or before the fifteenth day of December in each year, make a report in detail to Congress of all moneys expended by him or under his direction.

[See §§ 3660-3665, 3669.]

Bonds of Commissioner and chief clerk.

15 May, 1862, c. 72, s. 4, v. 12, p. 388.

Custody of property, records, &c.

15 May, 1862, c. 72, s. 3, v. 12, p. 387.

15 Dec., 1868, Res. 1, v. 15, p. 343.

Duties of Commissioner.

15 May, 1862, c. 72, s. 3, v. 12, p. 387.

Purchase and distribution of seeds, plants, &c.

23 July, 1866, c. 208, s. 1, v. 14, pp. 199, 201.

2 March, 1867, c. 166, s. 1, v. 14, pp. 440, 452.

s. 1, v. 13, pp. 445,

Annual and special reports of Commissioner.

15 May, 1862, c. 72, s. 3, v. 12, p. 387.

Annual report of expenditures.

2 March, 1867, c. 166, s. 1, v. 14, pp. 440, 445.

TITLE XIII. THE JUDICIARY.

CHAPTER ONE.

JUDICIAL DISTRICTS.

Sec.	Sec.
530. United States divided into judicial districts.	541. New York.
531. States constituting one district.	542. Jurisdiction over waters near city of New York.
532. Alabama.	543. North Carolina.
533. Arkansas.	544. Ohio.
534. Florida.	545. Pennsylvania.
535. Georgia.	546. South Carolina.
536. Illinois.	547. Tennessee.
537. Iowa.	548. Texas.
538. Michigan.	549. Virginia.
539. Mississippi.	550. Wisconsin.
540. Missouri.	

United States divided into judicial districts.

SEC. 530. The United States shall be divided into judicial districts as follows :

24 Sept., 1789, c. 20, s. 1, v. 1, p. 73.

States constituting one district.

SEC. 531. The States of California, Connecticut, Delaware, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, Oregon, Rhode Island, Vermont, and West Virginia, each, constitute one judicial district.

Conn., Del., Ky.,
Mo., Md., Mass., N.
H., N. J., S. C., 24

Sept., 1789, c. 20, s. 2, v. 1, p. 73. Cal., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Ind., 3 March, 1817, c. 100, s. 2, v. 3, p. 390. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. La., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Nebr., 25 May, 1867, c. 7, s. 1, v. 15, p. 5. Nev., 27 Feb., 1866, c. 64, s. 1, v. 13, p. 440. N. C., 4 June, 1790, c. 17, s. 1, v. 1, p. 126; 29 April, 1802, c. 31, s. 7, v. 2, p. 162. Oreg., 3 March, 1859, c. 85, s. 2, v. 11, p. 437. R. I., 23 June, 1790, c. 21, s. 2, v. 1, p. 128. S. C., 21 Feb., 1823, c. 11, s. 1, v. 3, p. 726. Vt., 2 March, 1791, c. 12, s. 2, v. 1, p. 197. W. Va., 4 Feb., 1819, c. 12, s. 1, v. 3, p. 478; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124; 10 March, 1866, Res. 12, v. 14, p. 350.

Alabama.

7 August, 1848, c.
143, s. 1, v. 9, p. 274.
4 May, 1852, c. 25,
s. 2, v. 10, p. 5.

SEC. 532. The State of Alabama is divided into three districts, which shall be called the southern, middle, and northern districts of Alabama. The southern district includes the counties of Mobile, Washington, Baldwin, Sumter, Clarke, Marengo, Greene, Pickens, Wilcox, Monroe, and Conecuh. The middle district includes the counties of Montgomery, Autauga, Coosa, Tallapoosa, Chambers, Talledega, Randolph, Macon, Russell, Barbour, Pike, Henry, Dale, Coffee, Covington, Lowndes, Dallas, Perry, Bibb, Shelby, Butler, and Tuscaloosa. The northern district includes the remaining counties of said State.

Arkansas.

15 June, 1836, c.
100, s. 4, v. 5, p. 51.
3 March, 1851, c.
24, s. 1, v. 9, p. 594.
27 Mar., 1854, c.
26, s. 1, v. 10, p. 269.
3 March, 1871, c.
106, s. 5, v. 16, p.
472.

SEC. 533. The State of Arkansas is divided into two districts, which shall be called the eastern and western districts of Arkansas. The western district includes the counties of Benton, Washington, Crawford, Scott, Polk, Franklin, Johnson, Madison, Carroll, Sevier, Sebastian, Phillips, Crittenden, Mississippi, Craighead, Greene, Randolph, Lawrence, Sharp, Poinsett, Cross, Saint Francis, Monroe, Woodruff, Jackson, Independence, Izard, Marion, Fultou, and Boone, and the country lying west of Missouri and Arkansas, known as "The Indian Territory." The eastern district includes the residue of said State. (See § 2163.)

17 June, 1844, c. 103, s. 1, v. 5, p. 680. 30 June, 1834, c. 161, s. 24, v. 4, p. 733.

SEC. 534. The State of Florida is divided into two districts, which shall be called the northern and southern districts of Florida. The northern district includes all that part of the State lying north of a line drawn due east and west from the northern part of Charlotte Harbor. The southern district includes the residue of said State.

SEC. 535. The State of Georgia is divided into two districts, which shall be called the northern and southern districts of Georgia. The northern district includes the counties of Troup, Meriwether, Pike, Butts, Jasper, Morgan, Greene, Taliaferro, Wilkes, and Lincoln, as they existed August 11, 1848, with all the counties north of them. The southern district includes the counties of Harris, Talbot, Upson, Monroe, Jones, Putnam, Hancock, Warren, and Columbia, as they existed at said date, with all the counties south of them.

SEC. 536. The State of Illinois is divided into two districts, which shall be called the northern and southern districts of Illinois. The northern district includes the counties of Henderson, Warren, Knox, Peoria, Woodford, Livingston, and Iroquois, as they existed February 13, 1855, with all the counties north of them. The southern district includes the residue of said State.

SEC. 537. The State of Iowa constitutes one district, which shall be called the district of Iowa. For the purpose of trying all issues of fact, triable by jury, in the district court, said district is divided into four divisions, which shall be called the northern, southern, western, and central divisions of the district of Iowa. The northern division includes the counties of Clinton, Jones, Linn, Benton, Tama, Marshall, Grundy, Hardin, and Webster, with all the counties north of them and east of the counties of Calhoun, Pocahontas, Palo Alto, and Emmett, as all of said counties existed March 3, 1859. The southern division includes the counties of Scott, Cedar, Johnson, Iowa, Poweshiek, Mahaska, Marion, Lucas, Clarke, and Decatur, as they existed at the same date, with all the counties south and east of them. The western division includes the counties of Lyon, Osceola, Sioux, O'Brien, Plymouth, Cherokee, Woodbury, Ida, Monona, Crawford, Harrison, Shelby, Audubon, Pottawatomie, Cass, Mills, Montgomery, Fremont, and Page. The central division includes the residue of the State.

SEC. 538. The State of Michigan is divided into two districts, which shall be called the eastern and western districts of Michigan. The western district includes the territory and waters within the following boundaries, as they existed February 24, 1863, namely: commencing at the southwest corner of Branch County, in said State, and running thence north, on the west line of Branch and Calhoun Counties, to the south line of Barry County; thence east, on the north line of Calhoun and Jackson Counties, to the southeast corner of Eaton County; thence north, on the east boundary of Eaton County, to the south line of Clinton County; thence west, on the south boundary of said county, to the southwest corner thereof; thence north, on the west boundary of Clinton and Gratiot Counties, to the south boundary of Isabella County; thence west, on its south boundary, to the southwest corner of said last-named county; thence north, on the west line of Isabella and Clare Counties, to the south boundary of Missaukee County; thence east, on its south boundary, to the southeast corner of Missaukee County; thence north, on the east line of Missaukee, Kalamazoo, and Antrim Counties, to the south boundary of Emmett County; thence east, to the southeast corner of Emmett County; thence north, on the east boundary of Emmett County, to the Straits of Mackinac; thence north, to midway across said straits; thence westerly, in a direct line, to a point on the shore of Lake Michigan where the north boundary of Delta County reaches Lake Michigan; thence west, on the north line of Delta County, to the northwest corner of said Delta County; thence south, on the west boundary of said county, to the dividing-line between the States of Michigan and Wisconsin, in Green Bay; thence northeasterly, on said dividing-line, into Lake Michigan; and thence southerly, through

Florida.

3 March, 1845, c. 75, s. 3, v. 5, p. 789.
23 Feb., 1847, c. 20, ss. 1, 8, v. 9, pp. 131, 132.

Georgia.

11 Aug., 1848, c. 151, s. 1, v. 9, p. 280.

Illinois.

13 Feb., 1855, c. 96, s. 1, v. 10, p. 606.
11 July, 1862, c. 145, s. 1, v. 12, p. 536.

Iowa.

3 March, 1859, c. 85, ss. 5, 6, 7, v. 11, pp. 437, 438.
30 June, 1870, c. 178, s. 1, v. 16, p. 174.

Michigan.

24 Feb., 1863, c. 54, s. 1, v. 12, pp. 660, 661.
20 June, 1864, c. 143, s. 1, v. 13, p. 143.

Lake Michigan, to the southwest corner of the State of Michigan, on a line that will include within said boundaries the waters of Lake Michigan within the admiralty jurisdiction of the State of Michigan; thence east, on the south boundary of the State of Michigan, to the intersection of the west line of Hillsdale County. The eastern district includes all the territory and waters of said State not included within the foregoing boundaries.

Mississippi.

18 June, 1838, c. 115, s. 1, v. 5, p. 247.

SEC. 539. The State of Mississippi is divided into two districts, which shall be called the northern and southern districts of Mississippi. The northern district includes the counties of Noxubee, Winston, Attala, Carroll, Bolivar, Coahoma, Tunica, De Soto, Marshall, Tippah, Tishomingo, Itawamba, Monroe, Lowndes, Oktibbeha, Choctaw, Yalabusha, Tallahatchee, Panola, La Fayette, Pontotoc, and Chickasaw, as they existed June 18, 1838. The southern district includes the residue of said State.

Missouri.

3 March, 1857, c. 100, s. 1, v. 11, p. 197.

SEC. 540. The State of Missouri is divided into two districts, which shall be called the eastern and western districts of Missouri. The eastern district includes the counties of Schuyler, Adair, Knox, Shelby, Monroe, Audrain, Montgomery, Gasconade, Franklin, Washington, Reynolds, Shannon, and Oregon, as they existed January 1, 1857, with all the counties east of them. The western district includes the residue of said State.

New York.

9 April, 1814, c. 49, s. 1, v. 3, p. 120.
3 April, 1818, c. 32, s. 3, v. 3, p. 414.
25 Feb., 1865, c. 54, s. 1, v. 13, p. 438.

SEC. 541. The State of New York is divided into three districts, which shall be called the northern, eastern, and southern districts of New York. The northern district includes the counties of Rensselaer, Albany, Schoharie, and Delaware, with all the counties north of them. The eastern district includes the counties of Richmond, Kings, Queens, and Suffolk, with the waters thereof. The southern district includes the residue of said State, with the waters thereof.

Jurisdiction over waters near city of New York.

25 Feb., 1865, c. 54, s. 2, v. 13, p. 438.

SEC. 542. The district courts of the southern and eastern districts of New York shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, and Suffolk, and over all seizures made and all matters done in such waters; and all processes or orders issued out of either of said courts, or by any judge thereof, shall run and be executed in any part of the said waters.

North Carolina.

4 June, 1872, c. 282, ss. 1, 3, v. 17, p. 215.

SEC. 543. The State of North Carolina is divided into two districts, which shall be called the eastern and western districts of North Carolina. The western district includes the counties of Mecklenburg, Cabarras, Stanly, Montgomery, Richmond, Davie, Davidson, Randolph, Guilford, Rockingham, Stokes, Forsyth, Union, Anson, Caswell, Person, Alamance, Orange, Chatham, Moore, Clay, Cherokee, Swain, Macon, Jackson, Graham, Haywood, Transylvania, Henderson, Buncombe, Madison, Yancey, Mitchell, Watauga, Ashe, Alleghany, Caldwell, Burke, McDowell, Rutherford, Polk, Cleveland, Gaston, Lincoln, Catawba, Alexander, Wilkes, Surry, Iredell, Yadkin, and Rowan, and all territory embraced therein which may hereafter be erected into new counties. The eastern district includes the residue of said State.

Ohio.

10 Feb., 1855, c. 73, s. 1, v. 10, p. 604.

SEC. 544. The State of Ohio is divided into two districts, which shall be called the northern and southern districts of Ohio. The southern district includes the counties of Belmont, Guernsey, Muskingum, Licking, Franklin, Madison, Champaign, Shelby, and Mercer, as they existed February 10, 1855, with all the counties south of them. The northern district includes the residue of said State.

Pennsylvania.

20 April, 1818, c. 108, s. 1, v. 3, p. 462.
26 May, 1824, c. 170, s. 1, v. 4, p. 50.

SEC. 545. The State of Pennsylvania is divided into two districts, which shall be called the eastern and western districts of Pennsylvania. The western district includes the counties of Fayette, Greene, Washington, Allegheny, Westmoreland, Somerset, Bedford, Huntingdon, Centre, Mifflin, Clearfield, McKean, Potter, Jefferson, Cambria, Indiana, Armstrong, Butler, Beaver, Mercer, Crawford, Venango, Erie, Warren, Susquehanna, Bradford, Tioga, Union, Northumberland, Columbia, Luzerne, and Lycoming, as they existed April 20, 1818. The eastern district includes the residue of said State.

SEC. 546. The State of South Carolina is divided into two districts, which shall be called the eastern and western districts of the district of South Carolina. The western district includes the counties of Lancaster, Chester, York, Union, Spartanburgh, Greenville, Pendleton, Abbeville, Edgefield, Newberry, Laurens, and Fairfield, as they existed February 21, 1823. The eastern district includes the residue of said State.

South Carolina.

21 Feb., 1823, c. 11, s. 1, v. 3, p. 726.

SEC. 547. The State of Tennessee is divided into three districts, which shall be called the eastern, western, and middle districts of Tennessee. The eastern district includes the counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Кудз, McMinn, Marion, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Union, and Washington, as they existed February 19, 1856. The western district includes the counties of Benton, Carroll, Henry, Obion, Dyer, Gibson, Lauderdale, Haywood, Tipton, Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Madison, Henderson, and Weakley, as they existed June 18, 1838. The middle district includes the residue of said State.

Tennessee.

18 June, 1838, c. 118, s. 1, v. 5, p. 249.
18 Jan., 1839, c. 3, s. 1, v. 5, p. 313.
19 Feb., 1856, c. 8, s. 1, v. 11, p. 1.

SEC. 548. The State of Texas is divided into two districts, which shall be called the eastern and western districts of Texas. The eastern district includes the counties of Newton, Jasper, Jefferson, Orange, Tyler, Polk, Liberty, Galveston, Harris, Montgomery, Austin, Fort Bend, Brazoria, Colorado, Wharton, Matagorda, Lavaca, Jackson, Calhoun, De Witt, Victoria, Goliad, Refugio, San Patricio, Nueces, Cameron, Starr, Webb, and Hidalgo, as they existed in eighteen hundred and fifty-two. The western district includes the residue of said State.

Texas.

21 Feb., 1857, c. 57, s. 1, v. 11, p. 164.

SEC. 549. The State of Virginia is divided into two districts, which shall be called the eastern and western districts of Virginia. The western district includes the counties of Albemarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Cumberland, Floyd, Franklin, Frederick, Fluvanna, Giles, Grayson, Greene, Halifax, Henry, Highland, Lee, Madison, Montgomery, Nelson, Patrick, Page, Pulaski, Pittsylvania, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Smyth, Shenandoah, Tazewell, Washington, Wise, Wythe, and Warren. The eastern district includes the residue of said State.

Virginia.

3 Feb., 1871, c. 35, ss. 1, 3, v. 16, p. 403.

SEC. 550. The State of Wisconsin is divided into two districts, which shall be called the eastern and western districts of Wisconsin. The western district includes the counties of Rock, Jefferson, Dane, Green, Grant, Columbia, Iowa, La Fayette, Sauk, Richland, Crawford, Vernon, La Crosse, Monroe, Adams, Juneau, Buffalo, Chippewa, Dunn, Clark, Jackson, Eau Claire, Pepin, Marathon, Wood, Pierce, Polk, Portage, Saint Croix, Trempealeau, Douglas, Barron, Burnett, Ashland, and Bayfield. The eastern district includes the residue of said State.

Wisconsin.

29 June, 1870, c. 175, ss. 1, 3, v. 16, p. 171.

CHAPTER TWO.

DISTRICT COURTS—ORGANIZATION.

Sec.	Sec.
551. District judges, appointment and residence.	556. Arkansas, western district; clerks.
552. Judges in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.	557. Kentucky; clerks.
553. District judge of southern district of Florida.	558. Deputy clerks.
554. Salaries of district judges.	559. Deputy clerks of the district court in Indiana.
555. Clerks.	560. Iowa; deputy clerks.
	561. Compensation of deputy clerks.
	562. Records, where kept.

District judges, appointment and residence.

SEC. 551. A district judge shall be appointed for each district, except in the cases hereinafter provided. Every such judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor.

Conn., Del., Md., Mass., N. H., N. J., N. Y., Pa., Mo., Va., Ky., 24 Sept., 1789, c. 20, s. 3, v. 1, p. 73; 18 Dec., 1812, c. 5, v. 2, p. 788. Ark., 15 June, 1836, c. 100, s. 4, v. 5, p. 51. Cal., 27 July, 1866, c. 260, s. 1, v. 14, p. 300. Fla., 3 March, 1845, c. 75, s. 3, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 1, v. 9, p. 131. Ill., 3 March, 1819, c. 70, s. 2, v. 3, p. 502; 13 Feb., 1856, c. 96, s. 7, v. 10, p. 607. Ind., 3 March, 1817, c. 100, s. 2, v. 3, p. 390. Iowa, 3 March, 1845, c. 76, s. 2, v. 5, p. 789. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. La., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 286. Mo., 16 March, 1822, c. 12, s. 2, v. 3, p. 653; 3 March, 1857, c. 100, s. 7, v. 11, p. 198. Mich., 1 July, 1836, c. 234, s. 2, v. 5, p. 62; 24 Feb., 1863, c. 54, s. 7, v. 12, p. 661. N. Y., 29 April, 1812, c. 71, s. 1, v. 2, p. 719; 9 April, 1814, c. 49, s. 2, v. 3, p. 120; 25 Feb., 1866, c. 54, s. 1, v. 13, p. 438. Nebr., 25 March, 1867, c. 7, s. 1, v. 15, p. 5. Nev., 27 Feb., 1866, c. 64, s. 1, v. 13, p. 440. N. C., 4 June, 1790, c. 17, s. 2, v. 1, p. 126; 29 April, 1802, c. 31, s. 7, v. 2, p. 162; 4 June, 1872, c. 282, s. 8, v. 17, p. 217. Ohio, 19 Feb., 1803, c. 7, s. 2, v. 2, p. 201; 10 Feb., 1856, c. 73, s. 7, v. 10, p. 605. Oreg., 3 March, 1857, c. 85, s. 2, v. 11, p. 437. Pa., 20 April, 1818, c. 108, s. 2, v. 3, p. 402; 26 May, 1824, c. 170, v. 4, p. 50. R. I., 23 June, 1790, c. 21, s. 2, v. 1, p. 128. Texas, 29 Dec., 1845, c. 1, s. 2, v. 9, p. 1; 21 Feb., 1867, c. 57, s. 5, v. 11, p. 165. Vt., 2 March, 1791, c. 12, s. 2, v. 1, p. 197. Va., 3 Feb., 1871, c. 35, s. 8, v. 16, p. 404. W. Va., 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Wis., 6 Aug., 1846, c. 89, s. 4, v. 9, p. 57; 29 June, 1870, c. 175, s. 8, v. 16, p. 172.

Judges in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

SEC. 552. There shall be appointed in each of the States of Alabama, Georgia, Mississippi, South Carolina, and Tennessee, one district judge, who shall be district judge for each of the districts included in the State for which he is appointed, and shall reside within some one of the said districts. And for offending against this provision, such judges shall be liable as in the preceding section.

24 Sept., 1789, c. 20, s. 3, v. 1, p. 73; 18 Dec., 1812, c. 5, v. 2, p. 788. Ala., 21 April, 1820, c. 47, s. 2, v. 3, p. 564; 6 Feb., 1839, c. 20, s. 2, v. 5, p. 315; 10 March, 1824, c. 28, s. 2, v. 4, p. 9; 7 Aug., 1848, c. 143, s. 1, v. 9, p. 274. Ga., 11 Aug., 1848, c. 151, s. 2, v. 9, p. 280. Miss., 3 April, 1818, c. 29, s. 2, v. 3, p. 413; 18 June, 1838, c. 115, s. 2, v. 5, p. 247. S. C., 21 Feb., 1823, c. 11, v. 3, p. 726. Tenn., 31 Jan., 1797, c. 2, s. 2, v. 1, p. 496; 18 June, 1838, c. 118, s. 3, v. 5, p. 260; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313.

District judge of southern district of Florida.

SEC. 553. The district judge for the southern district of Florida shall reside at Key West.

23 Feb., 1847, c. 20, s. 1, v. 9, p. 131.

Salaries of district judges.

SEC. 554. District judges are entitled to receive yearly salaries at the following rates, payable quarterly from the Treasury: The judge of the district of California five thousand dollars; the judge of the district of Louisiana four thousand five hundred dollars; the judges of the district of Massachusetts; the northern, southern, and eastern districts of New York; the eastern and western districts of Pennsylvania; the district of New Jersey; the district of Maryland; the southern district of Ohio, and the northern district of Illinois, four thousand dollars. The judges of all other districts three thousand five hundred dollars. No other allowance or payment shall be made to them for travel, expenses, or otherwise. [See §§ 597, 612.]

2 March, 1867, c. 168, s. 9, v. 14, p. 470.
Nebr., 25 March, 1867, c. 7, s. 4, v. 15, p. 5.
Wis., 30 June, 1870, c. 175, s. 8, v. 16, p. 172.
Va., 3 Feb., 1871, c. 35, s. 8, v. 16, p. 404.
Ark., 3 March, 1871, c. 106, s. 5, v. 16, p. 472. N. Car., 4 June, 172, c. 262, s. 8, v. 17, p. 217.

SEC. 555. A clerk shall be appointed for each district court by the judge thereof, except in cases otherwise provided for by law. Clerks.

24 Sept., 1780, c. 22, s. 2, v. 16, p. 45.
20, s. 7, v. 1, p. 76. 10 April, 1869, c. 22, s. 2, v. 16, p. 45.

SEC. 556. In the western district of Arkansas there shall be appointed two clerks of the district court thereof; one of whom shall reside and keep his office at Fort Smith, and the other shall reside and keep his office at Helena. Arkansas, western district; clerks.

3 March, 1851, c. 24, s. 4, v. 9, p. 595.
3 March, 1871, c. 106, s. 4, v. 16, p. 472.

SEC. 557. In the district of Kentucky a clerk of the district court shall be appointed at each place of holding the court, in the same manner and subject to the same duties and responsibilities which are, or may be, provided concerning clerks in independent districts. Kentucky; clerks.

15 May, 1862, c. 71, s. 7, v. 12, p. 387.
10 April, 1860, c. 22, s. 3, v. 16, p. 45.

SEC. 558. One or more deputies of any clerk of a district court may be appointed by the court, on the application of the clerk, and may be removed at the pleasure of judges authorized to make the appointment. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk, in his name, until a clerk is appointed and qualified; and for the default or misfeasances in office of any such deputy, whether in the life-time of the clerk or after his death, the clerk, and his estate, and the sureties in his official bond shall be liable; and his executor or administrator shall have such remedy for any such default or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his life-time. Deputy clerks.

8 June, 1872, c. 336, v. 17, p. 330.

SEC. 559. In the district of Indiana the clerk of the district court must appoint a deputy clerk for said court held at New Albany, and a deputy clerk for said court held at Evansville; who shall reside and keep their offices at said places respectively. Each deputy shall keep in his office full records of all actions and proceedings in the district court held at the same place, and shall have the same power to issue all process from the said court that is or may be given to the clerks of other district courts in like cases. Deputy clerks of the district court in Indiana.

3 March, 1871, c. 108, s. 1, v. 16, p. 473.
30 June, 1870, c. 180, ss. 1, 7, v. 16, p. 175.
8 June, 1872, c. 336, v. 17, p. 330.

SEC. 560. In the district of Iowa a deputy clerk of the district court shall be appointed at each place, in the four divisions of said district, where said court is required to be held; each of whom, in the absence of the clerk, may exercise all the official powers of clerk, at the place and within the division for which he is appointed. Iowa; deputy clerks.

3 March, 1849, c. 124, s. 4, v. 9, p. 412
3 March, 1859, c. 30 June, 1870, c.

86, ss. 5, 8, v. 11, pp. 437, 438. 30 June, 1870, c. 178, ss. 1, 3, v. 16, p. 174.
180, s. 7, v. 16, p. 175. 8 June, 1872, c. 336, v. 17, p. 330.

SEC. 561. The compensation of deputies of the clerks of the district courts shall be paid by the clerks, respectively, and allowed in the same manner that other expenses of the clerks' offices are paid and allowed. Compensation of deputy clerks.

8 June, 1872, c. 336, v. 17, p. 330.

SEC. 562. The records of a district court shall be kept at the place where the court is held. When it is held at more than one place in any district, and the place of keeping the records is not specially provided by law, they shall be kept at either of the places of holding the court which may be designated by the district judge. Records, where kept.

24 Sept., 1789, c. 20, s. 3, v. 1, p. 73.

CHAPTER THREE.

DISTRICT COURTS—JURISDICTION.

- Sec. 563. Jurisdiction.
- 564. Certain seizures cognizable in any district into which the property is taken.
- 565. May proceed in prize causes after appeal.
- 566. Trial of issues of fact.
- 567. Transfer of records to district courts when a Territory becomes a State.

- Sec. 568. District judge shall demand and compel delivery of records of territorial court.
- 569. Jurisdiction of district courts in cases transferred from territorial courts.
- 570. Commissioners to administer oaths to appraisers.
- 571. Certain district courts to have circuit court jurisdiction.

Jurisdiction.
Crimes and offenses.

SEC. 563. The district courts shall have jurisdiction as follows:
First. Of all crimes and offenses cognizable under the authority of the United States, committed within their respective districts, or upon the high seas, the punishment of which is not capital, except in the cases mentioned in section fifty-four hundred and twelve, Title "CRIMES." [See §§ 4300-4303.]

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.
3 March, 1815, c. 101, s. 4, v. 3, p. 245. 23 Aug., 1842, c. 188, s. 3, v. 5, p. 517. 28 Feb., 1871, c. 100, s. 57, v. 16, p. 456.—*Ex parte Bollman*, 4 Cr., 75; *U. S. vs. Hudson*, 7 Cr., 32; *U. S. vs. Coolidge*, 1 Wh., 415; *U. S. vs. Bevans*, 3 Wh., 336.

Of piracy, when.

Second. Of all cases arising under any act for the punishment of piracy, when no circuit court is held in the district of such court.

3 March, 1823, c. 72, v. 3, p. 789. 15 May, 1820, c. 113, v. 3, p. 600. 30 Jan., 1823, c. 7, v. 3, p. 721.—*The Palmyra*, 12 Wh., 1.

Penalties and forfeitures.

Third. Of all suits for penalties and forfeitures incurred under any law of the United States.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.—*Ketland vs. The Cassius*, 2 Dall., 365; *Hall vs. Warren*, 2 McLean, 332.

Suits at common law by United States or officers.

Fourth. Of all suits at common law brought by the United States, or by any officer thereof, authorized by law to sue.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. 3 March, 1815, c. 101, s. 4, v. 3, p. 245.—*Parsons vs. Bedford*, 3 Pet., 433; *Duncan vs. U. S.*, 7 Pet., 435.

Suits in equity to enforce internal-revenue taxes.

Fifth. Of all suits in equity to enforce the lien of the United States upon any real estate for any internal-revenue tax, or to subject to the payment of any such tax any real estate owned by the delinquent, or in which he has any right, title, or interest. [See § 2207.]

20 July, 1868, c. 186, s. 106, v. 15, p. 167.

Suits for penalties and damages for frauds against United States.

Sixth. Of all suits for the recovery of any forfeiture or damages under section thirty-four hundred and ninety, Title "DEBTS DUE BY OR TO THE UNITED STATES;" and such suits may be tried and determined by any district court within whose jurisdictional limits the defendant may be found. [See §§ 2490-2494.]

2 March, 1863, c. 67, s. 4, v. 12, p. 698.

Suits under postal laws.

Seventh. Of all causes of action arising under the postal laws of the United States.

3 March, 1845, c. 43, s. 20, v. 5, p. 739.

Admiralty causes and seizures on land.

Eighth. Of all civil causes of admiralty and maritime jurisdiction; saving to suitors in all cases the right of a common-law remedy, where the common law is competent to give it; and of all seizures on land and on waters not within admiralty and maritime jurisdiction. And such jurisdiction shall be exclusive, except in the particular cases where jurisdiction of such causes and seizures is given to the circuit courts.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

22 March, 1794, c. 11, s. 1, v. 1, p. 347.
10 May, 1800, c. 51, ss. 1, 5, v. 2, pp. 70, 71. 2 March, 1807, c. 22, ss. 2, 7, v. 2, pp. 426, 428.
6 Aug., 1861, c. 60, s. 2, v. 12, p. 319. 13 July, 1866, c. 184, ss. 9, 19, v. 14, pp. 111, 145, 152.
2 March, 1867, c. 169, ss. 10, 25, v. 14, pp. 475, 483. 20 July, 1868, c. 186, s. 106, v. 15, p. 167. 30 June, 1864, c. 173, ss. 41, 179, v. 13, pp. 239, 240, 305. 3 March, 1865, c. 78, s. 1, v. 13, p. 483.

Glass vs. Sloop Betsey, 3 Dall., 6; *Bingham vs. Cabbo*, 3 Dall., 19; *U. S. vs. Schooner Sallie*, 2 Cr., 406; *Rose vs. Himely*, 4 Cr., 241; *U. S. vs. Betsey and Charlotte*, 4 Cr., 443; *Keeno vs. U. S.*, 5 Cr., 304; *The Samuel*, 1 Wh., 9; *L'Invincible*, 1 Wh., 238;

U. S. *vs.* Coolidge, 1 Wh., 415; *Slocum vs. Mayberry*, 2 Wh., 1; *The Estrella*, 4 Wh., 298; *L'Amistad de Ruez*, 5 Wh., 385; *The Sarah*, 8 Wh., 391; *The Margaret*, 9 Wh., 119; *The Merino*, 9 Wh., 391; *Ramsay vs. Allegre*, 12 Wh., 611; *Hobart vs. Drogan*, 10 Pet., 106; *The Orleans vs. Phobus*, 11 Pet., 175; *Smith vs. Condry*, 1 How., 28; *Waring vs. Clarke*, 5 How., 441; *New Jersey Steam Nav. Co. vs. Merchants' Bank*, 6 How., 344; *The Genesee Chief*, 12 How., 443; *Fretz vs. Bull*, 12 How., 466; *Walsh vs. Rogers*, 13 How., 283; *Steamboat New World vs. King*, 16 How., 469; *Bogart vs. Steamboat John Jay*, 17 How., 309; *Ward vs. Peck*, 18 How., 267; *Ure vs. Coffinann*, 19 How., 56; *Jackson vs. Steamboat Magnolia*, 20 How., 206; *People's Ferry Com. vs. Beers*, 20 How., 393; *Taylor vs. Carryl*, 20 How., 598; *Allen vs. Newberry*, 21 How., 244; *Nelson vs. Leland*, 22 How., 48; *Roach vs. Chapman*, 22 How., 129; *Ward vs. Thompson*, 22 How., 330; *Railroad vs. Steam Tow-boat Com.*, 23 How., 209; *Moorewood vs. Enequist*, 23 How., 491; *The Steamer St. Lawrence*, 1 Bl., 522; *The Propeller Commerce*, 1 Bl., 574; *The Plymouth*, 3 Wall., 20; *The Moses Taylor*, 4 Wall., 411; *Hine vs. Trevor*, 4 Wall., 555; *The Eddy*, 5 Wall., 481; *The Siren*, 7 Wall., 152; *The Belfast*, 7 Wall., 624; *The Eagle*, 8 Wall., 15; *The Maggie Hammond*, 9 Wall., 435; *Norwich Com. vs. Wright*, 13 Wall., 104; *Steamboat Com. vs. Chase*, 16 Wall., 522; *Atkins vs. The Disintegrating Com.*, 18 Wall., 272; *Corfield vs. Coryell*, 4 Wash. C. C., 371; *Clark vs. U. S.*, 2 Wash. C. C., 519; *The Abby*, 1 Mas., 360; *The Washington*, 4 Blatch., 101; *Jennings vs. Carson's Exs.*, 1 Pet. Ad., 1; *The Jerusalem*, 2 Gallis., 345; *De Lovio vs. Boit*, 2 Gallis., 398.

Ninth. Of all proceedings for the condemnation of property taken as prize, in pursuance of section fifty-three hundred and seventy-six, Title "INSURRECTION." Condemnation of property taken as prize.

6 Aug., 1861, c. 60, s. 2, v. 12, p. 319.

Tenth. Of all suits by the assignee of any debenture for drawback of duties, issued under any law for the collection of duties, against the person to whom such debenture was originally granted, or against any indorser thereof, to recover the amount of such debenture. Suits on debentures. (See § 2009.)

2 March, 1799, c. 22, s. 80, v. 1, p. 637.

Eleventh. Of all suits authorized by law to be brought by any person for the recovery of damages on account of any injury to his person or property, or of the deprivation of any right or privilege of a citizen of the United States by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty-five, Title, "CIVIL RIGHTS." Suits on account of injuries by conspirators in certain cases. (See § 1989.)

20 April, 1871, c. 22, s. 2, v. 17, p. 13.

Twelfth. Of all suits at law or in equity authorized by law to be brought by any person to redress the deprivation, under color of any law, ordinance, regulation, custom, or usage of any State, of any right, privilege, or immunity secured by the Constitution of the United States, or of any right secured by any law of the United States to persons within the jurisdiction thereof. Suits to redress deprivation of rights secured by the Constitution and laws to persons within jurisdiction of United States. (See §§ 1977, 1979.)

20 April, 1871, c. 22, s. 1, v. 17, p. 13. 31 May, 1870, c. 114, ss. 16, 18, v. 16, p. 144. 9 April, 1866, c. 31, s. 3, v. 14, p. 27.

Thirteenth. Of all suits to recover possession of any office, except that of elector of President or Vice-President, Representative or Delegate in Congress, or member of a State legislature, authorized by law to be brought, wherein it appears that the sole question touching the title to such office arises out of the denial of the right to vote to any citizen offering to vote, on account of race, color, or previous condition of servitude: *Provided*, That such jurisdiction shall extend only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States, and secured by any law, to enforce the right of citizens of the United States to vote in all the States. Suits to recover offices. (See § 2010.)

31 May, 1870, c. 114, s. 23, v. 16, p. 146.

Fourteenth. Of all proceeding by the writ of quo warranto, prosecuted by any district attorney, for the removal from office of any person holding office, except as a member of Congress, or of a State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution of the United States. Suits for removal of officers holding contrary to fourteenth amendment. (See § 1786.)

31 May, 1870, c. 114, s. 14, v. 16, p. 143.

Fifteenth. Of all suits by or against any association established under any law providing for national banking associations within the district for which the court is held. Suits against national banks.

3 June, 1864, c. 106, s. 57, v. 13, p. 116.—*Kennedy vs. Gibson*, 8 Wall., 506.

Suits by aliens for torts in violation of the law of nations.

Suits against consuls and vice-consuls.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. 23 Aug., 1842, c. 188, v. 5, p. 517.—*Laury vs. Landa*, 1 Am. L. Rev., 92.

In bankruptcy.

2 March, 1867, c. 176, s. 1, v. 14, p. 517.

Certain seizures cognizable in any district into which the property is taken.

13 July, 1861, c. 3, ss. 4, 5, 9, v. 12, pp. 256, 257, 258.

May proceed in prize causes after appeal.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

[See § 4637.]

Trial of issues of fact.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

26 Feb., 1845, c. 20, v. 5, p. 726.

The Eagle, 8 Wall., 25.

Henderson's Distilled Spirits, 14 Wall., 44.

Transfer of records to district courts when a Territory becomes a State.

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.

22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

Bennett vs. Porter, 9 How., 235.

Forsyth vs. U. S.,

District judge shall demand and compel delivery of records of territorial court.

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.

22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

Jurisdiction of district courts in cases transferred from territorial courts.

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.

Sixteenth. Of all suits brought by any alien for a tort only in violation of the law of nations, or of a treaty of the United States.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

Seventeenth. Of all suits against consuls or vice-consuls, except for offenses above the description aforesaid.

Eighteenth. The district courts are constituted courts of bankruptcy, and shall have in their respective districts original jurisdiction in all matters and proceedings in bankruptcy.

SEC. 564. Proceedings on seizures for forfeiture of any vessel or cargo entering any port of entry which has been closed by the President in pursuance of law, or of goods and chattels coming from a State or section declared by proclamation of the President to be in insurrection into other parts of the United States, or of any vessel or vehicle conveying such property, or conveying persons to or from such State or section, or of any vessel belonging, in whole or in part, to any inhabitant of such State or section, may be prosecuted in any district court into which the property so seized may be taken, and proceedings instituted; and the district court thereof shall have as full jurisdiction over such proceedings as if the seizure was made in that district. [See §§ 5301, 5317.]

SEC. 565. Any district court may, notwithstanding an appeal to the Supreme Court, in any prize cause, make and execute all necessary orders for the custody and disposal of the prize property, and, in case of an appeal from a decree of condemnation, may proceed to make a decree of distribution, so far as to determine what share of the prize shall go to the captors, and what vessels are entitled to participate therein.

SEC. 566. The trial of issues of fact in the district courts, in all causes except cases in equity and cases of admiralty and maritime jurisdiction, and except as otherwise provided in proceeding in bankruptcy, shall be by jury. In causes of admiralty and maritime jurisdiction relating to any matter of contract or tort arising upon or concerning any vessel of twenty tons burden or upward, enrolled and licensed for the coasting trade, and at the time employed in the business of commerce and navigation between places in different States and Territories upon the lakes and navigable waters connecting the lakes, the trial of issues of fact shall be by jury when either party requires it.

SEC. 567. When any Territory is admitted as a State, and a district court is established therein, all the records of the proceedings in the several cases pending in the court of appeals of said Territory at the time of such admission, and all records of the proceedings in the several cases in which judgments or decrees had been rendered in said territorial court before that time, and from which writs of error could have been sued out or appeals could have been taken, or from which writs of error had been sued out or appeals had been taken and prosecuted to the Supreme Court, shall be transferred to and deposited in the district court for the said State. [See § 704.]

9 How., 571. *McNulty vs. Batty*, 10 How., 72.

SEC. 568. It shall be the duty of the district judge, in the case provided in the preceding section, to demand of the clerk, or other person having possession or custody of the records therein mentioned, the delivery thereof, to be deposited in said district court; and, in case of the refusal of such clerk or person to comply with such demand, the said district judge shall compel the delivery of said records by attachment or otherwise, according to law.

SEC. 569. When any Territory is admitted as a State, and a district court is established therein, the said district court shall take cognizance of all cases which were pending and undetermined in the superior court of such Territory, from the judgments or decrees to be rendered in which

writs of error could have been sued out or appeals taken to the Supreme Court, and shall proceed to hear and determine the same. [See § 704.]

22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

SEC. 570. Any district judge may appoint commissioners, before whom appraisers of vessels or goods and merchandise seized for breaches of any law of the United States may be sworn; and such oaths, so taken, shall be as effectual as if taken before the judge in open court. [See § 938.]

Commissioners to administer oaths to appraisers.

9 June, 1794, c. 64, s. 1, v. 1, p. 395.

SEC. 571. The district courts for the western district of Arkansas, the northern district of Mississippi, the western district of South Carolina, and the district of West Virginia, shall have, in addition to the ordinary jurisdiction of district courts, jurisdiction of all causes, except appeals and writs of error, which are cognizable in a circuit court; and shall proceed therein in the same manner as a circuit court.

Certain district courts to have circuit-court jurisdiction.

Ark., 3 Mar., 1851, c. 24, s. 3, v. 9, p. 595.

Ga., 11 August,

1848, c. 151, s. 8, v. 9, p. 281. Miss., 16 Feb., 1839, c. 27, s. 1, v. 5, p. 317. S. C., 21 Feb., 1823, c. 11, v. 3, p. 726; 16 Aug., 1856, c. 119, ss. 1, 3, v. 11, p. 43. W. Va., 4 Feb., 1819, c. 12, s. 2, v. 3, p. 479; 3 March, 1837, c. 34, s. 3, v. 5, p. 177; 26 March, 1838, c. 46, s. 1, v. 5, p. 215; 11 June, 1864, c. 190, s. 1, v. 13, p. 124; 4 June, 1872, c. 284, s. 1, v. 17, p. 218.

CHAPTER FOUR.

DISTRICT COURTS—SESSIONS.

Sec.
572. Terms of district courts.
573. Effect of altering terms of district courts.
574. Court always open as court of admiralty, for certain purposes.
575. District court in southern district of Florida.
576. District courts in Wisconsin.
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596. Designation of district judge when public interest requires.
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600. When district judge of eastern district of New York may act in southern district.
601. When district judge is interested in suit pending before him.
602. Continuances by vacancy in office of district judge.
603. Vacancy in office of district judge.

SEC. 572. The regular terms of the district courts shall be held at the times and places following, but when any of said dates shall fall on Sunday, the term shall commence on the following day:

Terms of district courts.

Alabama.

In the southern district of Alabama, at Mobile, on the fourth Monday in April, and the second Monday after the fourth Monday in November.

7 Aug., 1848, c. 143, ss. 1, 2, v. 9, p. 274.

In the middle district of Alabama, at Montgomery, on the fourth Monday in May and November.

4 May, 1852, c. 25, s. 1, v. 10, p. 5.

In the northern district of Alabama, at Huntsville, on the third Monday in May and November.

2 March, 1827, c. 41, s. 1, v. 4, p. 226.

9 June, 1860, c. 85, s. 1, v. 12, p. 22.

Arkansas.

In the eastern district of Arkansas, at Little Rock, on the first Monday in April and October.

15 June, 1836, c. 100, s. 4, v. 5, p. 51.

In the western district of Arkansas, at Fort Smith, on the second Monday in May and November, and at Helena on the second Monday in March and September.

3 March, 1839, c. 81, s. 5, v. 5, p. 337.

3 March, 1851, c. 24, s. 2, v. 9, p. 594. 3 March, 1871, c. 106, ss. 1, 5, v. 16, pp. 471, 472.

- California.**
19 Feb., 1864, c. 11, s. 8, v. 13, p. 5.
- Connecticut.**
24 Sept., 1789, c. 20, s. 3, v. 1, p. 74.
6 Feb., 1812, c. 20, v. 2, p. 676.
- Delaware.**
10 May, 1862, c. 33, s. 1, v. 10, p. 5.
- Florida.**
27 July, 1868, c. 270, s. 1, v. 15, p. 239.
23 Feb., 1847, c. 20, s. 2, v. 9, p. 131.
- Georgia.**
9 July, 1794, c. 64, s. 2, v. 1, p. 396.
29 April, 1802, c. 31, s. 15, v. 2, p. 165.
- Illinois.**
13 Feb., 1855, c. 96, s. 2, v. 10, p. 606.
23 April, 1856, c. 18, s. 1, v. 11, p. 4.
3 July, 1868, c. 118, s. 1, v. 15, p. 82.
- Indiana.**
10 March, 1838, c. 33, s. 1, v. 5, p. 215.
20 Feb., 1863, c. 47, s. 1, v. 12, p. 657.
- Iowa.**
3 March, 1859, c. 88, ss. 5, 6, 7, v. 11, pp. 437, 438.
15 July, 1862, c. 178, s. 1, v. 12, p. 576.
3 March, 1863, c. 69, s. 2, v. 12, p. 699.
30 June, 1870, c. 178, s. 2, v. 16, p. 174.
- Kansas.**
29 Jan, 1861, c. 20, s. 5, v. 12, p. 128.
- Kentucky.**
15 May, 1862, c. 71, s. 1, v. 12, p. 356.
1 Mar., 1873, c. 215, v. 17, p. 484.
- Louisiana.**
20 July, 1854, c. 99, s. 1, v. 10, p. 307.
27 July, 1866, c. 280, s. 1, v. 14, p. 300.
- Maine.**
24 Sept., 1789, c. 20, s. 3, v. 1, p. 74.
28 Nov., 1811, c. 2, s. 1, v. 2, p. 667.
27 Jan., 1831, c. 10, s. 1, v. 4, p. 434. 15 Feb., 1843, c. 32, s. 2, v. 5 p. 600. 14 July, 1862, c. 174, s. 1, v. 12, p. 575.
- In the district of California, at San Francisco, on the first Monday in April, on the second Monday in August, and on the first Monday in December.
- In the district of Connecticut, at New Haven, on the fourth Tuesday in February; at Hartford, on the fourth Tuesday in May; at New Haven, on the fourth Tuesday in August, and at Hartford on the fourth Tuesday in November.
- In the district of Delaware, at Wilmington, on the second Tuesday in January, April, June, and September.
14 June, 1856, c. 45, s. 1, v. 11, p. 22.
- In the northern district of Florida, at Tallahassee, on the first Monday in February, at Pensacola, on the first Monday in March, and at Jacksonville, on the first Monday in December.
- In the southern district of Florida, at Key West, on the first Monday in May and November.
- In the northern district of Georgia, at Atlanta, on the first Monday in March and September.
- In the southern district of Georgia, at Savannah, on the second Tuesday in February, May, August, and November.
11 Aug., 1848, c. 151, ss. 1, 2, v. 9, p. 280. 4 June, 1872, c. 284, s. 3, v. 17, p. 218.
- In the northern district of Illinois, at Chicago, on the first Monday in July and the third Monday in December.
- In the southern district of Illinois, at Springfield, on the first Monday in January and June, and at Cairo, on the first Monday in March and October.
- In the district of Indiana, at Indianapolis, on the first Tuesday in May and November, and at New Albany, on the first Monday in January and July, and at Evansville, on the first Monday in February and August.
30 June, 1870, c. 180, s. 1, v. 16, p. 175.
- In the northern division of the district of Iowa, at Dubuque, on the third Tuesday in April and November.
- In the southern division, at Keokuk, on the third Tuesday in March and September.
- In the central division, at Des Moines, on the second Tuesday in May and the third Tuesday in October.
- In the western division, at Council Bluffs, on the third Tuesday in January and July.
- In the district of Kansas, at the seat of government, on the second Monday in April, and at Leavenworth, on the second Monday in October.
8 June, 1872, c. 341, v. 17, p. 334.
- In the district of Kentucky, at Covington, on the second Monday in May and the first Monday in December; at Louisville, on the third Monday in February and the first Monday in October; at Frankfort, on the third Monday in May and the first Monday in January; and at Paducah, on the second Monday in April and the first Monday in November.
- In the district of Louisiana, at New Orleans, on the third Monday in February, May, and November.
- In the district of Maine, at Portland, on the first Tuesday in February; at Bangor, on the fourth Tuesday in June; at Bath, on the first Tuesday in September, and at Portland on the first Tuesday in December.

In the district of Maryland, at Baltimore, on the first Tuesday in March, June, September, and December.	<u>Maryland.</u> 24 Sept., 1789, c. 21, s. 15, v. 2, p. 165. 20, s. 3, v. 1, p. 74. 29 April, 1802, c. 31, s. 15, v. 2, p. 165.
In the district of Massachusetts, at Boston, on the third Tuesday in March, on the fourth Tuesday in June, on the second Tuesday in September, and on the first Tuesday in December.	<u>Massachusetts.</u> 24 Sept., 1789, c. 20, s. 3, v. 1, p. 74. 9 June, 1794, c. 64, s. 2, v. 1, p. 396. 3 March, 1813, c. 45, s. 3, v. 2, p. 815.
In the eastern district of Michigan, at Detroit, on the first Tuesday in March, June, and November.	<u>Michigan.</u> 24 Feb., 1863, c. 54, s. 2, v. 12, p. 661.
In the western district of Michigan, at Grand Rapids, on the third Monday in May and October.	
In the district of Minnesota, at Winona, on the first Monday in June, and at Saint Paul on the first Monday in October.	<u>Minnesota.</u> 3 March, 1859, c. 74, s. 1, v. 11, p. 402. 5 April, 1866, c. 20, s. 1, v. 14, p. 14.
In the northern district of Mississippi, at Oxford, on the first Monday in June and December.	<u>Mississippi.</u> 18 June, 1838, c. 115, ss. 1, 2, v. 5, p. 247. 16 May, 1863, c. 83, s. 1, v. 14, p. 48. 5 May, 1830, c. 89, s. 1, v. 4, p. 399. 3 March, 1835, c. 34, s. 1, v. 4, p. 773.
In the southern district of Mississippi, at Jackson, on the fourth Monday in January and June.	
In the eastern district of Missouri, at Saint Louis, on the first Monday in May and November.	<u>Missouri.</u> 3 March, 1857, c. 100, s. 2, v. 11, p. 197. 26 Feb., 1873, c. 200, s. 5, v. 17, p. 477.
In the western district of Missouri, at Jefferson, on the first Monday in March and September.	
In the district of Nebraska, at Omaha, on the first Monday in May and on the first Wednesday after the second Tuesday in October.	<u>Nebraska.</u> 25 March, 1867, c. 7, s. 2, v. 15, p. 5. 3 March, 1873, c. 263, v. 17, p. 601.
In the district of Nevada, at Carson City, on the first Monday in February, May, and October.	<u>Nevada.</u> 27 Feb., 1865, c. 64, s. 1, v. 13, p. 440.
In the district of New Hampshire, at Portsmouth, on the third Tuesday in March and September; at Exeter, on the third Tuesday in June and December.	<u>New Hampshire.</u> 24 Sept., 1789, c. 20, s. 3, v. 1, p. 74.
In the district of New Jersey, at Trenton, on the third Tuesday in January, April, June, and September.	<u>New Jersey.</u> 4 June, 1844, c. 38, s. 1, v. 5, p. 660. 12 Aug., 1848, c. 169, s. 1, v. 9, p. 303.
In the northern district of New York, at Albany, on the third Tuesday in January; at Utica, on the third Tuesday in March; at Rochester, on the second Tuesday in May; at Buffalo, on the third Tuesday in August; at Auburn, on the third Tuesday in November; and, in the discretion of the judge of said court, one term annually at such time and place within the counties of Saint Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment shall be made by a notice of at least twenty days published in the State paper of the State of New York, and in one newspaper published at the place where said court is to be held; and said term shall be held only for the trial of issues of fact arising within said counties.	<u>New York.</u> 4 July, 1864, c. 245, s. 1, v. 13, p. 365. 29 May, 1830, c. 213, s. 1, v. 4, p. 422. 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438.
In the southern district of New York, in the city of New York, on the first Tuesday in every month.	
In the eastern district of New York, in Brooklyn, on the first Wednesday in every month.	
In the eastern district of North Carolina, at Elizabeth City, on the third Monday in April and October; at New Berne, on the fourth Monday in April and October; and at Wilmington, on the first Monday after the fourth Monday in April and October.	<u>North Carolina.</u> 10 Mar., 1828, c. 16, s. 1, v. 4, p. 254. 1 July, 1870, c. 188, v. 16, p. 180. 4 June, 1872, c. 282, s. 2, v. 17, p. 215.
In the western district of North Carolina, at Greensborough, on the first Monday in April and October; at Statesville, on the third Monday in April and October; and at Asheville, on the first Monday in May and November.	

- Ohio.**
 In the northern district of Ohio, at Cleveland, on the first Tuesday in January, April, and October; and at Toledo, two terms, to be held at such times as shall be fixed by the judge of said district.
 7 July, 1870, c. 214, v. 16, p. 192.
 23 May, 1872, c. 201, v. 17, p. 157.
 21 Feb., 1863, c. 49, v. 12, p. 657.
- Oregon.**
 In the district of Oregon, at Portland, on the first Monday in March, July, and November.
 19 Feb., 1864, c. 11, s. 3, v. 13, p. 5.
- Pennsylvania.**
 In the eastern district of Pennsylvania, at Philadelphia, on the third Monday in February, May, August, and November.
 In the western district of Pennsylvania, at Pittsburgh, on the first Monday in May, and on the third Monday in October; at Williamsport, on the third Monday in June, and on the first Monday in October; at Erie, on the second Monday in January, and third Monday in July.
 9 June, 1794, c. 64, s. 2, v. 1, p. 396.
 20 April, 1818, c. 108, s. 1, v. 3, p. 462.
 15 May, 1820, c. 111, s. 1, v. 3, p. 598.
 5 April, 1826, c. 23, s. 1, v. 4, p. 153. 8 May, 1840, c. 23, s. 1, v. 5, p. 380. 27 July, 1842, c. 68, s. 1, v. 5, p. 496. 28 July, 1866, c. 304, s. 1, v. 14, p. 342. 21 Feb., 1871, c. 63, v. 16, p. 429.
- Rhode Island.**
 In the district of Rhode Island, at Providence, on the first Tuesday in February and August; at Newport, on the second Tuesday in May, and on the third Tuesday in October.
 23 Mar., 1804, c. 31, s. 4, v. 2, p. 273.
- South Carolina.**
 In the eastern district of South Carolina, at Charleston, on the first Monday in January, May, July, and October. In the western district, at Greenville, on the first Monday in August.
 10 Feb., 1858, c. 5, s. 1, v. 11, p. 260.
 16 August, 1856, c. 119, s. 1, v. 11, p. 43. 21 February, 1823, c. 11, v. 3, p. 726.
- Tennessee.**
 In the eastern district of Tennessee, at Knoxville, on the second Monday in January and July.
 In the middle district of Tennessee, at Nashville, on the third Monday in April and October.
 In the western district of Tennessee, at Memphis, on the fourth Monday in May and November.
 25 June, 1868, c. 79, s. 1, v. 15, p. 80.
- Texas.**
 In the eastern district of Texas, at Brownsville, on the first Monday in March and October; at Galveston, on the first Monday in May and December.
 In the western district of Texas, at Austin, on the first Monday in January and June; at Tyler, on the fourth Monday in April, and on the first Monday in November.
 21 Feb., 1857, c. 57, s. 2, v. 11, p. 164.
 11 June, 1858, c. 147, s. 1, v. 11, p. 314.
- Vermont.**
 In the district of Vermont, at Burlington, on the fourth Tuesday in February; at Windsor, on the Monday next after the fourth Tuesday in July; at Rutland, on the sixth day of October.
 29 April, 1802, c. 31, s. 27, v. 2, p. 166.
 22 March, 1816, c. 31, s. 1, v. 3, p. 258. 3 March, 1823, c. 45, s. 1, v. 3, p. 776. 4 May, 1858, c. 28, s. 1, v. 11, p. 272. 22 February, 1869, c. 43, s. 1, v. 15, p. 274.
- Virginia.**
 In the eastern district of Virginia, at Richmond, on the first Monday in April and October; at Alexandria, on the first Monday in January and July; and at Norfolk on the first Monday in May and November.
 In the western district of Virginia, at Danville, on the Tuesday after the fourth Monday in February and August; at Lynchburgh, on the Tuesday after the third Monday in March and September; at Abingdon, on the Tuesday after the fourth Monday in May and October; and at Harrisonburgh, on the Tuesday after the first Monday in May, and the Tuesday after the second Monday in October.
 3 Feb., 1871, c. 35, ss. 2, 3, v. 16, p. 403.
 1 Feb., 1872, c. 10, v. 17, p. 27.
 13 April, 1872, c. 99, v. 17, p. 52.
- West Virginia.**
 In the district of West Virginia, at Clarksburgh, on the twenty-fourth days of March and August; and at Wheeling, on the sixth days of April and September; and at Charleston, on the nineteenth days of April and September.
 11 June, 1864, c. 120, s. 1, v. 13, p. 124.
- Wisconsin.**
 In the eastern district of Wisconsin, at Oshkosh, on the first Monday in July; at Milwaukee, on the first Monday in January and October.
 In the western district of Wisconsin, at Madison, on the first Monday in June; and at La Crosse, on the third Tuesday in September.
 29 June, 1870, c. 175, ss. 2, 3, v. 16, p. 171.
 9 May, 1872, c. 143, s. 1, v. 17, p. 88.

SEC. 573. No action, suit, proceeding, or process in any district court shall abate or be rendered invalid by reason of any act changing the time of holding such court; but the same shall be deemed to be returnable to, pending, and triable in the terms established next after the return-day thereof.

Effect of altering terms of district courts.

See all acts altering terms.

SEC. 574. The district courts, as courts of admiralty, and as courts of equity, so far as equity jurisdiction has been conferred upon them, shall be deemed always open, for the purpose of filing any pleading, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, rules, and other proceedings, preparatory to the hearing, upon their merits, of all causes pending therein. And any district judge may, upon reasonable notice to the parties, make, and direct and award, at chambers, or in the clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, whenever the same are not grantable of course, according to the rules and practice of the court.

Court always open as court of admiralty, for certain purposes.

23 August, 1842, c. 188, s. 5, v. 5, p. 517.

SEC. 575. The district court for the southern district of Florida shall at all times be open, for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction.

District court in southern district of Florida.

23 February, 1847, c. 20, s. 2, v. 9, p. 131.

SEC. 576. The district courts of the districts of Wisconsin shall at all times be open, for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction, so far as the same can be done without a jury.

District courts in Wisconsin.

29 May, 1848, c. 50, s. 4, v. 9, p. 234.

29 June, 1870, c. 175, ss. 1, 3, v. 16, p. 171. 26 February, 1845, c. 20, v. 5, p. 726.

SEC. 577. In the districts of Kentucky and Indiana, the terms of the district courts shall not be limited to any particular number of days, nor shall it be necessary to adjourn by reason of the intervention of a term of the court elsewhere; but the court intervening may be adjourned over till the business of the court in session is concluded.

Kentucky and Indiana; how terms may be held.

Ky., 15 May, 1862, c. 71, s. 6, v. 180, s. 6, v. 18, p. 175.

12, p. 386. Ind., 30 June, 1870, c. 180, s. 6, v. 18, p. 175.

SEC. 578. District courts shall hold monthly adjournments of their regular terms, for the trial of criminal causes, when their business requires it to be done, in order to prevent undue expenses and delays in such cases.

Monthly adjournments for trial of criminal causes.

23 Aug., 1842, c. 188, s. 3, v. 5, p. 517.

SEC. 579. The judge of any district court in Indiana, Kentucky, Louisiana, Michigan, Ohio, Pennsylvania, and Texas, may adjourn the same from time to time, to meet the necessities or convenience of the business.

Adjourned terms.

Ind., 30 June, 1870, c. 180, s. 5, v. 16, p. 175. Ky., 15 May, 1862, c. 71, s. 4, v. 12, p. 386. La., 20 July, 1854, c. 99, s. 1, v. 10, p. 307; 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Mich., 24 February, 1863, c. 54, s. 2, v. 12, p. 661. Ohio, 10 February, 1855, c. 73, s. 2, v. 10, p. 605. Pa., 20 April, 1818, c. 106, s. 1, v. 3, p. 462; 26 May, 1824, c. 170, s. 1, v. 4, p. 50; 28 July, 1866, c. 304, s. 1, v. 14, p. 342. Tex., 21 February, 1857, c. 57, s. 2, v. 11, p. 164.—*Mechanics' Bank vs. Withers*, 6 Wh., 106.

SEC. 580. In the districts of Kentucky and Indiana the intervention of a term of the district court at another place, or of a circuit court, shall not preclude the power to adjourn over to a future day.

Adjourned terms in Kentucky and Indiana.

15 May, 1862, c. 71, s. 4, v. 12, p. 386; 30 June, 1870, c. 180, s. 5, v. 16, p. 175.

SEC. 581. A special term of any district court may be held at the same place where any regular term is held, or at such other place in the district as the nature of the business may require, and at such time and upon such notice as may be ordered by the district judge. And any business may be transacted at such special term which might be transacted at a regular term.

Special terms.

24 Sept., 1789, c. 20, s. 3, v. 1, p. 73. Ala., 6 February, 1839, c. 20, s. 2, v. 5, p. 315; 9 June, 1860, c. 85, s. 3, v. 12, p. 29. Ark., 15 June, 1836, c. 100, s. 4, v. 5, p. 51; 3 March, 1851, c. 24, s. 2, v. 9, p. 594. Cal., 28 September, 1850, c. 86, s. 3, v. 9, p. 522. Fla., 3 March, 1845, c. 75, s. 4, v. 5, p. 788; 23 February, 1847, c. 20, s. 2, v. 9, p. 131. Ill., 3 March, 1851, c. 44, s. 1, v. 9, p. 606. Ind., 30 June, 1870, c. 180, s. 4, v. 16, p. 175. Ky., 15 May, 1862, c. 71, s. 4, v. 12, p. 386. N. Car., 4 June, 1872, c. 282, s. 4, v. 17, p. 215. N. Y., 4 July, 1864, c. 245, s. 1, v. 13, p. 385. Tenn., 26 Jan., 1864, c. 5, s. 2, v. 13, p. 2. Va., 3 Feb., 1871, c. 35, s. 4, v. 16, p. 403. Wis., 29 May, 1848, c. 50, s. 4, v. 9, p. 234; 29 June, 1870, c. 175, s. 4, v. 16, p. 171.

Tennessee; when circuit judges may act as district judges.

3 March, 1843, c. 74, s. 2, v. 5, p. 610.

Adjournment in case of non-attendance of the judge.

24 Sept., 1789, c. 20, s. 6, v. 1, p. 76.

26 March, 1804, c. 44, v. 2, p. 291.

Adjournment in case of non-attendance of the judge, in certain districts.

Ala., 10 March, 1824, c. 28, s. 9, v. 4, p. 10; 6 Feb., 1839, c. 20, s. 10, v. 5, p. 316. Cal., 28 Sept., 1850, c. 86, s. 6, v. 9, p. 522. Ga., 18 August, 1848, c. 151, s. 10, v. 9, p. 281. Ind., 30 June, 1870, c. 180, s. 2, v. 16, p. 175. Iowa, 3 March, 1849, c. 124, s. 1, v. 9, p. 411. Ky., 15 May, 1862, c. 71, s. 2, v. 12, p. 386. N. Car., 23 Jan., 1812, c. 17, s. 2, v. 2, p. 676. Tenn., 18 June, 1838, c. 118, s. 7, v. 5, p. 250. W. Va., 26 May, 1824, c. 167, s. 3, v. 4, p. 49.

Adjournment in Kentucky and Indiana, by written order, within first threedays of terms.

15 May, 1862, c. 71, s. 2, v. 12, p. 386. 30 June, 1870, c. 180, s. 2, v. 16, p. 175.

Intermediate terms in California, Iowa, and Tennessee.

28 Sept., 1850, c. 86, s. 6, v. 9, p. 522. 3 March, 1849, c. 124, s. 1, v. 9, p. 411. 1st June, 1838, c. 118, s. 8, v. 5, p. 250. 18 June, 1839, c. 3, s. 1, v. 5, p. 313.

Business certified to circuit court in case of disability of district judge.

2 March, 1809, c. 27, s. 1, v. 2, p. 534. 29 July, 1850, c. 30, s. 1, v. 9, p. 442. 2 April, 1852, c. 20, v. 10, p. 5. 10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Ex parte U. S., 1 Gallis., 338.

SEC. 582. In the case of the non-attendance of the district judge of Tennessee at any term of the district court in either of the districts thereof, the circuit justice, or circuit judge of the circuit to which such district belongs, may hold such term, and shall have and exercise the jurisdiction and powers given by law to a district judge.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 583. If the judge of any district court is unable to attend at the commencement of any regular, adjourned, or special term, the court may be adjourned by the marshal, by virtue of a written order directed to him by the judge, to the next regular term, or to any earlier day, as the order may direct.

SEC. 584. If the judge of any district court in Alabama, California, Georgia, Indiana, Iowa, Kentucky, North Carolina, Tennessee, or West Virginia is not present at the time for opening the court, the clerk may open and adjourn the court from day to day for four days; and if the judge does not appear by two o'clock after noon of the fourth day, the clerk shall adjourn the court to the next regular term. But this section is subject to the provisions of the preceding and next sections.

Cal., 28 Sept., 1850, c. 86, s. 6, v. 9, p. 522. Ga., 18 August, 1848, c. 151, s. 10, v. 9, p. 281. Ind., 30 June, 1870, c. 180, s. 2, v. 16, p. 175. Iowa, 3 March, 1849, c. 124, s. 1, v. 9, p. 411. Ky., 15 May, 1862, c. 71, s. 2, v. 12, p. 386. N. Car., 23 Jan., 1812, c. 17, s. 2, v. 2, p. 676. Tenn., 18 June, 1838, c. 118, s. 7, v. 5, p. 250. W. Va., 26 May, 1824, c. 167, s. 3, v. 4, p. 49.

SEC. 585. In the districts of Indiana and Kentucky, the district judge, in the case provided in the preceding section, may, by a written order to the clerk within the first three days of his term, adjourn the district court to a future day within thirty days of the first day. The clerk shall give notice of such adjournment by posting a copy of said order on the front door of the court-house where the court is to be held.

180, s. 2, v. 16, p. 175.

SEC. 586. Whenever the judge of any district court in the districts of California, Iowa, and Tennessee fails to hold any regular term thereof, it shall be his duty, if it appears that the business of the court requires it, to hold an intermediate term. Such intermediate term shall be appointed by an order under his hand and seal, addressed to the clerk and marshal at least thirty days previous to the time fixed therein for holding it, and the order shall be published the same length of time in the several newspapers published within such districts respectively. And at such intermediate term the business of the court shall have reference to and be proceeded with in the same manner as if it were a regular term.

SEC. 587. When satisfactory evidence is shown to the circuit judge of any circuit, or, in his absence, to the circuit justice allotted to the circuit, that the judge of any district therein is disabled to hold a district court, and to perform the duties of his office, and an application accordingly is made in writing to such circuit judge or justice, by the district attorney or marshal of the district, the said judge or justice, as the case may be, may issue his order in the nature of a certiorari, directed to the clerk of such district court, requiring him forthwith to certify into the next circuit court to be held in said district all suits and processes, civil and criminal, depending in said district court, and undetermined, with all the proceedings thereon, and all the files and papers relating thereto. Said order shall be immediately published in one or more newspapers printed in said district, at least thirty days before the session of such circuit court, and shall be sufficient notification to all concerned; and thereupon the circuit court shall proceed to hear and determine the suits and processes so certified. And all bonds and recognizances taken for, or returnable to, such district court, shall be held to be taken for, and returnable to, said circuit court, and shall have the same effect

therein as they could have had in the district court to which they were taken. [See § 487.]

SEC. 588. When an order has been made as provided in the preceding section, the clerk of the district court shall continue, during the disability of the district judge, to certify, as aforesaid, all suits, pleas, and processes, civil and criminal, thereafter begun in said court, and to transmit them to the circuit court next to be held in that district; and the said court shall proceed to hear and determine them as provided in said section: *Provided*, That when the disability of the district judge ceases or is removed, the circuit court shall order all such suits and proceedings then pending and undetermined therein, in which the district courts have an exclusive original cognizance, to be remanded, and the clerk of such court shall transmit the same, with all matters relating thereto, to the district court next to be held in that district; and the same proceedings shall then be had in the district court as would have been had if such suits had originated or been continued therein.

SEC. 589. In the case provided in the two preceding sections the circuit judge, and in his absence the circuit justice, shall have and exercise, during such disability, all the powers of every kind vested by law in such district judge. But this provision does not require them to hold any special court, or court of admiralty, at any other time than that fixed by law for holding the circuit court in said district.

SEC. 590. When the business of a circuit^(*) court is certified into the circuit court on account of the disability of the district judge, the district clerk shall be authorized, by order of the circuit judge, or, in his absence, of the circuit justice within whose circuit such district is included, to take, during such disability, all examinations and depositions of witnesses, and make all necessary rules and orders, preparatory to the final hearing of all causes of admiralty and maritime jurisdiction.

SEC. 591. When any district judge is prevented, by any disability, from holding any stated or appointed term of his district court, or of the circuit court in his district in the absence of the other judges, and that fact is made to appear by the certificate of the clerk, under the seal of the court, to the circuit judge, or, in his absence, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in the same circuit to hold said courts, and to discharge all the judicial duties of the judge so disabled, during such disability. Such appointment shall be filed in the clerk's office, and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the district clerk to the judge so designated and appointed.

SEC. 592. When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk, under the seal of the court, to the circuit judge, or, in his absence, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof; and each of the said district judges may, in case of such appointment, hold separately at the same time a district or circuit court in such district, and discharge all the judicial duties of a district judge therein; but no such judge shall hear appeals from the district court.

SEC. 593. If the circuit judge and circuit justice are absent from the circuit, or are unable to execute the provisions of either of the two preceding sections, or if the district judge so designated is disabled or neglects to hold the courts and transact the business for which he is designated, the district clerk shall certify the fact to the Chief Justice of the United States, who may thereupon designate and appoint, in the manner aforesaid, the judge of any district within such circuit or within any circuit next contiguous; and said appointment shall be transmitted

Suits brought in district court after order to certify to circuit court.

2 March, 1809, c. 27, s. 2, v. 2, p. 535.

Ex parte U. S., 1 Gallis., 338.

Powers of district judge vested, during disability, in circuit judge.

2 March, 1809, c. 27, s. 2, v. 2, p. 534.

Preparatory examinations and orders in admiralty cases by district clerk.

2 March, 1809, c. 27, s. 3, v. 2, p. 536.

10 April, 1809, c. 22, s. 2, v. 16, p. 44.

District judge designated to perform duties of disabled judge.

29 July, 1850, c. 30, s. 1, v. 9, p. 442.

10 April 1869, c. 22, s. 2, v. 16, p. 44.

Designation of another judge in case of accumulation of business.

2 April, 1852, c. 20, v. 10, p. 5.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

When designation of another judge to be by Chief Justice United States.

29 July, 1850, c. 30, s. 2, v. 9, p. 443.

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(*) Should be *district* court.

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Ex parte U. S., 1 Gallis., 338.

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10 April, 1869, c. 23, s. 2, v. 16, p. 44.

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SEC. 584. If the judge of any district court in Alabama, California, Georgia, Indiana, Iowa, Kentucky, North Carolina, Tennessee, or West Virginia is not present at the time for opening the court, the clerk may open and adjourn the court from day to day for four days; and if the judge does not appear by two o'clock after noon of the fourth day, the clerk shall adjourn the court to the next regular term. But this section is subject to the provisions of the preceding and next sections.

SEC. 585. In the districts of Indiana and Kentucky, the district judge, in the case provided in the preceding section, may, by a written order to the clerk within the first three days of his term, adjourn the district court to a future day within thirty days of the first day. The clerk shall give notice of such adjournment by posting a copy of said order on the front door of the court-house where the court is to be held.

SEC. 586. Whenever the judge of any district court in the districts of California, Iowa, and Tennessee fails to hold any regular term thereof, it shall be his duty, if it appears that the business of the court requires it, to hold an intermediate term. Such intermediate term shall be appointed by an order under his hand and seal, addressed to the clerk and marshal at least thirty days previous to the time fixed therein for holding it, and the order shall be published the same length of time in the several newspapers published within such districts respectively. And at such intermediate term the business of the court shall have reference to and be proceeded with in the same manner as if it were a regular term.

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SEC. 591. When any district judge is prevented, by any disability, from holding any stated or appointed term of his district court, or of the circuit court in his district in the absence of the other judges, and that fact is made to appear by the certificate of the clerk, under the seal of the court, to the circuit judge, or, in his absence, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in the same circuit to hold said courts, and to discharge all the judicial duties of the judge so disabled, during such disability. Such appointment shall be filed in the clerk's office, and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the district clerk to the judge so designated and appointed.

SEC. 592. When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk, under the seal of the court, to the circuit judge, or, in his absence, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof; and each of the said district judges may, in case of such appointment, hold separately at the same time a district or circuit court in such district, and discharge all the judicial duties of a district judge therein; but no such judge shall hear appeals from the district court.

SEC. 593. If the circuit judge and circuit justice are absent from the circuit, or are unable to execute the provisions of either of the two preceding sections, or if the district judge so designated is disabled or neglects to hold the courts and transact the business for which he is designated, the district clerk shall certify the fact to the Chief Justice of the United States, who may thereupon designate and appoint, in the manner aforesaid, the judge of any district within such circuit or within any circuit next contiguous; and said appointment shall be transmitted

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10 April 1869, c. 22, s. 2, v. 16, p. 44.

Designation of another judge in case of accumulation of business.

2 April, 1852, c. 20, v. 10, p. 5.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

When designation of another judge to be by Chief Justice United States.

29 July, 1850, c. 30, s. 2, v. 9, p. 443.

2 April, 1852, c. 20, v. 10, p. 5.

(*) Should be *district court*.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Revocation and new appointment.

29 July, 1850, c. 30, s. 4, v. 9, p. 443.

2 April, 1852, c. 20, v. 10, p. 5.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Duty of district judge to comply with designation and appointment.

29 July, 1850, c. 30, s. 3, v. 9, p. 443.

2 April, 1852, c. 20, v. 10, p. 5.

Designation of district judge when public interest requires.

3 March, 1871, c. 113, s. 3, v. 16, p. 494.

29 July, 1850, c. 30, s. 1, v. 9, p. 442.

Expenses of a district judge designated to southern district of New York.

5 March, 1872, c. 35, v. 17, p. 36.

Disability of district judges in Florida.

24 Feb., 1855, c. 125, v. 10, p. 615.

Disability of judge of northern and southern districts of New York.

3 April, 1818, c. 32, s. 1, v. 3, p. 414.

25 Feb., 1865, c. 54, s. 3, v. 13, p. 438.

When district judge of eastern district of New York may act in southern district.

25 Feb., 1865, c. 54, s. 3, v. 13, p. 438.

When district judge is interested in suit pending before him.

3 March, 1821, c. 51, v. 3, p. 643.

to the district clerk, and be acted upon by him as directed in the preceding section.

SEC. 594. The circuit judge, or circuit justice, or the Chief Justice, as the case may be, may, from time to time, if in his judgment the public interests so require, make a new designation and appointment of any other district judge within the said circuits, for the duties, and with the powers mentioned in the three preceding sections, and to revoke any previous designation and appointment.

SEC. 595. It shall be the duty of the district judge who is designated and appointed under either of the four preceding sections, to discharge all the judicial duties for which he is so appointed, during the continuance of such disability, or, in the case of an accumulation of business, during the time for which he is so appointed; and all the acts and proceedings in the courts held by him, or by or before him, in pursuance of said provisions, shall have the same effect and validity as if done by or before the district judge of the said district.

SEC. 596. It shall be the duty of every circuit judge, whenever in his judgment the public interest so requires, to designate and appoint, in the manner and with the powers provided in section five hundred and ninety-one, the district judge of any judicial district within his circuit to hold a district or circuit court in the place or in aid of any other district judge within the same circuit; and it shall be the duty of the district judge, so designated and appointed, to hold the district or circuit (*) as aforesaid, without any other compensation than his regular salary as established by law, except in the case provided in the next section.

SEC. 597. Whenever a district judge, from another district, holds a district or circuit court in the southern district of New York, in pursuance of the preceding section, his expenses, not exceeding ten dollars a day, certified by him, shall be paid by the marshal of said district, as a part of the expenses of the court, and shall be allowed in the marshal's account.

SEC. 598. When a certificate of the judge of either of the districts of Florida, stating that he is disabled to hold any regular, special, or adjourned term of the court of such district, and requesting the judge of the other district to hold the same, is filed in the clerk's office of the place where it is to be held, the judge of the other district is authorized to hold such courts, and to exercise all the powers of district judge, in the district of the judge so certifying.

SEC. 599. Whenever the judge of the northern district of New York is disabled to perform the duties of his office, it shall be the duty of the judge of the southern district, upon receiving from him notice thereof, to hold the district court, and to perform all the duties of district judge for such district. And whenever the judge of the southern district is so disabled, it shall be the duty of the judge of the eastern district, upon a like notice, to hold the district court, and to perform all the duties of district judge for the southern district. In such cases the said judges, respectively, shall have the same powers as are vested in the judge so disabled.

SEC. 600. Whenever the judge of the southern district of New York deems it desirable, on account of the pressure of public business or other cause, that the judge of the eastern district shall perform the duties of a district judge in the southern district, an order to that effect may be entered upon the records of the district court thereof; and thereupon the judge of the eastern district shall have power to hold the district court, and to perform all the duties of district judge for the southern district.

SEC. 601. Whenever it appears that the judge of any district court is in any way concerned in interest in any suit pending therein, or has been of counsel for either party, or is so related to or connected with either party as to render it improper, in his opinion, for him to sit on the trial, it shall be his duty, on application by either party, to cause

(*) The word *court* omitted.

the fact to be entered on the records of the court; and, also, an order that an authenticated copy thereof, with all the proceedings in the suit, shall be forthwith certified to the next circuit court for the district; and if there be no circuit court therein, to the next circuit court in the State; and if there be no circuit court in the State, to the next convenient circuit court in an adjoining State; and the circuit court shall, upon the filing of such record with its clerk, take cognizance of and proceed to hear the case, in like manner as if it had originally and rightfully been commenced therein. (See § 37.)

SEC. 602. When the office of judge of any district court is vacant, all process, pleadings, and proceedings pending before such court shall be continued of course until the next stated term after the appointment and qualification of his successor; except when such first-mentioned term is held as provided in the next section.

SEC. 603. When the office of district judge is vacant in any district in a State containing two or more districts, the judge of the other or of either of the other districts may hold the district court, or the circuit court in case of the sickness or absence of the other judges thereof, in the district where the vacancy occurs, and discharge all the judicial duties of judge of such district, during such vacancy; and all the acts and proceedings in said courts, by or before such judge of an adjoining district, shall have the same effect and validity as if done by or before a judge appointed for such district.

8 May, 1792, c. 36, s. 11, v. 1, p. 278.

Spencer vs. Lapeley, 20 How., 266.

Continuances by vacancy in office of district judge.

24 Sept., 1789, c. 20, s. 6, v. 1, p. 76.

6 August, 1861, c. 59, v. 12, p. 318.

Vacancy in office of district judge.

6 August, 1861, c. 59, v. 12, p. 318.

CHAPTER FIVE.

JUDICIAL CIRCUITS.

Sec. 604. Circuits.

SEC. 604. The judicial districts of the United States are divided into nine circuits as follows:

First. The first circuit includes the districts of Rhode Island, Massachusetts, New Hampshire, and Maine.

Second. The second circuit includes the districts of Vermont, Connecticut, and New York.

Third. The third circuit includes the districts of Pennsylvania, New Jersey, and Delaware.

Fourth. The fourth circuit includes the districts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

Fifth. The fifth circuit includes the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

Sixth. The sixth circuit includes the districts of Ohio, Michigan, Kentucky, and Tennessee.

Seventh. The seventh circuit includes the districts of Indiana, Illinois, and Wisconsin.

Eighth. The eighth circuit includes the districts of Nebraska, Minnesota, Iowa, Missouri, Kansas, and Arkansas.

Ninth. The ninth circuit includes the districts of California, Oregon, and Nevada.

Circuits.

24 Sept., 1789, c. 20, s. 4, v. 1, p. 74.

30 March, 1820, c. 27, s. 1, v. 3, p. 554.

23 July, 1866, c. 210, s. 2, v. 14, p. 209.

25 March, 1867, c. 7, s. 2, v. 15, p. 6.

CHAPTER SIX.

CIRCUIT COURTS—ORGANIZATION.

<p>Sec. 605. Justices allotted to circuits, how designated. 606. Allotment of the justices to the circuits. 607. Circuit judges. 608. Circuit courts, where established. 609. Circuit courts, by whom to be held. 610. Justices of Supreme Court to attend once in every two years. 611. Judges of circuit courts may sit apart. 612. Circuit courts held at same time in different districts. 613. Criminal terms in the southern district of New York; how held. 614. When district judges may sit in cases of appeal or error to their own decisions. 615. When suits transferred from one circuit to another.</p>	<p>Sec. 616. Cause certified back. 617. Justices may hold courts of other circuits on request. 618. When no justice is allotted to a circuit. 619. Clerks. 620. Clerks in Kentucky. 621. Clerks in North Carolina. 622. Clerks in western district of Virginia. 623. Clerks in western district of Wisconsin. 624. Deputy clerks. 625. Deputy clerks of circuit court in Indiana. 626. Compensation of deputy clerks. 627. Commissioners. 628. Marshals not to be commissioners.</p>
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Justices allotted to circuits, how designated.

SEC. 605. The words "circuit justice" and "justice of a circuit," when used in this Title, shall be understood to designate the justice of the Supreme Court who is allotted to any circuit; but the word "judge," when applied generally to any circuit, shall be understood to include such justice.

Allotment of the justices to the circuits.

SEC. 606. The Chief Justice and associate justices of the Supreme Court shall be allotted among the circuits by an order of the court, and a new allotment shall be made whenever it becomes necessary or convenient by reason of the alteration of any circuit, or of the new appointment of a Chief Justice or associate justice, or otherwise. If a new allotment becomes necessary at any other time than during a term, it shall be made by the Chief Justice, and shall be binding until the next term and until a new allotment by the court.

2 March, 1867, c. 156, s. 1, v. 14, p. 433.
Stuart vs. Laird, 1 Cr., 299.

Circuit judges.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.
3 March, 1871, c. 113, ss. 3, 4, v. 16, pp. 494, 495.

SEC. 607. For each circuit there shall be appointed a circuit judge, who shall have the same power and jurisdiction therein as the justice of the Supreme Court, allotted to the circuit, and shall be entitled to receive a salary at the rate of six thousand dollars a year, payable quarterly on the first days of January, April, July, and October. Every circuit judge shall reside within his circuit.

Circuit courts, where established.

24 Sept., 1789, c. 20, s. 4, v. 1, p. 74.
Ala., 3 Mar., 1873, c. 223, ss. 2, 4, v. 17, pp. 484, 485. Ark., 3 Mar., 1837, c. 34, s. 3, v. 5, p. 177; 3 Mar., 1851, c. 24, ss. 1, 3, v. 9, pp. 594, 595; 19 Feb., 1869, c. 34, v. 15, p. 271; 3 Mar., 1871, c. 106, s. 5, v. 16, p. 472. Cal., Oreg., 3 Mar., 1863, c. 100, s. 2, v. 12, p. 794. Fla., Minn., 15 July, 1862, c. 178, s. 2, v. 12, p. 576. Ga., 11 Aug., 1848, c. 151, ss. 4, 5, 8, v. 9, pp. 280, 281; 4 June, 1872, c. 284, s. 1, v. 17, p. 218. Ill., 19 Feb., 1855, c. 96, s. 2, v. 10, p. 606. Ind., Iowa, Kans., 3 Mar., 1837, c. 34, s. 3, v. 5, p. 177. Ky., 24 Feb., 1807, c. 16, s. 2, v. 2, p. 420. La., 3 Mar., 1837, c. 34, s. 3, v. 5, p. 177; 27 July, 1868, c. 280, s. 1, v. 14, p. 300. Mich., 24 Feb., 1863, c. 54, s. 2, v. 12, p. 661. Miss., so. dist., 3 Mar., 1857, c. 34, s. 2, v. 5, p. 177; 18 June, 1838, c. 115, s. 1, v. 5, p. 247; 16 Feb., 1839, c. 27, ss. 1, 2, v. 5, p. 317. Mo., 3 Mar., 1857, c. 100, s. 10, v. 11, p. 196; 8 June, 1872, c. 334, v. 17, p. 282; 25 Feb., 1873, c. 200, v. 17, p. 476. Nebr., 25 Mar., 1867, c. 7, s. 2, v. 15, p. 5. Nev., 27 Feb., 1865, c. 64, s. 2, v. 13, p. 440. N. Y., 9 Apr., 1814, c. 49, s. 3, v. 3, p. 121; 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. N. Car., 4 June, 1790, c. 17, s. 1, v. 1, p. 126. Ohio, 10 Feb., 1855, c. 73, s. 2, v. 10, p. 604. Penn., 20 Apr., 1818, c. 108, s. 4, v. 3, p. 462; 3 Mar., 1837, c. 34, s. 2, v. 5, p. 177. R. I., 23 June, 1790, c. 21, s. 1, v. 1, p. 128. Tenn., 24 Feb., 1807, c. 16, s. 2, v. 2, p. 420; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313; 25 June, 1868, c. 79, s. 1, v. 15, p. 5. Tex., 15 July, 1862, c. 178, s. 2, v. 12, p. 576. Vt., 2 Mar., 1791, c. 12, s. 3, v. 1, p. 197. Va., 3 Feb., 1871, c. 35, ss. 2, 3, v. 16, p. 403. W. Va., 3 Mar., 1837, c. 34, s. 2, v. 5, p. 177; 11 June, 1864, c. 120, s. 1, v. 13, p. 124; 27 July, 1866, Res. 90, v. 14, p. 369. Wis., 29 June, 1870, c. 175, ss. 1, 2, 3, v. 16, p. 171.

SEC. 608. Circuit courts are established as follows: One for the three districts of Alabama, one for the eastern district of Arkansas, one for the southern district of Mississippi, and one for each district in the States not herein named; and shall be called the circuit courts for the districts for which they are established.

SEC. 609. Circuit courts shall be held by the circuit justice, or by the circuit judge of the circuit, or by the district judge of the district sitting alone, or by any two of the said judges sitting together.

Circuit courts; by whom to be held.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Justices of Supreme Court to attend once in every two years.

SEC. 610. It shall be the duty of the Chief Justice, and of each justice of the Supreme Court, to attend at least one term of the circuit court in each district of the circuit to which he is allotted during every period of two years.

10 April, 1869, c. 22, s. 4, v. 16, p. 45.

Judges of circuit courts may sit apart.

SEC. 611. Cases may be heard and tried by each of the judges holding a circuit court sitting apart by direction of the presiding justice or judge, who shall designate the business to be done by each.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Circuit courts held at same time in different districts.

SEC. 612. Circuit courts may be held at the same time in the different districts of the same circuit.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Criminal terms in the southern district of New York; how held.

SEC. 613. The terms of the circuit court for the southern district of New York, appointed exclusively for the trial and disposal of criminal business, may be held by the circuit judge of the second judicial circuit and the district judges for the southern and eastern districts of New York, or any one of said three judges; and at every such term held by said judge of said eastern district he shall receive the sum of three hundred dollars, the same to be paid in the manner now prescribed by law for the payment of the expenses of another district judge while holding court in said district.

7 Feb., 1873, c. 120, s. 2, v. 17, p. 422.

SEC. 614. A district judge sitting in a circuit court shall not give a vote in any case of appeal or error from his own decision, but may assign the reasons for such decision: *Provided*, That such a cause may, by consent of parties, be heard and disposed of by him when holding a circuit court sitting alone. When he holds a circuit court with either of the other judges, the judgment or decree in such cases shall be rendered in conformity with the opinion of the presiding justice or judge.

When district judges may sit in cases of appeal or error to their own decisions.

24 Sept., 1789, c. 20, s. 4, v. 1, p. 74.

29 April, 1802, c.

31, s. 5, v. 2, p. 158. 2 March, 1867, c. 185, s. 2, v. 14, p. 545.—*Brigham vs. Cabbot*, 3 Dall., 19.

SEC. 615. When it appears in any civil suit in any circuit court that all of the judges thereof who are competent by law to try said case are in any way interested therein, or have been of counsel for either party, or are so related or connected with either party as to render it, in the opinion of the court, improper for them to sit in such trial, it shall be the duty of the court, on the application of either party, to cause the fact to be entered on the records, and to make an order that an authenticated copy thereof, with all the proceedings in the case, shall be forthwith certified to the most convenient circuit court in the next adjoining State or in the next adjoining circuit; and said court shall, upon the filing of such record and order with its clerk, take cognizance of and proceed to hear and determine the case, in the same manner as if it had been rightfully and originally commenced therein; and the proper process for the due execution of the judgment or decree rendered in the cause shall run into and may be executed in the district where such judgment or decree was rendered, and also into the district from which the cause was removed.

When suits transferred from one circuit to another.

28 Feb., 1839, c. 36, s. 8, v. 5, p. 322.

3 March, 1863, c. 93, s. 2, v. 12, p. 768.

Spencer vs. Lapeley, 20 How., 264; *Supervisors vs. Rogers*, 7 Wall., 175; *Richardson vs. Boston*, 1 Curt. C. C., 250.

SEC. 616. The circuit justice, or the circuit judge of any circuit, may order any civil cause, which is certified into any court of the circuit under the provisions of the preceding section, to be certified back to the court whence it came; and then the latter shall proceed therein as if the cause had not been certified from it: *Provided*, That if, for any reason, it shall be improper for the judges of such court to try the cause so certified back, it shall be tried by some other judge holding such court, pursuant to the provisions of the next section.

Cause certified back.

3 March, 1863, c. 93, s. 2, v. 12, p. 768.

28 Feb., 1839, c. 36, s. 8, v. 5, p. 322.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Supervisors vs. Rogers, 7 Wall., 175.

Justices may hold courts of other circuits on request.

3 March, 1863, c. 93, s. 1, v. 12, p. 768.

Supervisors vs. Rogers, 7 Wall., 175.

When no justice is allotted to a circuit.

3 Mar., 1863, c. 93, ss. 2, 3, v. 12, p. 768.

Clerks.

24 Sept., 1789, c. 20, s. 7, v. 1, p. 76.

Clerks in Kentucky.

15 May, 1862, c. 71, s. 7, v. 12, p. 367.

10 April, 1869, c. 22, s. 3, v. 16, p. 45.

Clerks in North Carolina.

4 June, 1872, c. 262, s. 9, v. 17, p. 217.

Clerks in western district of Virginia.

3 Feb., 1871, c. 35, s. 9, v. 16, p. 404.

Clerks in western district of Wisconsin.

29 June, 1870, c. 175, s. 9, v. 16, p. 172.

Deputy clerks.

8 June, 1872, c. 336, v. 17, p. 330.

Deputy clerks of circuit court in Indiana.

3 March, 1871, c. 108, s. 1, v. 16, p. 473.

30 June, 1870, c. 180, ss. 1, 7, v. 16, p. 175.

SEC. 617. Whenever a circuit justice deems it advisable, on account of his disability or absence, or of his having been of counsel, or being interested in any case pending in the circuit court for any district in his circuit, or of the accumulation of business therein, or for any other cause, that said court shall be held by the justice of any other circuit, he may, in writing, request the justice of any other circuit to hold the same, during a time to be named in the request; and such request shall be entered upon the journal of the circuit court so to be holden. Thereupon it shall be lawful for the justice so requested to hold such court, and to exercise within and for said district, during the time named in said request, all the powers of the justice of such circuit.

SEC. 618. Whenever, by reason of death or resignation, no justice is allotted to a circuit, the Chief Justice of the Supreme Court may make a request as provided in the preceding section, which shall have effect in like manner until a justice is allotted to such circuit.

SEC. 619. A clerk shall be appointed for each circuit court by the circuit judge of the circuit, except in cases otherwise provided for by law.

10 April, 1869, c. 22, s. 2, v. 16, p. 45.

SEC. 620. In the district of Kentucky, a clerk of the circuit court shall be appointed at each place of holding the court, in the same manner and subject to the same duties and responsibilities which are or may be provided for clerks in independent districts.

SEC. 621. In the western district of North Carolina the circuit and district judges shall appoint three clerks, each of whom shall be clerks both of the circuit and district courts for said western district of North Carolina. One shall reside and keep his office at Statesville, one shall reside and keep his office at Asheville, and the third shall reside and keep his office at Greensborough.

SEC. 622. In the western district of Virginia the circuit and district judges shall appoint four clerks, each of whom shall be clerks both of the circuit and district courts for said district. One of these clerks shall reside and keep his office at Lynchburgh, another shall reside and keep his office at Abingdon, another shall reside and keep his office at Danville, and the fourth shall reside and keep his office at Harrisonburgh, in said district.

SEC. 623. In the western district of Wisconsin the circuit and district judges shall appoint two clerks, each of whom shall be clerks both of the circuit and district courts for said district. One shall reside and keep his office at Madison, and the other shall reside and keep his office at La Crosse.

SEC. 624. One or more deputies of any clerk of a circuit court may be appointed by such court, on the application of the clerk, and may be removed at the pleasure of judges authorized to make the appointment. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office, and perform the duties of the clerk in his name until a clerk is appointed and qualified; and for the defaults or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk, and his estate, and the sureties in his official bond shall be liable; and his executor or administrator shall have such remedy for any such defaults or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

SEC. 625. In the district of Indiana a deputy clerk of the circuit court must be appointed for said court held at New Albany, and a deputy clerk for said court held at Evansville, who shall reside and keep their offices at said places respectively. Each deputy shall keep in his office full records of all actions and proceedings in the circuit court held at the same place, and shall have the same power to issue all process from the

said court that is or may be given to the clerks of other circuit courts in like cases.

SEC. 626. The compensations of deputies of clerks of the circuit courts shall be paid by the clerks, respectively, and allowed, in the same manner that other expenses of the clerks' offices are paid and allowed.

SEC. 627. Each circuit court may appoint, in different parts of the district for which it is held, so many discreet persons as it may deem necessary, who shall be called "commissioners of the circuit courts," and shall exercise the powers which are or may be expressly conferred by law upon commissioners of circuit courts. [See §§ 2025, 2026.]

SEC. 628. No marshal, or deputy marshal, of any of the courts of the United States shall hold or exercise the duties of commissioner of any of the said courts.

Compensation of deputy clerks.

8 June, 1872, c. 336, v. 17, p. 330.

Commissioners.

2 Mar., 1793, c. 22, s. 4, v. 1, p. 334.
20 Feb., 1812, c. 25, s. 1, v. 2, p. 679.
1 Mar., 1817, c. 30, v. 3, p. 350.

Marshals not to be commissioners.

16 Aug., 1856, c. 124, s. 13, v. 11, p. 50.

CHAPTER SEVEN

CIRCUIT COURT—JURISDICTION.

Sec.

629. Jurisdiction.
630. In bankruptcy.
631. Appeals in admiralty causes.
632. Copies of proofs and entries certified to appellate court.
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638. Courts always open for certain purposes.
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640. Removal of suits against corporations organized under a law of the United States.
641. Removal of causes against persons denied any civil right, &c.
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643. Removal of suits and prosecutions against revenue officers and officers acting under registration laws.

Sec.

644. Removal of suits by aliens in a particular case.
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646. Attachments, injunctions, and indemnity bonds to remain in force after removal.
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648. Issues of fact; when to be tried by jury.
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651. Division of opinion in criminal causes; certificate.
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653. Business of the circuit court for the two districts of Missouri transferred, how.
654. Process issued out of former circuit court for Missouri.
655. Transfer of cases between eastern and western districts.
656. Custody of books, papers, &c., of circuit court of Missouri.
657. Circuit court for southern district of New York, how limited.

SEC. 629. The circuit courts shall have original jurisdiction as follows:

First. Of all suits of a civil nature at common law or in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, and an alien is a party, or the suit is between a citizen of the State where it is brought and a citizen of another State: *Provided*, That no circuit court shall have cognizance of any suit to recover the contents of any promissory note or other chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange.

Jurisdiction.

Aliens, citizens of different States.

24 Sept., 1879, c. 20, s. 11, v. 1, p. 78.

Emory vs. Greenough, 3 Dall., 369; Bingham vs. Cabot, 3 Dall., 382; Turner vs. Enrille, 4

Dall., 7; Turner vs. Bank of North America, 4 Dall., 8; Mossman vs. Higginson, 4 D^o 12; Abercrombie vs. Dupuis, 1 Cr., 343; Hepburn vs. Ellzey, 2 Cr., 445; Strawbridg

Curtiss, 3 Cr., 267; Mantalet vs. Murray, 4 Cr., 46; Chappel DeLaine vs. Dechenaux, 4 Cr., 306; Pollard vs. Dwight, 4 Cr., 421; Brown vs. Strode, 5 Cr., 303; Sere vs. Pitto, 6 Cr., 332; New Orleans vs. Winter, 1 Wh., 91; Morgan's Heirs vs. Morgan, 2 Wh., 290; Cameron vs. McRoberts, 3 Wh., 593; Young vs. Bryan, 6 Wh., 146; Wormley vs. Wormley, 8 Wh., 422; Childress vs. Emery, 8 Wh., 542; Gracie vs. Palmer, 8 Wh., 699; Mollan vs. Torrance, 9 Wh., 537; McDonald vs. Smally, 1 Pet., 620; Jackson vs. Twentyman, 2 Pet., 136; Bank of Kentucky vs. Wister, 2 Pet., 318; Conolly vs. Taylor, 2 Pet., 556; Buckner vs. Finley, 2 Pet., 586; Battier vs. Hine, 7 Pet., 252; Breedlove vs. Nicolet, 7 Pet., 413; Dunn vs. Clark, 8 Pet., 1; Boyce's Executors vs. Grundy, 9 Pet., 275; Livingston vs. Story, 11 Pet., 351; Clarke vs. Matthewson, 12 Pet., 164; Toland vs. Sprague, 13 Pet., 300, 327; Bank of Augusta vs. Earle, 13 Pet., 519; Bank of Vicksburgh vs. Slocumb, 14 Pet., 60; Irvine vs. Lowry, 14 Pet., 293; Levy vs. Fitzpatrick, 15 Pet., 171; Gordon vs. Longest, 16 Pet., 97; McNutt vs. Bland, 2 How., 9; Gwyn vs. Breedlove, 2 How., 19; Louisville Railroad Company vs. Letson, 2 How., 497; Gwyn vs. Barton, 6 How., 7; Bank of United States vs. Moss, 6 How., 31; Shelton vs. Tiffin, 6 How., 163; Smith vs. Kernochen, 7 How., 198; Sheldon vs. Sill, 8 How., 441; Shelby vs. Bacon, 10 How., 56; Chaffee vs. Hayward, 12 How., 208; Coffee vs. Planters' Bank, 13 How., 183; Haff vs. Hutchinson, 14 How., 586; Marshall vs. Baltimore and Ohio Railroad Company, 16 How., 314; Herndon vs. Ridgway, 17 How., 424; Jones vs. League, 18 How., 76; Lafayette Insurance Company vs. French, 18 How., 404; Union Bank vs. Valden, 18 How., 503; Jones vs. McMasters, 20 How., 8; Hyde vs. Stone, 20 How., 175; Chaffee vs. Hayward, 20 How., 208; Covington Drawbridge Company vs. Shepherd, 20 How., 227; Whyte vs. Gibbes, 20 How., 541; Irvine vs. Marshall, 20 How., 565; Covington Drawbridge Company vs. Shepherd, 21 How., 122; White vs. Railroad, 21 How., 575; Barber vs. Barber, 21 How., 582; Green's Administratrix vs. Creighton, 23 How., 90; Eberly vs. Moore, 24 How., 147; Fitch vs. Creighton, 24 How., 159; Freeman vs. Howe, 24 How., 460; Railroad vs. Wheeler, 1 Bl., 286; Minnesota Com. vs. Saint Paul Com., 2 Wall., 609; De Sobry vs. Nicholson, 3 Wall., 420; Barney vs. Baltimore City, 6 Wall., 227; Cowles vs. Mercer County, 7 Wall., 118; Payne vs. Hook, 7 Wall., 425; Brady vs. Rhine's Adm'n'r, 8 Wall., 393; Bushnell vs. Kennedy, 9 Wall., 387; Hornthall vs. Collector, 9 Wall., 566; Reilly vs. Golding, 10 Wall., 56; Jones vs. Andrews, 10 Wall., 327; Pennsylvania vs. Quicksilver Com., 10 Wall., 556; Coal Company vs. Blatchford, 11 Wall., 172; Insurance Company vs. Francia, 11 Wall., 210; Rice vs. Houston, 13 Wall., 66; Railway Company vs. Whitton, 13 Wall., 270; Christmas vs. Russell, 14 Wall., 69; City of Lexington vs. Butler, 14 Wall., 222; Horn vs. Lockhart, 17 Wall., 570; Martin vs. Taylor, 1 Wash. C. C., 1; Gale vs. Babcock, 4 Wash. C. C., 189, 344; Bobyshall vs. Oppenheimer, 4 Wash. C. C., 422; United States vs. Ravara, 2 Dall., 227; Saint Luke's Hospital vs. Barclay, 3 Blatch., 269; Graham vs. Stucken, 4 Blatch., 50; Barr vs. Simpson, Bald., 543; Hatch vs. Dorr, 4 McLean, 112; Thaxter vs. Hatch, 6 McLean, 68; Bradford vs. Jenks, 2 McLean, 130; Wilkenson vs. Wilkenson, 2 Cur. C. C., 582; Dundas vs. Bowler, 3 McLean, 204; United States vs. Green, 4 Mas., 427.

Suits in equity by the United States.

24 Sept., 1789, c. 20, s. 11, v. 1, p. 78.

Suits at common law by United States or officers.

24 Sept., 1789, c. 20, ss. 9, 11, v. 1, pp. 76, 78.

Suits under import, internal-revenue, and postal laws.

Imports, 2 March 1833, c. 57, s. 2, v. 4, p. 632.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. Internal revenue, 13 July, 1868, c. 184, ss. 9, 19, v. 14, pp. 111, 145, 152. 2 March, 1867, c. 169, ss. 10, 25, v. 14, pp. 475, 483. 20 July, 1868, c. 186, s. 106, v. 15, p. 167. 30 June, 1864, c. 173, ss. 41, 179, v. 13, pp. 239, 240, 305. 3 March, 1865, c. 78, s. 1, v. 13, p. 423. Postal laws, 3 March, 1845, c. 43, s. 20, v. 5, p. 739.

Suits for the enforcement of penalties.

3 March, 1856, c. 213, s. 15, v. 10, p. 720.

Condemnation of property used for insurrectionary purposes.

6 Aug., 1861, c. 60, s. 2, v. 12, p. 319.—Union Insurance Co. vs. U. S., 6 Wall., 759.

Second. Of all suits in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, and the United States are petitioners.

Third. Of all suits at common law where the United States, or any officer thereof suing under the authority of any act of Congress, are plaintiffs.

Fourth. Of all suits at law or in equity, arising under any act providing for revenue from imports or tonnage, except civil causes of admiralty and maritime jurisdiction, and seizures on land or on waters not within admiralty and maritime jurisdiction, and except suits for penalties and forfeitures; of all causes arising under any law providing internal revenue, and of all causes arising under the postal laws.

Fifth. Of all suits and proceedings for the enforcement of any penalties provided by laws regulating the carriage of passengers in merchant vessels. [See § 4370.]

Sixth. Of all proceedings for the condemnation of property taken as prize, in pursuance of section fifty-three hundred and eight, Title "INSURRECTION." [See §§ 5308, 5309.]

Seventh. Of all suits arising under any law relating to the slave-trade. Suits under slave-trade laws.

22 March, 1794, c. 11, s. 1, v. 1, p. 347. 10 May, 1800, c. 51, ss. 1, 5, v. 2, pp. 70, 71. 2 March, 1807, c. 22, s. 7, v. 2, p. 28. 20 April, 1818, c. 91, ss. 1, 2, 4, 7, v. 3, pp. 450, 451, 452. 3 March, 1819, c. 101, s. 1, v. 3, p. 532.—U. S. *vs.* La Vengeance, 3 Dall., 297; U. S. *vs.* Schooner Sally, 2 Cr., 406; U. S. *vs.* Schooner Betsey and Charlotte, 4 Cr., 443; The Sarah, 8 Wh., 391.

Eighth. Of all suits by the assignee of any debenture for drawback of duties, issued under any law for the collection of duties against the person to whom such debenture was originally granted, or against any indorser thereof, to recover the amount of such debenture. Suits on debentures.

2 March, 1799, c. 22, s. 80, v. 1, p. 687. (688.)

Ninth. Of all suits at law or in equity arising under the patent or copyright laws of the United States. Patent and copyright suits.

8 July, 1870, c. 230, ss. 55, 106, v. 16, pp. 206 215.—Allen *vs.* Blunt, 1 Blatch., 480; Good-year *vs.* Day, 1 Blatch., 565; Goodyear *vs.* Union India Rubber Co., 4 Blatch., 63; Barr *vs.* Gregory, 2 Paine, 426; Brooks *vs.* Stolly, 3 McLean, 523; Pulte *vs.* Derby, 5 McLean, 328.

Tenth. Of all suits by or against any banking association established in the district for which the court is held, under any law providing for national banking associations. Suits against national banks.

3 June, 1864, c. 106, s. 57, v. 13, p. 116.—Kennedy *vs.* Gibson, 8 Wall., 506.

Eleventh. Of all suits brought by or against any banking association established in the district for which the court is held, under the provisions of Title "THE NATIONAL BANKS," to enjoin the Comptroller of the Currency, or any receiver acting under his direction, as provided by said title. Suits to enjoin the Comptroller of the Currency.

3 June, 1864, c. 106, ss. 50, 57, v. 13, pp. 115, 116.

Twelfth. Of all suits brought by any person to recover damages for any injury to his person or property on account of any act done by him, under any law of the United States for the protection or collection of any of the revenues thereof, or to enforce the right of citizens of the United States to vote in the several States. Suits for injuries on account of acts done under laws of the United States.

2 March, 1833, c. 57, s. 2, v. 4, p. 632. 16, p. 438. 31 May,

13 July, 1866, c. 184, s. 67, v. 14, p. 171. 28 Feb., 1871, c. 99, s. 15, v. 1870, c. 114, v. 16, p. 140.

Thirteenth. Of all suits to recover possession of any office, except that of elector of President or Vice-President, Representative or Delegate in Congress, or member of a State legislature, authorized by law to be brought, wherein it appears that the sole question touching the title to such office arises out of the denial of the right to vote to any citizen offering to vote, on account of race, color, or previous condition of servitude: *Provided*, That such jurisdiction shall extend only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States, and secured by any law to enforce the right of citizens of the United States to vote in all the States. Suits to recover offices.

31 May, 1870, c. 114, s. 23, v. 16, p. 146.

Fourteenth. Of all proceedings by the writ of quo warranto, prosecuted by any district attorney, for the removal from office of any person holding office, except as a member of Congress or of a State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution of the United States. Suits for removal of officers holding contrary to 14th amendment.

31 May, 1870, c. 114, s. 14, v. 16, p. 143. 28 Feb., 1871, c. 99, s. 15, v. 16, p. 438.

Fifteenth. Of all suits to recover pecuniary forfeitures under any act to enforce the right of citizens of the United States to vote in the several States. Suits for penalties under laws to enforce elective franchise.

31 May, 1870, c. 114, ss. 2, 3, 4, 8, v. 16, pp. 140, 141, 142. 28 Feb., 1871, c. 99, s. 15, v. 16, p. 438.

Sixteenth. Of all suits authorized by law to be brought by any person to redress the deprivation, under color of any law, statute, ordinance, regulation, custom, or usage of any State, of any right, privilege, or immunity, secured by the Constitution of the United States, or of any right secured by any law providing for equal rights of citizens of the United States, or of all persons within the jurisdiction of the United States. Suits to redress deprivation of rights secured by the Constitution and laws to persons within jurisdiction of United States.

20 April, 1871, c. 22, s. 1, v. 17, p. 13. 31 May, 1870, c. 114, ss. 16, 18, v. 16, p. 114. 9 April, 1866, c. 31, s. 3, v. 14, p. 27.

Suits on account of injuries by conspirators in certain cases.

20 April, 1871, c. 22, s. 2, v. 17, p. 13.

Suits against persons having knowledge of conspiracy, &c.

20 April, 1871, c. 22, s. 6, v. 17, p. 15.

Suits against officers and owners of vessels.

28 Feb., 1871, c. 100, s. 57, v. 16, p. 456.

Crimes and offenses.

24 Sept., 1789, c. 20, s. 11, v. 1, p. 78.

U. S. *vs.* Hudson and Goodwin, 7 Cr., 32; U. S. *vs.* Cooledge, 1 Wh., 415; U. S. *vs.* Bevans, 3 Wh., 336; U. S. *vs.* Coombs, 12 Pet., 72; State of Pennsylvania *vs.* Wheeling Bridge, 13 How., 563; U. S. *vs.* Jackalow, 1 Bl., 484; U. S. *vs.* Holliday, 3 Wall., 407; U. S. *vs.* Wood, 2 Wh., Cr. Cas., 325; U. S. *vs.* Ta-wan-ga-ca, Hemp., 304; U. S. *vs.* Terrell, Hemp., 411, 422; U. S. *vs.* Alberty, Hemp., 444.

In bankruptcy.

2 March, 1867, c. 176, ss. 2, 8, v. 14, pp. 518, 520.

Appeals in admiralty causes.

24 Sept., 1789, c. 20, s. 21, v. 1, p. 83.

3 March, 1803, c. 40, s. 2, v. 2, p. 244.

30 June, 1864, c. 170, s. 13, v. 13, p. 310.
How., 199; Montgomery *vs.* Anderson, 21 How., 396; U. S. *vs.* Woonson, 1 Gallis., 4; McLellan *vs.* U. S., 1 Gallis., 226; Hollen and Cargo, 1 Mas., 431.

Copies of proofs and entries certified to appellate court.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 163.

Writ of error to judgments of district courts.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.

Patterson *vs.* U. S., 2 Wh., 221; Smith *vs.* Allyn, 1 Paine, 453; Postmaster-General *vs.* Cross, 4 Wash. C. C., 326.

Circuit court in and for the three districts of Alabama.

3 March, 1873, c. 223, s. 4, v. 17, p. 485.

Writs of error and appeals within one year.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.

Seventeenth. Of all suits authorized by law to be brought by any person on account of any injury to his person or property, or of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty, Title "CIVIL RIGHTS."

Blyew *vs.* U. S., 13 Wall., 581.

Eighteenth. Of all suits authorized by law to be brought against any person who, having knowledge that any of the wrongs mentioned in section nineteen hundred and eighty, are about to be done, and, having power to prevent or aid in preventing the same, neglects or refuses so to do, to recover damages for any such wrongful act. [See § 1961.]

Nineteenth. Of all suits and proceedings arising under section fifty-three hundred and forty-four, Title "CRIMES," for the punishment of officers and owners of vessels, through whose negligence or misconduct the life of any person is destroyed.

Twentieth. Exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except where it is or may be otherwise provided by law, and concurrent jurisdiction with the district courts of crimes and offenses cognizable therein.

SEC. 630. The circuit courts shall have jurisdiction in matters in bankruptcy, to be exercised within the limits and in the manner provided by law.

SEC. 631. From all final decrees of a district court in causes of equity or of admiralty and maritime jurisdiction, except prize causes, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, an appeal shall be allowed to the circuit court next to be held in such district, and such circuit court is required to receive, hear, and determine such appeal.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.—Mordecai *vs.* Lindsay, 19

SEC. 632. In case of an appeal, as provided by the preceding section, copies of the proofs, and of such entries and papers on file as may be necessary on hearing of the appeal, may be certified up to the appellate court.

SEC. 633. Final judgments of a district court in civil actions, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, may be re-examined and reversed or affirmed in a circuit court, holden in the same district, upon a writ of error.

SEC. 634. The circuit court in and for the three districts of Alabama shall exercise appellate and revisory jurisdiction of the decrees and judgments of the district courts for the said districts, under the laws conferring and regulating the jurisdiction, powers, and practice of circuit courts in cases removed into such courts by appeal or writ of error.

SEC. 635. No judgment, decree, or order of a district court shall be reviewed by a circuit court, on writ of error or appeal, unless the writ of error is sued out, or the appeal is taken, within one year after the entry of such judgment, decree, or order: *Provided*, That where a party entitled to prosecute a writ of error or to take an appeal is an infant, or non compos mentis, or imprisoned, such writ of error may be prosecuted, or such appeal may be taken, within one year after the entry of the judgment, decree, or order, exclusive of the term of such disability. [See § 1006.]

SEC. 636. A circuit court may affirm, modify, or reverse any judgment, decree, or order of a district court brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the district court, as the justice of the case may require.

SEC. 637. When any cause, civil or criminal, of whatever nature, is removed into a circuit court, as provided by law, from a district court wherein the same is cognizable, on account of the disability of the judge of such district court, or by reason of his being concerned in interest therein, or having been of counsel for either party, or being so related to or connected with either party to such cause as to render it improper, in his opinion, for him to sit on the trial thereof, such circuit court shall have the same cognizance of such cause, and in like manner, as the said district court might have, or as said circuit (*) might have if the same had been originally and lawfully commenced therein; and shall proceed to hear and determine the same accordingly. [See §§ 587, 601.]

SEC. 638. The circuit courts, as courts of equity, shall be deemed always open for the purpose of filing any pleading, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, rules, and other proceedings, preparatory to the hearing, upon their merits, of all causes pending therein. And any judge of a circuit court may, upon reasonable notice to the parties, make, and direct and award, at chambers or in the clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, whenever the same are not grantable, of course, according to the rules and practice of the court.

SEC. 639. Any suit commenced in any State court, wherein the amount in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, to be made to appear to the satisfaction of said court, may be removed, for trial, into the circuit court, for the district where such suit is pending, next to be held after the filing of the petition for such removal hereinafter mentioned, in the cases and in the manner stated in this section.

First. When the suit is against an alien, or is by a citizen of the State wherein it is brought, and against a citizen of another State, it may be removed on the petition of such defendant, filed in said State court at the time of entering his appearance in said State court.

Second. When the suit is against an alien and a citizen of the State wherein it is brought, or is by a citizen of such State against a citizen of the same, and a citizen of another State, it may be so removed, as against said alien or citizen of another State, upon the petition of such defendant, filed at any time before the trial or final hearing of the cause, if, so far as it relates to him, it is brought for the purpose of restraining or enjoining him, or is a suit in which there can be a final determination of the controversy, so far as concerns him, without the presence of the other defendants as parties in the cause. But such removal shall not take away or prejudice the right of the plaintiff to proceed at the same time with the suit in the State court, as against the other defendants.

Third. When a suit is between a citizen of the State in which it is brought and a citizen of another State, it may be so removed on the petition of the latter, whether he be plaintiff or defendant, filed at any time before the trial or final hearing of the suit, if, before or at the time of filing said petition, he makes and files in said State court an affidavit, stating that he has reason to believe and does believe that, from prejudice or local influence, he will not be able to obtain justice in such State court.

In order to such removal, the petitioner in the cases aforesaid must, at the time of filing his petition therefor, offer in said State court good and sufficient surety for his entering in such circuit court, on the first day of its session, copies of said process against him, and of all pleadings, depositions, testimony, and other proceedings in the cause,

(*) The word *court* omitted in the Roll.

Judgment or decree on review.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.

Jurisdiction of cases transferred from district courts on account of disability, &c.

2 March, 1809, c. 27, s. 1, v. 2, p. 534.
3 March, 1821, c. 51, v. 3, p. 643.

Courts always open for certain purposes.

23 Aug., 1842, c. 188, s. 5, v. 5, p. 517.

Removal of suits against aliens, &c., where amount of \$500 in dispute.

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79.

27 July, 1866, c. 288, v. 14, p. 306.

2 March, 1867, c. 196, v. 14, p. 558.

Eurtiqui vs. D'Aroy, 9 Pet., 692; *Gordon vs. Lougeest*, 16 Pet., 97; *Kanouse vs. Martin*, 15 How., 198; *Parker vs. Overman*, 16 How., 137; *Wood vs. Davis*, 18 How., 467; *Green vs. Cushtar*, 23 How., 484; *West vs. Aurora City*, 6 Wall., 139; *Bushnell vs. Kennedy*, 9 Wall., 387; *Insurance Co. vs. Weide*, 9 Wall., 677; *Railway Com. vs. Whitton*, 13 Wall., 270; *City of Lexington vs. Butler*, 14 Wall., 282; *Case of the Sewing Machine Com's*, 18 Wall., 553; *Muns vs. Dupont*, 2 Wash. C. C., 463; *Beardsley vs. Torroy*, 4 Wash. C. C., 286; *Wright vs. Wells*, 1 Pet. C. C., 220; *Ladd vs. Tudor*, 3 Wood & M. C. C., 325; *Matthews vs.*

Lyll, 6 McLean, 13; *Brownell vs. Gordon*, 1 McAll. C. C., 207; *Gier vs. Gregg*, 4 McLean, 202; *Wilson vs. Blodgett*, 4 McLean, 363; *McLeod vs. Duncan*, 5 McLean, 342; *Hubbard vs. Northern R. R.*, 3 Blatch., 84; *Bliven vs. New England Screw Co.*, 3 Blatch. C. C., 111; *Barney vs. Globe Bank*, 5 Blatch. C. C., 107; *Screw Co. vs. Bliven*, 3 Blatch. C. C., 240; *Snydam vs. Ewing*, 2 Blatch. C. C., 359; *Sayles vs. Northwestern Ins. Co.*, 2 Curt. C. C., 212; *Bristol vs. Chapman*, 34 How. Pr., 140; *Shelby vs. Hoffman*, 7 Ohio St., 450; *In re Turner*, 3 Wall., Jr., 258; *In re Girard*, 3 Wall., Jr., 263; *Ward vs. Arredund*, 1 Paine, 410; *McVaughter vs. Cassily*, 4 McLean, 351; *Spraggins vs. County Court, Cooke*, 160; *Gibson vs. Johnson, Peters* C. C., 44; *Jersey vs. Babcock*, 4 Wash. C. C., 344; *Charter Oak Ins. Co. vs. Star Ins. Co.*, 6 Blatch. C. C., 208; *Roberts vs. Nelson*, 8 Blatch. C. C., 74; *Beecher vs. Gillett*, 1 Dill. C. C., 308; *Hatch vs. Railroad*, 6 Blatch. C. C., 105; *Bixby vs. Couse*, 8 Blatch. C. C., 73; *Field vs. Larmsdale*, 1 Dendy, 288; *Dart vs. McKinney*, 9 Blatch., 359; *Akerly vs. Vilas*, 1 Abb. C. C., 284; *Fields vs. Lamb*, 1 Deady, 430; *Sands vs. Smith*, 1 Dillon, 290; *Johnson vs. Monell*, 1 Wool. C. C., 390; *Case vs. Douglass*, 1 Dillon, 299; *Boggs vs. Willard*, 16 Int. Rev. Rec., 22.

Removal of suits against corporations organized under a law of United States.

27 July, 1868, c. 255, s. 2, v. 15, p. 227.

27 July, 1866, c. 288, s. 1, v. 14, p. 306.

Fiak vs. Union P. R. R., 8 Blatch., 343.

Removal of causes against persons denied any civil right, &c.

31 May, 1870, c. 114, ss. 16, 18, v. 16, p. 144.

9 April, 1866, c. 31, s. 3, v. 14, p. 27.

3 March, 1863, c. 81, s. 5, v. 12, p. 756.

11 May, 1866, c. 50, ss. 3, 5, v. 14, p. 46.

Commonwealth vs. Artman, 3 Grant, 436.

Hodgson vs. Milward, 3 Grant, 418.

or, in said cases where a citizen of the State in which the suit is brought is a defendant, copies of all process, pleadings, depositions, testimony, and other proceedings in the cause concerning or affecting the petitioner, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein. It shall thereupon be the duty of the State court to accept the surety and to proceed no further in the cause against the petitioner, and any bail that may have been originally taken shall be discharged.

When the said copies are entered as aforesaid in the circuit court, the cause shall there proceed in the same manner as if it had been brought there by original process, and the copies of pleadings shall have the same force and effect, in every respect and for every purpose, as the original pleadings would have had by the laws and practice of the courts of such State if the cause had remained in the State court.

SEC. 640. Any suit commenced in any court other than a circuit or district court of the United States against any corporation other than a banking corporation, organized under a law of the United States, or against any member thereof as such member for any alleged liability of such corporation, or of such member as a member thereof, may be removed, upon the petition of such defendant, verified by oath, stating that such defendant has a defense arising under or by virtue of the Constitution or of any treaty or law of the United States. Such removal, in all other respects, shall be governed by the provisions of the preceding section.

SEC. 641. When any civil suit or criminal prosecution is commenced in any State court, for any cause whatsoever, against any person who is denied or cannot enforce in the judicial tribunals of the State, or in the part of the State where such suit or prosecution is pending, any right secured to him by any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction of the United States, or against any officer, civil or military, or other person, for any arrest or imprisonment or other trespasses or wrongs, made or committed by virtue of or under color of authority derived from any law providing for equal rights as aforesaid, or for refusing to do any act on the ground that it would be inconsistent with such law, such suit or prosecution may, upon the petition of such defendant, filed in said State court, at any time before the trial or final hearing of the cause, stating the facts and verified by oath, be removed, for trial, into the next circuit court to be held in the district where it is pending. Upon the filing of such petition all further proceedings in the State courts shall cease, and shall not be resumed except as hereinafter provided. But all bail and other security given in such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. It shall be the duty of the clerk of the State court to furnish such defendant, petitioning for a removal, copies of said process against him, and of all pleadings, depositions, testimony, and other proceedings in the case. If such copies are filed by said petitioner in the circuit court on the first day of its session, the cause shall proceed therein in the same manner as if it had been brought there by original process; and if the said clerk refuses or neglects to furnish such copies, the petitioner may thereupon docket

the case in the circuit court, and the said court shall then have jurisdiction therein, and may, upon proof of such refusal or neglect of said clerk, and upon reasonable notice to the plaintiff, require the plaintiff to file a declaration, petition, or complaint in the cause; and, in case of his default, may order a nonsuit and dismiss the case at the costs of the plaintiff, and such dismissal shall be a bar to any further suit touching the matter in controversy. But if, without such refusal or neglect of said clerk to furnish such copies and proof thereof, the petitioner for removal fails to file copies in the circuit court as herein provided, a certificate, under the seal of the circuit court, stating such failure, shall be given, and upon the production thereof in said State court, the cause shall proceed therein as if no petition for a removal had been filed. (See § 1977.)

SEC. 642. When all the acts necessary for the removal of any suit or prosecution, as provided in the preceding section, have been performed, and the defendant petitioning for such removal is in actual custody on process issued by said State court, it shall be the duty of the clerk of said circuit court to issue a writ of habeas corpus cum causa, and of the marshal, by virtue of said writ, to take the body of the defendant into his custody, to be dealt with in said circuit court according to law and the orders of said court, or, in vacation, of any judge thereof; and the marshal shall file with or deliver to the clerk of said State court a duplicate copy of said writ.

SEC. 643. When any civil suit or criminal prosecution is commenced in any court of a State against any officer appointed under or acting by authority of any revenue law of the United States now or hereafter enacted, or against any person acting under or by authority of any such officer, on account of any act done under color of his office or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law; or is commenced against any person holding property or estate by title derived from any such officer, and affects the validity of any such revenue law; or is commenced against any officer of the United States, or other person, on account of any act done under the provisions of Title XXVI, "THE ELECTIVE FRANCHISE," or on account of any right, title or authority claimed by such officer or other person under any of the said provisions, the said suit or prosecution may, at any time before the trial or final hearing thereof, be removed for trial into the circuit court next to be holden in the district where the same is pending, upon the petition of such defendant to said circuit court, and in the following manner: Said petition shall set forth the nature of the suit or prosecution, and be verified by affidavit; and, together with a certificate signed by an attorney or counselor at law of some court of record of the State where such suit or prosecution is commenced, or of the United States, stating that, as counsel for the petitioner, he has examined the proceedings against him, and carefully inquired into all the matters set forth in the petition, and that he believes them to be true, shall be presented to the said circuit court, if in session, or if it be not, to the clerk thereof at his office, and shall be filed in said office. The cause shall thereupon be entered on the docket of the circuit court, and shall proceed as a cause originally commenced in that court; but all bail and other security given upon such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. When the suit is commenced in the State court by summons, subpoena, petition, or another process except *capias*, the clerk of the circuit court shall issue a writ of certiorari to the State court, requiring it to send to the circuit court the record and proceedings in the cause. When it is commenced by *capias*, or by any other similar form of proceeding by which a personal arrest is ordered, he shall issue a writ of habeas corpus cum causa, a duplicate of which shall be delivered to the clerk of the State court, or left at his office, by the marshal of the district, or his deputy, or by some person duly authorized thereto; and thereupon it shall be the duty of the State court to stay all further

When petitioner is in actual custody of State court.

5 Feb., 1867, c. 27, v. 14, p. 325.

3 March, 1863, c. 61, s. 5, v. 12, p. 754.

11 May, 1866, c. 60, ss. 3, 5, v. 14, p. 46.

9 April, 1866, c. 31, s. 3, v. 14, p. 27.

Removal of suits and prosecutions against revenue officers and officers acting under registration laws.

2 March, 1833, c. 57, s. 3, v. 4, p. 633.

13 July, 1866, c. 184, s. 67, v. 14, p. 171.

28 Feb., 1871, c. 99, s. 16, v. 16, p. 438.

Coggins vs. Lawrence, 2 Blatch. C. C., 304; *Wood vs. Matthews*, 2 Blatch. C. C., 370; *Van Zandt vs. Maxwell*, 2 Blatch. C. C., 421; *Abranches vs. Schell*, 4 Blatch. C. C., 256; *Warner vs. Fowler*, 4 Blatch. C. C., 311; *Victor vs. Cisco*, 5 Blatch. C. C., 128; *Benchley vs. Gilbert*, 8 Blatch., 147; *Salem and Lowell R. R. vs. Boston and Lowell R. R.*, 21 Law Rep., 210; *Peyton vs. Bliss*, 1 Wool. C. C., 170.

proceedings in the cause, and the suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be held to be removed to the circuit court, and any further proceedings, trial, or judgment therein in the State court shall be void. And if the defendant in the suit or prosecution be in actual custody on mesne process therein, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the cause according to law and the order of the circuit court, or, in vacation, of any judge thereof; and if, upon the removal of such suit or prosecution, it is made to appear to the circuit court that no copy of the record and proceedings therein in the State court can be obtained, the circuit court may allow and require the plaintiff to proceed de novo, and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said circuit court. On failure of the plaintiff so to proceed, judgment of non prosecutur may be rendered against him, with costs for the defendant.

Removal of suits
by aliens in a par-
ticular case.

30 March, 1872,
c. 72, v. 17, p. 44.

When copies of
records are refused
by clerk of State
court.

2 March, 1833, c.
57, s. 4, v. 4, p. 634.
28 Feb. 1871, c.
99, s. 17, v. 16, p.
439.

Attachments, in-
junctions, and in-
demnity bonds to
remain in force af-
ter removal.

24 Sept., 1789, c.
20, s. 12, v. 1, p. 79.
27 July, 1866, c.
288, v. 14, p. 306.
2 March, 1867, c.
196, v. 14, p. 558.
27 July, 1868, c.
255, s. 2, v. 15, p.
227.
9 April, 1866, c.
31, s. 3, v. 14, p. 27.
3 March, 1863, c.
81, s. 5, v. 12, p. 756.
11 May, 1866, c.
80, ss. 3, 5, v. 14, p.
46.
5 Feb., 1867, c. 27,
v. 14, p. 365. 2 March, 1833, c. 57, s. 3, v. 4, p. 633. 13 July, 1866, c. 184, s. 67, v. 14,
p. 171. 28 Feb., 1871, c. 99, s. 16, v. 16, pp. 438, 439.

SEC. 644. Whenever a personal action has been or shall be brought in any State court by an alien against any citizen of a State who is, or at the time the alleged action accrued was, a civil officer of the United States, being a non-resident of that State wherein jurisdiction is obtained by the State court, by personal service of process, such action may be removed into the circuit court of the United States in and for the district in which the defendant shall have been served with the process, in the same manner as now provided for the removal of an action brought in a State court by the provisions of the preceding section.

SEC. 645. In any case where a party is entitled to copies of the record and proceedings in any suit or prosecution in a State court, to be used in any court of the United States, if the clerk of said State court, upon demand, and the payment or tender of the legal fees, refuses or neglects to deliver to him certified copies of such records and proceedings, the court of the United States in which such record and proceedings are needed may, on proof by affidavit that the clerk of said State court has refused or neglected to deliver copies thereof, on demand as aforesaid, direct such record to be supplied by affidavit, or otherwise, as the circumstances of the case may require and allow; and, thereupon, such proceeding, trial, and judgment may be had in the said court of the United States, and all such processes awarded, as if certified copies of such records and proceedings had been regularly before the said court.

SEC. 646. When a suit is removed for trial from a State court to a circuit court, as provided in the foregoing sections, any attachment of the goods or estate of the defendant by the original process shall hold the same to answer the final judgment, in the same manner as by the laws of such State they would have been held to answer final judgment had it been rendered by the court in which the suit was commenced; and any injunction granted before the removal of the cause against the defendant applying for its removal shall continue in force until modified or dissolved by the United States court into which the cause is removed; and any bond of indemnity or other obligation, given by the plaintiff upon the issuing or granting of any attachment, writ of injunction, or other restraining process, against the defendant petitioning for the removal of the cause, shall also continue in full force and may be prosecuted by the defendant and made available for his indemnity in case the attachment, injunction, or other restraining process be set aside or dissolved, or judgment be rendered in his favor, in the same manner, and with the same effect as if such attachment, injunction, or other restraining process had been granted, and such bond had been originally filed or given in such State court.

SEC. 647. If, in any action commenced in a State court, where the title of land is concerned, and the parties are citizens of the same State, and the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, the sum or value being made to appear to the satisfaction of the court, either party, before the trial, states to the court, and makes affidavit, if they require it, that he claims and shall rely upon a right or title to the land under a grant from a State other than that in which the suit is pending, and produces the original grant, or an exemplification of it, except where the loss of public records shall put it out of his power, and moves that the adverse party inform the court whether he claims a right or title to the land under a grant from the State in which the suit is pending, the said adverse party shall give such information, or otherwise not be allowed to plead such grant, or give it in evidence upon the trial; and if he gives information that he does claim under such grant, the party claiming under the grant first mentioned may, on motion, remove the cause for trial into the next circuit court to be holden in the district where such suit is pending. If the party so removing the cause is defendant, the removal shall be made under the regulations governing removals of a cause into such court by an alien; and neither party removing the cause shall be allowed to plead or give evidence of any other title than that stated by him as aforesaid as the ground of his claim.

SEC. 648. The trial of issues of fact in the circuit courts shall be by jury, except in cases of equity and of admiralty and maritime jurisdiction, and except as otherwise provided in proceedings in bankruptcy, and by the next section.

20, s. 12, v. 1, p. 79. 3 March, 1865, c. 86, s. 4, v. 13, p. 501.—Elmore *vs.* Grymes, 1 Pet., 471; De Wolf *vs.* Rabaud, 1 Pet., 487; Crane *vs.* Morris's Lessee, 6 Pet., 609; Silsby *vs.* Foote, 14 How., 222; Castle *vs.* Ballard, 23 How., 183.

SEC. 649. Issues of fact in civil cases in any circuit court may be tried and determined by the court, without the intervention of a jury, whenever the parties, or their attorneys of record, file with the clerk a stipulation in writing waiving a jury. The finding of the court upon the facts, which may be either general or special, shall have the same effect as the verdict of a jury. [See § 700.]

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79. 3 March, 1865, c. 86, s. 4, v. 13, p. 501. Issues of fact when to be tried by jury. 24 Sept., 1789, c. 20, s. 12, v. 1, p. 79. 3 March, 1865, c. 86, s. 4, v. 13, p. 501. Issues of fact tried by the court. 3 March, 1865, c. 86, s. 4, v. 13, p. 501. Grayham *vs.* Bayne, 18 How., 60; Snydam *vs.* Williamson, 20 How., 432; Kelsey *vs.* Forsyth, 21 How., 85; Campbell *vs.* Boyreau, 21 How., 223; Burr *vs.* Des Moines Co., 1 Wall., 99; Sanlet *vs.* Shepherd, 4 Wall., 502; Insurance Co. *vs.* Tweed, 7 Wall., 44; Genereux *vs.* Bonnemer, 7 Wall., 584; Basset *vs.* U. S., 9 Wall., 38; Norris *vs.* Jackson, 9 Wall., 125; Flanders *vs.* Tweed, 9 Wall., 425; Copeland *vs.* Insurance Co., 9 Wall., 467; Coddington *vs.* Richardson, 10 Wall., 516; Bethel *vs.* Mathews, 13 Wall., 1; Dirst *vs.* Morris, 14 Wall., 484; Insurance Co. *vs.* Folsom, 18 Wall., 237.

SEC. 650. Whenever, in any civil suit or proceeding in a circuit court held by a circuit justice and a circuit judge or a district judge, or by a circuit judge and a district judge, there occurs any difference of opinion between the judges as to any matter or thing to be decided, ruled, or ordered by the court, the opinion of the presiding justice or judge shall prevail, and be considered the opinion of the court for the time being.

SEC. 651. Whenever any question occurs on the trial or hearing of any criminal proceeding before a circuit court upon which the judges are divided in opinion, the point upon which they disagree shall, during the same term, upon the request of either party, or of their counsel, be stated under the direction of the judges, and certified, under the seal of the court, to the Supreme Court at their next session; but nothing herein contained shall prevent the cause from proceeding if, in the opinion of the court, further proceedings can be had without prejudice to the merits. Imprisonment shall not be allowed nor punishment inflicted in any case where the judges of such court are divided in opinion upon the question touching the said imprisonment or punishment. [See § 697.]

1 June, 1872, c. 255, s. 1, v. 17, p. 196. Division of opinion in civil causes; decision by presiding judge. 1 June, 1872, c. 255, s. 1, v. 17, p. 196. Division of opinion in criminal causes; certificate. 29 April, 1862, c. 31, s. 6, v. 2, p. 159. 1 June, 1872, c. 255, s. 1, v. 17, p. 196. Ogle *vs.* Lee, 9 Cr., 33; Hepburn *vs.* Ellzey, 2 Cr., 445; U. S. *vs.* Tyler, 445; U. S. *vs.* Daniel, 6 Wh., 542; Wayman *vs.* Southard, 10 Wh., 1; Devereaux *vs.* Marr, 12 Wh., 212; Do Wolf *vs.* Usher, 3 Pet., 269; Saunders *vs.* Gould, 4 Pet., 392; Grant *vs.* Raymond, 6 Pet., 218;

Removal of suits where parties claim land under titles from different States.

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79.

Town of Pawlet *vs.* Clark, 9 Cr., 292.

Issues of fact when to be tried by jury.

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79. 3 March, 1865, c. 86, s. 4, v. 13, p. 501. Issues of fact tried by the court.

3 March, 1865, c. 86, s. 4, v. 13, p. 501.

Grayham *vs.* Bayne, 18 How., 60;

Snydam *vs.* Williamson, 20 How., 432;

Kelsey *vs.* Forsyth, 21 How., 85;

Campbell *vs.* Boyreau, 21 How., 223;

Burr *vs.* Des Moines Co., 1 Wall., 99;

Sanlet *vs.* Shepherd, 4 Wall., 502;

Insurance Co. *vs.* Tweed, 7 Wall., 44;

Genereux *vs.* Bonnemer, 7 Wall., 584;

Basset *vs.* U. S., 9 Wall., 38;

Norris *vs.* Jackson, 9 Wall., 125;

Flanders *vs.* Tweed, 9 Wall., 425;

Copeland *vs.* Insurance Co., 9 Wall., 467;

Coddington *vs.* Richardson, 10 Wall., 516;

Bethel *vs.* Mathews, 13 Wall., 1;

Dirst *vs.* Morris, 14 Wall., 484;

Insurance Co. *vs.* Folsom, 18 Wall., 237.

U. S. vs. Bailey, 9 Pet., 267; Davis vs. Braden, 10 Pet., 286; Smith vs. Vaughan, 10 Pet., 366; Packer vs. Nixon, 10 Pet., 408; Adams vs. Jones, 12 Pet., 213; White vs. Turk, 12 Pet., 238; U. S. vs. Briggs, 5 How., 208; Neamith vs. Sholdon, 6 How., 41; Luther vs. Borden, 7 How., 1; U. S. vs. Chicago, 7 How., 185; Sadler vs. Hoover, 7 How., 646; Wilson vs. Barnum, 8 How., 258; Webster vs. Cooper, 10 How., 54; Dennistoun vs. Stewart, 18 How., 565; U. S. vs. City Bank of Columbus, 19 How., 385; Silliman vs. Hudson River Bridge, 1 Bl., 532; Daniels vs. R. R. Com., 3 Wall., 250; Havemeyer vs. Iowa County, 3 Wall., 294; Brobst vs. Brobst, 4 Wall., 2; U. S. vs. Rosenburgh, 7 Wall., 580.

Division of opinion in civil causes, certificate.

1 June, 1872, c. 255, s. 1, v. 17, p. 196.

29 April, 1802, c. 31, s. 6, v. 2, p. 159.

SEC. 652. When a final judgment or decree is entered in any civil suit or proceeding before any circuit court held by a circuit justice and a circuit judge or a district judge, or by a circuit judge and a district judge, in the trial or hearing whereof any question has occurred upon which the opinions of the judges were opposed, the point upon which they so disagreed shall, during the same term, be stated under the direction of the judges, and certified, and such certificate shall be entered of record. [See § 602.]

Ogle vs. Lee, 2 Cr., 33; Hepburn vs. Ellzey, 2 Cr., 445; U. S. vs. Tyler, 7 Cr., 285; Ross vs. Triplett, 3 Wh., 600; U. S. vs. Lancaster, 5 Wh., 434; U. S. vs. Daniel, 6 Wh., 542; Wayman vs. Southard, 10 Wh., 1; Devereaux vs. Marr, 12 Wh., 212; De Wolf vs. Usher, 3 Pet., 269; Saunders vs. Gould, 4 Pet., 392; Bank U. S. vs. Green, 6 Pet., 26; Grant vs. Raymond, 6 Pet., 218; U. S. vs. Bailey, 9 Pet., 267; Davis vs. Braden, 10 Pet., 286; Smith vs. Vaughan, 10 Pet., 366; Packer vs. Nixon, 10 Pet., 408; Adams vs. Jones, 12 Pet., 207; White vs. Turk, 12 Pet., 238; U. S. vs. Briggs, 5 How., 208; Neamith vs. Sheldon, 6 How., 41; Luther vs. Borden, 7 How., 1; U. S. vs. Chicago, 7 How., 185; Sadler vs. Hoover, 7 How., 646; Wilson vs. Barnum, 8 How., 258; Dennistoun vs. Stewart, 18 How., 565; U. S. vs. City Bank of Columbus, 19 How., 385; Silliman vs. Hudson River Bridge, 1 Bl., 532; *Ex parte* Gordon, 1 Bl., 503; Ward vs. Chamberlain, 2 Bl., 430; Daniels vs. R. R. Com., 3 Wall., 250; Havemeyer vs. Iowa County, 3 Wall., 294; Brobst vs. Brobst, 4 Wall., 2; U. S. vs. Rosenburgh, 7 Wall., 580; Hannauer vs. Woodruff, 10 Wall., 482.

Business of the circuit court for the two districts of Missouri transferred, how.

25 Feb., 1873, c. 200, s. 1, v. 17, p. 476.

SEC. 653. The circuit court for the eastern district of Missouri, is vested with full and complete jurisdiction to hear, determine, and dispose of, according to the usual course of judicial proceedings, all suits, causes, motions, and other matters which were pending in the circuit court of the United States in and for the districts of Missouri at the time the said circuit court for the eastern district of Missouri was created, on the eighth day of June, eighteen hundred and seventy-two, and also all other matters which have since arisen that pertain to said suits or causes, and also to make all orders and issue of^(*) all processes which said circuit court of the United States in and for the districts of Missouri might have done if it had not ceased to exist; and said circuit court for said eastern district of Missouri is vested with jurisdiction and authority to do all and singular that may in the due course of judicial proceedings pertain to any of said suits, causes, or unfinished business as fully as the said circuit court in and for the districts of Missouri might have done if said circuit court had not ceased to exist.

Process issued out of former circuit court for Missouri.

25 Feb., 1873, c. 200, s. 2, v. 17, p. 476.

SEC. 654. The service of process, mesne or final, issued out of said circuit court of the United States in and for the districts of Missouri, which service was had after the eighth day of June, eighteen hundred and seventy-two, and all levies, seizures, and sales made thereunder, also all service, seizures, levies, and sales made under any process which issued as out of said court after the said eighth day of June, eighteen hundred and seventy-two, are made valid, and all said processes are to be deemed returnable to said circuit court of the United States in and for the eastern district of Missouri as of the return day thereof.

Transfer of cases between eastern and western districts.

25 Feb., 1873, c. 200, s. 3, v. 17, p. 476.

SEC. 655. Either of the circuit courts for the eastern and for the western district of Missouri may order any suit, cause, or other matter pending therein, and commenced prior to the creation of said new court, to be transferred for trial or determination to the other of said circuit courts when, in the opinion of the court, said transfer ought to be made; and the court to which said transfer is made shall have as full authority and jurisdiction over the same from the date the certified transcript of the record thereof is filed as if the same had been originally pending therein.

(*) The word *of* in the Roll redundant.

SEC. 656. That the clerk of the circuit court for the eastern district of Missouri, and his successors in office, shall have the custody of all records, books, papers, and property belonging or in any wise appertaining to said circuit court of the United States in and for the districts of Missouri, and, as such custodians and the successors of the clerk of said last-named court, they are hereby invested with the same powers and authority with respect thereto as the clerk thereof had during the existence of said last-named circuit court. Said circuit court for the eastern district of Missouri is hereby made the successor of said circuit court of the United States in and for the districts of Missouri as to all suits, causes, and unfinished business therein or in any wise pertaining thereto, except as hereinbefore provided.

Custody of books, papers, &c., of circuit court of Missouri.

25 Feb., 1873, c. 200, s. 4, v. 17, p. 476.

SEC. 657. The original jurisdiction of the circuit court for the southern district of New York shall not be construed to extend to causes of action arising within the northern district of said State.

Circuit court for southern district of New York, how limited.

3 April, 1818, c. 32, s. 6, v. 3, p. 415. Wheeler vs. McCormick, 8 Blatch. C. C., 267.

CHAPTER EIGHT.

CIRCUIT COURTS—SESSIONS

Sec.

658. Terms.

659. Recognizances to a certain term in southern district of New York.

660. Effect of altering terms of circuit courts.

661. Special sessions for trial of criminal cases.

662. Special sessions for criminal trials near the place of the offense.

663. Adjourned terms, Missouri.

Sec.

664. California, Oregon, and Nevada, special sessions.

665. Kentucky and Indiana, special terms.

666. Tennessee, special terms.

667. North Carolina, special terms.

668. Virginia, Wisconsin, special terms.

669. Special terms, general rule.

670. Special terms, business transacted at.

671. Adjournment in absence of the judges.

672. Adjournment in absence of the judges, by written order.

SEC. 658. The regular terms of the circuit courts shall be held in each year, at the times and places following; but when any of said dates shall fall on Sunday, the term shall commence on the following day:

Terms.

In and for the southern district of Alabama, at Mobile, on the second Monday in April and the fourth Monday in December.

Alabama, S. D.

34, s. 2, v. 5, p. 177. 22 February, 1838, c. 12, s. 1, v. 5, p. 210. 6 August, 1842, c. 180, s. 1, v. 5, p. 507. 12 April, 1844, c. 12, s. 3, v. 5, p. 655. 1 March, 1845, c. 39, s. 1, v. 5, p. 731. 15 July, 1862, c. 178, s. 1, v. 12, p. 576.

In and for the eastern district of Arkansas, at Little Rock, on the second Monday in April and the fourth Monday in October.

Arkansas.

3 March, 1837, c. 34, s. 2, v. 5, p. 177. 21 May, 1872, c. 176, s. 1, v. 17, p. 135.

In the district of California, at San Francisco, on the first Monday in February, the second Monday in June, and the first Monday in October.

California.

19 Feb., 1864, c. 11, s. 1, v. 13, p. 4. 27 July, 1866, c. 280, s. 1, v. 14, p. 300.

In the district of Connecticut, at New Haven, on the fourth Tuesday in April; and at Hartford, on the third Tuesday in September.

Connecticut.

13 April, 1792, c. 21, s. 2, v. 1, p. 253. 24 February, 1843, c. 44, s. 1, v. 5, p. 601.

In the district of Delaware, at Wilmington, on the third Tuesdays in June and October.

Delaware.

10 May, 1852, c. 33, s. 1, v. 10, p. 5. 14 June, 1856, c. 45, s. 1, v. 11, p. 22.

In the southern district of Florida, at Key West, on the first Mondays in May and November.

Florida.

In the northern district of Florida, at Tallahassee, on the first Monday in February; at Pensacola, on the first Monday in March; and at Jacksonville, on the first Monday in December.

23 Feb., 1847, c.

20, s. 2, v. 9, p. 131.

15 July, 1862, c.

178, s. 1, v. 12, p.

576. 27 July, 1868, c. 270, s. 1, v. 15, p. 239.

- Georgia.**
 In the southern district of Georgia, at Savannah, on the second Monday in April; and on the Thursday after the first Monday in November.
 In the northern district of Georgia, at Atlanta, on the second Monday in March and September.
 21 Jan., 1829, c. 8, a. 1, v. 4, p. 331.
 1 March, 1845, c. 39, a. 1, v. 5, p. 731. 11 Aug., 1848, c. 151, ss. 4, 5, 8, v. 9, pp. 280, 281.
 4 June, 1872, c. 284, a. 3, v. 17, p. 218.
- Illinois.**
 In the northern district of Illinois, at Chicago, on the first Monday in July and the third Monday in December.
 In the southern district of Illinois, at Springfield, on the first Mondays in January and June.
 19 Feb., 1855, c. 96, a. 2, v. 10, p. 606.
 23 April, 1856, c. 18, a. 1, v. 11, p. 4.
- Indiana.**
 In the district of Indiana, at Indianapolis, on the first Tuesday in May and November; and at New Albany, on the first Monday in January and July; and at Evansville, on the first Monday in February and August.
 10 March, 1838, c. 33, a. 1, v. 5, p. 215.
 20 Feb., 1863, c. 47, a. 1, v. 12, p. 657. 30 June, 1870, c. 180, a. 1, v. 16, p. 175.
- Iowa.**
 In the district of Iowa, at Des Moines, on the second Mondays in May and October.
 13 June, 1863, c. 9, a. 1, v. 12, p. 634. 2 March, 1863, c. 69, a. 2, v. 12, p. 699. 21 May, 1872, c. 176, a. 1, v. 17, p. 135.
- Kansas.**
 In the district of Kansas, at Leavenworth, on the first Monday in June; and at the seat of government of the State, on the fourth Monday in November.
 21 Jan., 1861, c. 20, a. 5, v. 12, p. 128.
 13 Jan., 1863, c. 9, a. 1, v. 12, p. 634. 21 May, 1872, c. 176, a. 1, v. 17, p. 135. 8 June, 1872, c. 341, v. 17, p. 334.
- Kentucky.**
 In the district of Kentucky, at Covington, on the third Monday in April and the first Monday in December; at Louisville, on the third Monday in February and the first Monday in October; at Frankfort, on the third Monday in May and the first Monday in January; and at Paducah, on the third Monday in March and the first Monday in November.
 15 May, 1862, c. 71, a. 1, v. 12, p. 386.
- Louisiana.**
 In the district of Louisiana, at New Orleans, on the fourth Monday in April and the first Monday in November.
 1 March, 1845, c. 39, a. 1, v. 5, p. 731. 20 July, 1854, c. 99, a. 2, v. 10, p. 307. 23 July, 1866, c. 210, a. 2, v. 14, p. 209. 27 July, 1866, c. 280, a. 1, v. 14, p. 300.
- Maine.**
 In the district of Maine, at Portland, on the twenty-third days of April and September.
 3 March, 1823, c. 41, a. 1, v. 3, p. 774. 13 Feb., 1843, c. 32, a. 1, v. 5, p. 600. 11 August, 1848, c. 154, a. 1, v. 9, p. 282.
- Maryland.**
 In the district of Maryland, at Baltimore, on the first Mondays in April and November.
 3 March, 1837, c. 34, a. 2, v. 5, p. 177. 7 July, 1838, c. 193, a. 1, v. 5, p. 306.
- Massachusetts.**
 In the district of Massachusetts, at Boston, on the fifteenth days of May and October.
 26 March, 1812, c. 45, a. 1, v. 2, p. 696.
- Michigan.**
 In the eastern district of Michigan, at Detroit, on the first Tuesdays in March, June, and November.
 In the western district of Michigan, at Grand Rapids, on the third Mondays in May and October.
 24 Feb., 1863, c. 54, a. 2, v. 12, p. 661.
- Minnesota.**
 In the district of Minnesota, at Saint Paul, on the third Monday in June and the second Monday in December.
 13 Jan., 1863, c. 9, a. 1, v. 12, p. 635. 21 May, 1872, c. 176, a. 1, v. 17, p. 135.
- Mississippi, S. D.**
 In the southern district of Mississippi, at Jackson, on the first Mondays in May and November.
 3 March, 1837, c. 34, a. 2, v. 5, p. 177. 18 June, 1838, c. 115, a. 1, v. 5, p. 247. 16 Feb., 1839, c. 27, ss. 1, 2, v. 5, p. 317.
- Missouri.**
 In the eastern district of Missouri, at Saint Louis, on the third Mondays in March and September.
 In the western district of Missouri, at Jefferson, on the third Mondays in April and November.
 21 May, 1872, c. 176, a. 1, v. 17, p. 135.
 8 June, 1872, c. 334, ss. 1, 2, v. 17, pp. 282, 283.

In the district of Nebraska, at Omaha, on the first Monday in May and the second Monday in November.

Nebraska.

18 May, 1872, c. 176, s. 1, v. 17, p. 135.

In the district of Nevada, at Carson City, on the first Mondays in March, August, and December.

Nevada.

27 Feb., 1865, c. 64, s. 2, v. 13, p. 440.

In the district of New Hampshire, at Portsmouth, on the eighth day of May; and at Exeter on the eighth day of October.

New Hampshire.

3 Mar., 1823, c. 41, s. 1, v. 3, p. 773.

In the district of New Jersey, at Trenton, on the fourth Tuesdays in March and September.

New Jersey.

24 Sept., 1789, c. 12 Aug., 1848, c. 169, s. 1, v. 9, p. 303.

20, s. 5, v. 1, p. 75. 3 March, 1797, c. 27, s. 1, v. 1, p. 517. 12 Aug., 1848, c. 169, s. 1, v. 9, p. 303.

In the northern district of New York, at Canandaigua, on the third Tuesday in June; at Albany on the second Tuesday in October; and when the term appointed to be held at Albany is adjourned, it shall be adjourned to meet at the same place on the third Tuesday in January; and when said adjourned term is adjourned it shall be adjourned to meet in Utica on the third Tuesday in March. The said adjourned terms shall be held for the transaction of civil business only.

New York.

20 May, 1830, c. 213, s. 2, v. 4, p. 422.

10 April, 1832, c. 15, s. 1, v. 4, p. 497.

8 Aug. 1846, c. 98, s. 1, v. 9, p. 72.

4 July, 1864, c. 245, s. 2, v. 13, p. 385.

25 Feb., 1865, c. 64, s. 1, v. 13, p. 438.

7 Feb., 1873, c. 120, ss. 1, 2, v. 17, p. 422.

In the southern district of New York, at the city of New York, on the first Monday in April and the third Monday in October; and for the trial of criminal causes and suits in equity, on the last Monday in February; and exclusively for the trial and disposal of criminal cases, and matters arising and pending in said court, on the second Wednesday in January, March, and May, on the third Wednesday in June, and on the second Wednesday in October and December: *Provided*, That the holding of any of the last-mentioned terms for criminal business shall not dispense with nor affect the holding of any other term of the court at the same time, and that the pending of any other term of the court shall not prevent the holding of any of the said terms for criminal business.

In the eastern district of New York, at Brooklyn, on the first Wednesday in every month.

In the eastern district of North Carolina, at Raleigh, on the first Monday in June and the last Monday in November.

North Carolina.

15 July, 1846, c. 38, v. 9, p. 38.

15 Feb., 1847, c. 9, v. 9, p. 126.

4 June, 1872, c. 282, s. 2, v. 17, p. 215.

In the western district of North Carolina, at Greensborough, on the first Mondays in April and October; at Statesville, on the third Mondays in April and October; and at Asheville, on the first Mondays in May and November.

In the northern district of Ohio, at Cleveland, on the first Tuesdays in January, April, and October.

Ohio.

21 Feb., 1853, c. 49, s. 12, p. 657.

7 July, 1870, c. 214, v. 16, p. 192.

In the southern district of Ohio, at Cincinnati, on the first Tuesdays in February, April, and October.

In the district of Oregon, at Portland, on the first Mondays in January, May, and September.

Oregon.

19 Feb., 1864, c. 11, s. 1, v. 13, p. 4.

In the eastern district of Pennsylvania, at Philadelphia, on the first Mondays in April and October.

Pennsylvania.

3 March, 1797, c. 27, s. 1, v. 1, p. 517.

20 April, 1818, c. 108, s. 4, v. 3, p. 462.

3 March, 1837, c. 34, s. 2, v. 5, p. 177.

21 Feb., 1871, c. 63, v. 16, p. 429.

In the western district of Pennsylvania, at Erie, on the second Monday in January and third Monday in July; at Pittsburgh, on the second Mondays in May and November; and at Williamsport, on the third Mondays in June and September.

3 March, 1843, c. 97, s. 1, v. 5, p. 628. 3 March, 1851, c. 40, s. 1, v. 9, p. 631. 21 Feb., 1871, c. 63, v. 16, p. 429.

In the district of Rhode Island, at Providence, on the fifteenth days of June and November.

Rhode Island.

22 Feb., 1867, c. 60, s. 1, v. 14, p. 399.

- South Carolina.** In the district of South Carolina, at Charleston, on the first Monday in April; and at Columbia, on the fourth Monday in November.
 10 Feb., 1858, c. 58, s. 2, v. 11, p. 260.
 24 Feb., 1820, c. 78, s. 1, v. 4, p. 124.
- Tennessee.** In the eastern district of Tennessee, at Knoxville, on the second Mondays in January and July.
 25 June, 1868, c. 79, s. 1, v. 15, p. 60.
 In the middle district of Tennessee, at Nashville, on the third Mondays in April and October.
 In the western district of Tennessee, at Memphis, on the fourth Mondays in May and November.
 In the eastern district of Texas, at Brownsville, on the first Mondays in March and October; and at Galveston, on the first Mondays in May and December.
 21 Feb., 1857, c. 58, s. 2, v. 11, p. 164.
 11 June, 1858, c. 147, s. 1, v. 11, p. 314.
 15 July, 1862, c. 178, s. 1, v. 12, p. 576.
- Texas.** In the western district of Texas, at Austin, on the first Mondays in January and June; and at Tyler, on the fourth Monday in April and the first Monday in November.
 11 June, 1858, c. 147, s. 1, v. 11, p. 314.
 15 July, 1862, c. 178, s. 1, v. 12, p. 576.
- Vermont.** In the district of Vermont, at Burlington, on the fourth Tuesday in February; at Windsor, on the fourth Tuesday in July; and at Rutland, on the third day of October.
 3 March, 1797, c. 27, s. 1, v. 1, p. 517.
 22 March, 1816, c. 1869, c. 43, s. 1, v. 15, p. 274.
- Virginia.** In the eastern district of Virginia, at Richmond, on the first Monday in April and October; at Alexandria, on the first Monday in January and July; and at Norfolk, on the first Monday in May and November.
 3 Feb., 1871, c. 36, s. 3, v. 16, p. 403.
 1 Feb., 1872, c. 10, v. 17, p. 27.
 13 April, 1872, c. 99, v. 17, p. 52.
 In the western district of Virginia, at Danville, on the Tuesday after the fourth Monday in February and August; at Lynchburgh, on the Tuesday after the third Monday in March and September; at Harrisonburgh, on the Tuesday after the first Monday in May and the Tuesday after the second Monday in October; and at Abingdon, on the Tuesday after the fourth Monday in May and October.
 In the district of West Virginia, at Parkersburgh, on the first Monday in August.
 3 March, 1837, c. 34, s. 2, v. 5, p. 177.
 13, p. 124. 27 July, 1866, Res. No. 90, v. 14, p. 369.
- West Virginia.** 26 June, 1856, c. 48, s. 2, v. 11, p. 23. 11 June, 1864, c. 120, s. 1, v. 13, p. 124.
- Wisconsin.** In the eastern district of Wisconsin, at Oshkosh, on the first Monday in July; and at Milwaukee, on the first Monday in January and October.
 29 June, 1870, c. 175, ss. 2, 3, v. 16, p. 171.
 In the western district of Wisconsin, at Madison, on the first Monday in June; and at La Crosse, on the third Tuesday in September.
 9 May, 1872, c. 143, s. 1, v. 17, p. 88.
- Recognizances to a certain term in southern district of New York.** SEC. 659. All recognizances and bail-bonds taken in criminal cases for an appearance at a circuit court in the southern district of New York, conditioned upon an appearance at the next one of the terms appointed by the act of February seven, eighteen hundred and seventy-three, shall be valid.
 7 Feb., 1873, c. 120, s. 2, v. 17, p. 423.
 Effect of altering terms of circuit courts.
 See all acts altering terms.
 Special sessions for trial of criminal causes. SEC. 660. No action, suit, proceeding, or process in any circuit court shall abate or be rendered invalid by reason of any act changing the time of holding such court; but the same shall be deemed to be returnable to, pending, and triable in the terms established, next after the return day thereof.
 SEC. 661. Any circuit court may, at its own discretion, or at the discretion of the Supreme Court, hold special sessions for the trial of criminal causes.
 24 Sept., 1789, c. 20, s. 5, v. 1, p. 75.
 Special sessions for criminal trials near the place of the offense. SEC. 662. The Supreme Court, or, when that court is not sitting, any circuit justice or circuit judge, together with the judge of the proper district, may direct special sessions of a circuit court to be held, for the trial of criminal causes, at any convenient place within the district

nearer to the place where the offenses are said to be committed than the place appointed by law for the stated sessions. The clerk of such court shall, at least thirty days before the commencement of such special session, cause the time and place for holding it to be notified, for at least three weeks, consecutively, in one or more of the newspapers published nearest to the place where it is to be held. All process, writs, and recognizances respecting juries, witnesses, bail, or otherwise, which relate to the cases to be tried at such special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto. Any such session may be adjourned from time to time to any time previous to the next stated term of the court; and all business depending for trial at any special session shall, at the close thereof, be considered as removed to the next stated term.

SEC. 663. The circuit courts for the several districts of Missouri may at any time order adjourned terms thereof. In the eastern district a copy of the order shall be posted on the door of the court-room, and shall be advertised in some newspaper printed in Saint Louis, and in the western district a copy of the order shall be posted on the door of the court-room, and advertised in some newspaper printed in the city of Jefferson, at least twenty days before the adjourned term is held. At such adjourned term any business may be transacted which might be transacted at a regular term.

SEC. 664. In the districts of California, Oregon, and Nevada the circuit justice or circuit judge may appoint special sessions of the circuit courts, to be held at the places where the regular sessions are held, by an order under his hand and seal, directed to the marshal and clerk of such court at least fifteen days before the time fixed for the commencement of such special sessions. Said order shall be published by the marshal in one or more of the newspapers within the district where such sessions are to be held.

SEC. 665. In the districts of Kentucky and Indiana the district judge, and, in his absence, the circuit justice or circuit judge, may, by a written order to the clerk of the circuit court, appoint a special term of such court; and by said order the judge may prescribe the duties of the officers of the court in summoning juries, and in the performance of other acts necessary for the holding of such special term, or the court may, by its order, after it is opened, prescribe the duties of its officers, and the mode of proceeding, and any of the details thereof. Notice of such special term shall be given by the clerk, by posting a copy of said order on the front door of the court-house where the court is to be held, and by publishing the same in one or more newspapers in the same place.

SEC. 666. In each of the districts of Tennessee the judges of the circuit court may appoint special terms thereof, to be held at the place where the regular terms are held; and notice of such special terms shall be published, for four consecutive weeks, in at least one newspaper printed at the place where the court is to be held.

SEC. 667. In each of the districts of North Carolina the circuit court may order special terms thereof to be held at such times and places in said district as the court may designate: *Provided*, That no special term of the circuit court for either district shall be appointed, except by and with the concurrence and consent of the circuit judge.

SEC. 668. In each of the districts of Virginia and of Wisconsin the circuit court may order special terms, and direct a grand or petit jury, or both, to attend the same, by an order, to be entered of record twenty days before the day on which such special term is to convene: *Provided*, That no special term of such circuit courts shall be appointed in any of the said districts, except by and with the concurrence and consent of the circuit judge.

2 March, 1793, c. 22, s. 3, v. 1, p. 334.
10 April, 1869, c. 22, s. 2, v. 16, p. 44.

U. S. vs. The Insurgents, 2 Dall., 513.

U. S. vs. Cornell, 2 Mass., 98.

Adjourned terms, Missouri.

8 June, 1872, c. 334, s. 3, v. 17, p. 283.

Mechanics' Bank vs. Withers, 3 Dall., 19.

Anon., 1 Cr. C. C., 159.

California, Oregon, and Nevada, special sessions.

19 Feb., 1864, c. 11, s. 3, v. 13, p. 4.

3 March, 1863, c. 100, s. 1, v. 12, p. 794.

27 Feb., 1865, c. 64, s. 2, v. 13, p. 440.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Kentucky and Indiana, special terms.

15 May, 1862, c. 71, s. 2, v. 12, p. 366.

30 June, 1870, c. 180, s. 2, v. 16, p. 175.

175.

Tennessee, special terms.

26 Jan., 1864, c. 5, s. 2, v. 13, p. 2.

North Carolina, special terms.

4 June, 1872, c. 282, s. 4, v. 17, p. 215.

Virginia, Wisconsin, special terms.

29 June, 1870, c. 175, s. 4, v. 16, p. 171.

3 Feb., 1871, c. 35, s. 4, v. 16, p. 403.

Special terms,
general rule.

4 July, 1840, c. 43, a. 2, v. 5, p. 393.

Special terms,
business transact-
ed at.

15 May, 1802, c. 71, a. 2, v. 12, p. 398.

30 June, 1870, c. 180, a. 2, v. 16, p. 175.

21 Feb., 1855, c. 118, a. 3, v. 10, p. 612.

29 June, 1870, c. 175, a. 4, v. 16, p. 171.

3 Feb., 1871, c. 35, a. 4, v. 16, p. 403. 4 July, 1840, c. 43, a. 2, v. 5, p. 393. 26 Jan., 1864, c. 5, a. 2, v. 13, p. 2. 19 Feb., 1864, c. 11, a. 3, v. 13, p. 4. 27 Feb., 1865, c. 64, a. 7, v. 13, p. 440. 4 June, 1872, c. 282, a. 4, v. 17, p. 215.

Adjournment in
absence of the
judges.

24 Sept., 1789, c. 20, a. 6, v. 1, p. 76.

19 May, 1794, c. 32, v. 1, p. 369.

10 April, 1809, c. 92, a. 2, v. 16, p. 44.

Adjournment, in
absence of the
judges, by written
order.

4 July, 1840, c. 43, a. 1, v. 5, p. 392.

18 Jan., 1839, c. 3, a. 9, v. 5, p. 314.

SEC. 669. In the districts not mentioned in the five preceding sections, the presiding judge of any circuit court may appoint special sessions thereof, to be held at the places where the regular sessions are held.

SEC. 670. At any special term of a circuit court in any district in Indiana, Kentucky, Missouri, North Carolina, Virginia, and Wisconsin, any business may be transacted which might be transacted at any regular term of such court. At any special term of a circuit court in any other district, it shall be competent for the court to entertain jurisdiction of and to hear and decide all cases in equity, cases in error or on appeal, issues of law, motions in arrest of judgment, motion for a new trial, and all other motions, and to award executions and other final process, and to do and transact all other business, and direct all other proceedings, in all causes pending in the circuit court, except trying any cause by a jury, in the same way and with the same effect as the same might be done at any regular session of said court.

SEC. 671. If neither of the judges of a circuit court is present to open any session, the marshal may adjourn the court from day to day until a judge is present: *Provided*, That if neither of them attends before the close of the fourth day after the time appointed for the commencement of the session, the marshal may adjourn the court to the next regular term.

SEC. 672. If neither of the judges of a circuit court be present to open and adjourn any regular or adjourned or special session, either of them may, by a written order, directed alternatively to the marshal, and, in his absence, to the clerk, adjourn the court from time to time, as the case may require, to any time before the next regular term.

CHAPTER NINE.

SUPREME COURT—ORGANIZATION.

Sec.

- 673. Number of justices.
- 674. Precedence of the associate justices.
- 675. Vacancy in the office of Chief Justice.
- 676. Salaries of judges.
- 677. Clerk, marshal, and reporter.
- 678. Deputies of the clerk.

Sec. •

- 679. Records of the old court of appeals.
- 680. Marshal of the Supreme Court.
- 681. Duties of the reporter.
- 682. Reporter's salary and price of reports.
- 683. Distribution of the Supreme Court reports.

Number of jus-
tices.

10 April, 1869, c. 22, a. 1, v. 16, p. 44.

Precedence of the
associate justices.

24 Sept., 1789, c. 20, a. 1, v. 1, p. 73.

Vacancy in the
office of Chief Jus-
tice.

24 Sept., 1789, c. 20, a. 1, v. 1, p. 73.

25 June, 1868, c. 81, a. 1, v. 15, p. 80.

SEC. 673. The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight associate justices, any six of whom shall constitute a quorum.

SEC. 674. The associate justices shall have precedence according to the dates of their commissions, or, when the commissions of two or more of them bear the same date, according to their ages.

SEC. 675. In case of a vacancy in the office of Chief Justice, or of his inability to perform the duties and powers of his office, they shall devolve upon the associate justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every associate justice who succeeds to the office of Chief Justice.

SEC. 676. The Chief Justice of the Supreme Court of the United States shall receive the sum of ten thousand five hundred dollars a year, and the justices thereof shall receive the sum of ten thousand dollars a year each, to be paid monthly.

SEC. 677. The Supreme Court shall have power to appoint a clerk and a marshal for said court, and a reporter of its decisions.

Salaries of judges.

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

Clerk, marshal, and reporter.

24 Sept., 1789, c. 20, s. 7, v. 1, p. 76. 26 Aug., 1842, c. 202, s. 2, v. 5, p. 524. 29 Aug., 1842, c. 264, s. 1, v. 5, p. 545. 2 March, 1867, c. 156, s. 2, v. 14, p. 433.

SEC. 678. One or more deputies of the clerk of the Supreme Court may be appointed by the court on the application of the clerk, and may be removed at the pleasure of the court. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk in his name until a clerk is appointed and qualified; and for the defaults or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk, and his estate, and the sureties in his official bond shall be liable; and his executor or administrator shall have such remedy for any such defaults or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

Deputies of the clerk.

8 June, 1872, c. 336, v. 17, p. 330.

SEC. 679. The records and proceedings of the court of appeals, appointed previous to the adoption of the present Constitution, shall be kept in the office of the clerk of the Supreme Court, who shall give copies thereof to any person requiring and paying for them in the manner provided by law for giving copies of the records and proceedings of the Supreme Court; and such copies shall have like faith and credit with all other proceedings of said court.

Records of the old court of appeals.

8 May, 1792, c. 36, s. 12, v. 1, p. 279.

SEC. 680. The marshal is entitled to receive a salary at the rate of three thousand five hundred dollars a year. He shall attend the court at its sessions; shall serve and execute all process and orders issuing from it, or made by the Chief Justice or an associate justice in pursuance of law; and shall take charge of all property of the United States used by the court or its members. With the approval of the Chief Justice he may appoint assistants and messengers to attend the court, with the compensation allowed to officers of the House of Representatives of similar grade.

Marshal of the Supreme Court.

2 March, 1867, c. 156, s. 2, v. 14, p. 443. 27 Feb., 1801, c. 15, s. 7, v. 2, p. 106. 24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.

SEC. 681. The reporter shall cause the decisions of the Supreme Court made during his office to be printed and published within eight months after they are made; and, within the same time, shall deliver three hundred copies of the volumes of said reports to the Secretary of the Interior. And he shall, in any year when he is so directed by the court, cause to be printed and published a second volume of said decisions, of which he shall deliver, in like manner and time, three hundred copies.

Duties of the reporter.

29 Aug., 1842, c. 264, s. 1, v. 5, p. 545. 21 May, 1866, c. 88, s. 1, v. 14, p. 51. 23 July, 1866, c. 208, s. 1, v. 14, p. 191, (205.) 2 March, 1867, c. 168, s. 10, v. 14, p. 471.

SEC. 682. The reporter shall be entitled to receive from the Treasury an annual salary of twenty-five hundred dollars, when his report of said decisions constitutes one volume, and an additional sum of fifteen hundred dollars when, by direction of the court, he causes to be printed and published, in any year, a second volume. But said salary and compensation, respectively, shall be paid only when he causes such decisions to be printed, published, and delivered within the time and in the manner prescribed by law, and upon the condition that the volumes of said reports shall be sold by him to the public for a price not exceeding five dollars a volume.

Reporter's salary and price of reports.

29 Aug., 1842, c. 264, s. 1, v. 5, p. 545. 21 May, 1866, c. 88, s. 1, v. 14, p. 51. 23 July, 1866, c. 208, s. 1, v. 14, p. 191, (205.) 2 March, 1867, c. 168, s. 10, v. 14, p. 471.

SEC. 683. The three hundred copies of said reports delivered to the Secretary of the Interior shall be distributed as follows: To the President, the justices of the Supreme Court, the circuit judges, the judges of the district courts, the judges of the Court of Claims, the judges of the supreme court of the District of Columbia, the judges of the several territorial courts, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the

Distribution of the Supreme Court reports.

29 Aug., 1842, c. 264, s. 1, v. 5, p. 545. 2 March, 1861, c. 87, s. 6, v. 12, p. 245.

15 July, 1870, c. 292, s. 1, v. 16, p. 291, (307.)
 23 July, 1866, c. 208, s. 1, v. 15, p. 191, (205.)

Interior, the Postmaster-General, the Attorney-General, the Solicitor-General, the Secretary of the Senate, for the use of the Senate, the Clerk of the House of Representatives, for the use of the House of Representatives, the governors of the Territories, the Commissioner of Agriculture, the Commissioner of Internal Revenue, the Commissioner of Indian Affairs, the Commissioner of Pensions, the Commissioner of the General Land-Office, the Commissioner of Patents, the Commissioner of Customs, the Commissioner of Education, the Paymaster-General, the First and Second Comptrollers of the Treasury, the First, Second, Third, Fourth, Fifth, and Sixth Auditors of the Treasury, the Solicitor of the Treasury, the Register of the Treasury, the Treasurer of the United States, and the heads of such other executive offices as may hereafter be provided by law, of equal grade with any of the said officers, each one copy; to the Secretary of the Senate, for the use of the standing committees of the Senate, ten copies; and to the Clerk of the House of Representatives, for the use of the standing committees of the House, twelve copies; and the residue of said copies shall be deposited in the Library of Congress, to become a part of said Library. The copies received by any officer under this section shall, in case of his death, resignation, or dismissal from office, be delivered up to his successor in office.

CHAPTER TEN.

SUPREME COURT—SESSIONS.

Terms.	Sec. 684. Terms. 685. Adjournments for want of a quorum.	Sec. 686. Preparatory orders made by less than a quorum.
23 July, 1866, c. 210, s. 1, v. 14, p. 209. 24 Jan., 1873, c. 64, v. 17, p. 419.	SEC. 684. The Supreme Court shall hold, at the seat of Government, one term annually, commencing on the second Monday in October, and such adjourned or special terms as it may find necessary for the dispatch of business; and suits, proceedings, recognizances, and processes pending in or returnable to said court shall be tried, heard, and proceeded with as if the time of holding said sessions had not been hereby altered.	SEC. 686. Preparatory orders made by less than a quorum.
29 April, 1802, c. 31, s. 1, v. 2, p. 156. 21 Jan., 1829, c. 12, ss. 1, 2, v. 4, p. 332.	SEC. 685. If, at any session of the Supreme Court, a quorum does not attend on the day appointed for holding it, the justices who do attend may adjourn the court from day to day for twenty days after said appointed time, unless there be sooner a quorum. If a quorum does not attend within said twenty days, the business of the court shall be continued over till the next appointed session; and if, during a term, after a quorum has assembled, less than that number attend on any day, the justices attending may adjourn the court from day to day until there is a quorum, or may adjourn without day.	SEC. 686. The justices attending at any term when less than a quorum is present, may, within the twenty days mentioned in the preceding section, make all necessary orders touching any suit, proceeding, or process, depending in or returned to the court, preparatory to the hearing, trial, or decision thereof.
29 April, 1802, c. 31, s. 1, v. 2, p. 156. 21 Jan., 1829, c. 12, s. 1, v. 4, p. 323.	23 July, 1866, c. 210, s. 1, v. 14, p. 209.	

CHAPTER ELEVEN.

SUPREME COURT—JURISDICTION.

Sec.
 687. Original jurisdiction.
 688. Writs of prohibition and mandamus.
 689. Issues of fact.
 690. Appellate jurisdiction.
 691. Judgments in circuit court on writ of error.
 692. Appeals in equity and admiralty cases.
 693. Review of decisions of circuit court on certificate of division of opinion.
 694. Cases pending in Supreme Court from middle and northern districts of Alabama.
 695. Appeals in prize causes.
 696. Appeals in prize causes remaining in circuit courts.
 697. Points certified on division of opinion in a circuit court.
 698. Transcripts on appeals.
 699. Writs of error and appeals, without reference to amount.

Sec.
 700. Cases tried by the circuit court, without the intervention of a jury.
 701. Judgment or decree on review.
 702. Writs of error and appeals from territorial courts.
 703. When a Territory becomes a State after judgment or decree in territorial court.
 704. Judgments and decrees of district courts in cases transferred from territorial courts.
 705. Judgments and decrees of supreme court of District of Columbia.
 706. Cases where matter in dispute exceeds \$100.
 707. Appeals from the Court of Claims.
 708. Time and manner of appeals from the Court of Claims.
 709. Judgments and decrees of State courts on writ of error.
 710. Precedence of writs of error to State courts in criminal cases.

SEC. 687. The Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens, in which latter cases it shall have original, but not exclusive, jurisdiction. And it shall have exclusively all such jurisdiction of suits or proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, as a court of law can have consistently with the law of nations; and original, but not exclusive, jurisdiction of all suits brought by ambassadors, or other public ministers, or in which a consul or vice-consul is a party. [See §§ 4063-4066.]

Original jurisdiction.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 60.

States:

Fowler vs. Lindsey, 3 Dall., 411; *New York vs. Connecticut*, 4 Dall., 1; *U. S. vs. Peters*, 5 Cr., 115; *Cohens vs. Virginia*, 6 Wh., 264; *Osborn vs. U. S. Bank*, 9 Wh., 738; *Governor of Georgia vs. Madrazo*, 1 Pet., 110; *Cherokee Nation vs. Georgia*, 5 Pet., 1; *New Jersey vs. New York*, 5 Pet., 284; *Ex parte Madrazo*, 7 Pet., 637; *Rhode Island vs. Massachusetts*, 12 Pet., 657; *Rhode Island vs. Massachusetts*, 13 Pet., 23; *Rhode Island vs. Massachusetts*, 14 Pet. 210; *Rhode Island vs. Massachusetts*, 15 Pet., 233; *Rhode Island vs. Massachusetts*, 4 How., 591; *Missouri vs. Iowa*, 7 How., 660; *Florida vs. Georgia*, 17 How., 478; *Pennsylvania vs. Wheeling Bridge*, 18 How., 460; *Kentucky vs. Dennison, Gov.*, 24 How., 66; *Georgia vs. Stanton*, 6 Wall., 50; *Texas vs. White*, 7 Wall., 700; *Pennsylvania vs. Quicksilver Co.*, 10 Wall., 553; *Virginia vs. West Virginia*, 11 Wall., 39; *Commonwealth vs. Boutwell*, 13 Wall., 526.

Embassadors:

U. S. vs. Ravara, 2 Dall., 297; *U. S. vs. Ortega*, 11 Wh., 467.

SEC. 688. The Supreme Court shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime jurisdiction; and writs of mandamus, in cases warranted by the principles and usages of law, to any courts appointed under the authority of the United States, or to persons holding office under the authority of the United States, where a State, or an ambassador, or other public minister, or a consul or vice-consul is a party.

Writs of prohibition and mandamus.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 60.

Prohibition:

U. S. vs. Peters, 3 Dall., 121; *Ex parte Christy*, 3 How., 292; *Ex parte Gordon*, 1 Bl., 503; *U. S. vs. Hoffman*, 4 Wall., 158; *Ex parte Warmouth*, 17 Wall., 67.

Mandamus:

Hayburn's Case, 2 Dall., 409; *U. S. vs. Lawrence*, 3 Dall., 42; *Livingston vs. Dorgenois*, 7 Cr., 577; *Ex parte Burr*, 9 Wh., 529; *Bank of Columbia vs. Sweeney*, 1 Pet., 567; *Ex parte Bradstreet*, 4 Pet., 102; *Ex parte Crane*, 5 Pet., 190; *Ex parte Roberts*, 6 Pet., 216; *Ex parte Davenport*, 6 Pet., 661; *Ex parte Bradstreet*, 6 Pet., 774; *Ex parte Bradstreet*, 7 Pet., 634; *Ex parte Bradstreet*, 8 Pet., 588; *Life and Fire Insurance Co. vs. Adams*, 9 Pet., 571, 573; *Ex parte Hoyt*, 13 Pet., 279; *Life and Fire Insurance Co. vs. Adams*, 9 Pet., 571, 573; *Ex parte William Many*, 14 How., 24; *Stafford vs. Union Bank of Louisiana*, 17 How., 275; *Ex parte Secombe*, 19 How., 9; *Mussina vs. Cavazos*, 20 How., 260; *Ex parte Ransom vs. City of New York*, 20 How., 581; *U. S., ex rel., vs. Addison*, 22 How., 174; *Ex parte Kentucky vs. Dennison*, 24 How., 66; *White's Admr. vs. U. S.*, 1 Bl., 501; *Ex parte Fleming*, 2 Wall., 759; *Commissioner of Patents vs. Whitely*, 4 Wall., 533-4; *Riggs vs. Johnson County*, 6 Wall., 188; *Ex parte De Groot*, 6 Wall., 497; *Ex parte Bradley*, 7 Wall., 364; *Ex parte Graham*, 10 Wall., 541; *Commonwealth vs. Boutwell*, 13 Wall., 526; *Ex parte Russell*, 13 Wall., 664; *Ex parte Newman*, 14 Wall., 152.

Issues of fact.
24 Sept., 1789, c. 20, s. 13, v. 1, p. 80.
Appellate jurisdiction.

SEC. 689. The trial of issues of fact in the Supreme Court, in all actions at law against citizens of the United States, shall be by jury.

SEC. 690. The Supreme Court shall have appellate jurisdiction in the cases hereinafter specially provided for.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80.—*Sample vs. Hagar*, 4 Wall., 431.

Judgments in circuit court, on writ of error.

SEC. 691. All final judgments of any circuit court, or of any district court acting as a circuit court, in civil actions brought there by original process, or removed there from courts of the several States, and all final judgments of any circuit court in civil actions removed there from any district court by appeal or writ of error, where the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars, may be re-examined and reversed or affirmed in the Supreme Court, upon a writ of error.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.
3 March, 1803, c. 40, s. 2, v. 2, p. 244.
4 July, 1840, c. 43, s. 3, v. 5, p. 393.

Wilson vs. Daniel, 3 Dall., 401; *Williamson vs. Kincaid*, 4 Dall., 20; *Course vs. Stead*, 4 Dall., 22; *U. S. vs. McDowell*, 4 Cr., 316; *Duroseau vs. U. S.*, 6 Cr., 307; *Wise vs. Turnpike Co.*, 7 Cr., 276; *Peyton vs. Robertson*, 9 Wh., 527; *Gordon vs. Ogden*, 3 Pet., 33; *Smith T. vs. Honey*, 3 Pet., 469; *U. S. vs. Eighty-four boxes sugar*, 7 Pet., 453; *Lee vs. Lee*, 8 Pet., 44; *Hagan vs. Foison*, 10 Pet., 160; *Minor vs. Tillotson*, 1 How., 287; *Knapp vs. Banks*, 2 How., 73; *Matheson's Admr. vs. Grant's Admr.*, 2 How., 263; *Barry vs. Merceni*, 5 How., 103; *Mayberry vs. Thompson*, 5 How., 121; *Bayard vs. Lombard*, 9 How., 530; *Brooks vs. Norris*, 11 How., 204; *Connor vs. Feugh's Lessee*, 18 How., 394; *Stevens vs. Gladding*, 19 How., 64; *Dred Scott vs. Sanford*, 19 How., 393; *Doswell vs. De La Lanza*, 20 How., 29; *Payne vs. Niles*, 20 How., 219; *Snydam vs. Williamson*, 20 How., 427; *Warner vs. Norton*, 20 How., 461; *Roberts vs. Cooper*, 20 How., 467; *McPaul vs. Ramsay*, 20 How., 527; *Barton vs. Forsyth*, 20 How., 533; *Holcombe vs. McKusick*, 20 How., 552; *McCargo vs. Chapman*, 20 How., 555; *Rice vs. Minnesota, &c., Railroad*, 21 How., 82; *Richmond vs. Milwaukee*, 21 How., 391; *U. S., ex rel., vs. Addison*, 22 How., 174; *Kallogg vs. Forsyth*, 24 How., 186; *Hecker vs. Fowler*, 1 Bl., 95; *Pratt vs. Fitzhugh*, 1 Bl., 271; *Ex parte Gordon*, 1 Bl., 503; *Taylor vs. Morton*, 2 Bl., 481; *De Kraft vs. Barney*, 2 Bl., 704; *Pomroy's Lessee vs. Bank of Indiana*, 1 Wall., 592; *Ryan vs. Bindley*, 1 Wall., 66; *Burr vs. Des Moines R. R., &c.*, 1 Wall., 99; *Lee vs. Watson*, 1 Wall., 337; *Gregg vs. Forsyth*, 2 Wall., 56; *Heckers vs. Fowler*, 2 Wall., 123; *Cooke vs. U. S.*, 2 Wall., 218; *Marine Bank vs. Fulton Bank*, 2 Wall., 252; *Harvey vs. Tyler*, 2 Wall., 328; *Sparrow vs. Strong*, 3 Wall., 103; *Simpson vs. Dall*, 3 Wall., 460, (473); *Rogers vs. Burlington*, 3 Wall., 654; *U. S. vs. Dashiell*, 3 Wall., 688; *Walker vs. U. S.*, 4 Wall., 163; *Davidson vs. Lanier*, 4 Wall., 453; *Sparrow vs. Strong*, 4 Wall., 584; *U. S. vs. McMaisters*, 4 Wall., 682; *Barton vs. Forsyth*, 5 Wall., 190; *Thompson vs. Riggs*, 5 Wall., 663; *McClane vs. Boon*, 6 Wall., 244; *City of Washington vs. Dennison*, 6 Wall., 495; *Ex parte McArdle*, 7 Wall., 506; *Washington County vs. Durant*, 7 Wall., 694; *Avendano vs. Gay*, 8 Wall., 376; *Morris's Cotton*, 8 Wall., 507; *Steamboat Burns*, 9 Wall., 237; *New Orleans Railroad vs. Morgan*, 10 Wall., 256; *Masterson vs. Herndon*, 10 Wall., 416; *Miller vs. U. S.*, 11 Wall., 268; *Cook vs. Burnley*, 11 Wall., 672; *Germain vs. Mason*, 12 Wall., 259; *Knox vs. Exchange Bank*, 12 Wall., 379; *Hampton vs. Rouse*, 13 Wall., 1-7; *Insurance Co. vs. Barton*, 13 Wall., 603; *O'Dowd vs. Russell*, 14 Wall., 402; *Merrill vs. Petty*, 16 Wall., 344; *Moore vs. Robbuis*, 18 Wall., 586; *St. Clair County vs. Lovington*, 18 Wall., 628.

Appeals in equity and admiralty cases.

SEC. 692. An appeal shall be allowed to the Supreme Court from all final decrees of any circuit court, or of any district court acting as a circuit court, in cases of equity, and of admiralty and maritime jurisdiction, where the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars, and the Supreme Court is required to receive, hear, and determine such appeals.

3 March, 1803, c. 40, s. 2, v. 2, p. 244.
30 June, 1864, c. 174, s. 13, v. 13, p. 310.

U. S. vs. Brig Union, 4 Cr., 216; *The San Pedro*, 2 Wh., 132; *Conn vs. Penn.*, 5 Wh., 424; *Gordon vs. Ogden*, 3 Pet., 33; *Oliver vs. Alexander*, 6 Pet., 143; *U. S. vs. Nourse*, 6 Pet., 470; *Bank of Alexandria vs. Hooff*, 7 Pet., 168; *Owings vs. Kinkannon*, 7 Pet., 399; *U. S. vs. Eighty-four boxes of sugar*, 7 Pet., 453; *Stratton vs. Jarvis*, 8 Pet., 4; *Lee vs. Lee*, 8 Pet., 44; *Jackson vs. Ashton*, 8 Pet., 143; *Bank of U. S. vs. Daniel*, 12 Pet., 32; *Lee vs. Kelly*, 15 Pet., 213; *Young vs. Smith*, 15 Pet., 287; *Parish vs. Ellis*, 16 Pet., 451; *Forgay vs. Conrad*, 6 How., 201; *Perkins vs. Fourniquet*, 6 How., 206; *Bayard vs. Lombard*, 9 How., 530; *Gruner vs. U. S.*, 11 How., 163; *Spear vs. Place*, 11 How., 522; *Southard vs. Russel*, 12 How., 139; *Rich vs. Lambert*, 12 How., 347; *Perkins vs. Fourniquet*, 14 How., 328; *Stafford vs. Union Bank La.*, 16 How., 135; *Adams vs. Law*, 16 How., 144; *Shields vs. Thomas*, 17 How., 3; *Udall vs. Steamship Ohio*, 17 How., 17; *Verden vs. Coleman*, 18 How., 86; *Craighead vs. Wilson*, 18 How., 199; *Hudgins vs. Kemp*, 18 How., 530; *Deebe vs. Russel*, 19 How., 283; *Farrelly vs. Woodfolk*, 19 How., 288; *Brown vs. Shannon*, 20 How., 54; *McMickin vs. Perin*, 20 How., 133; *Richmond vs. Milwaukee*, 21 How., 80; *Vallance vs. Forsyth*, 21 How., 389; *Richmond vs. Milwaukee*, 21 How., 391; *U. S. vs. Fossatt*, 21 How., 450; *Rogers vs. Law*, 21 How., 526; *Nelson vs. Leland*, 22 How., 46; *Day vs. Washburn*, 23 How., 309; *Clifton vs. Sheldon*, 23 How., 481; *Gridley vs. Westbrook*, 23 How., 503; *Sampson vs. Welsh*, 24 How., 207; *Wabash and Erie Canal*

vs. Beers, 1 Bl., 54; *Pratt vs. Fitzhugh*, 1 Bl., 271; *Ship Marcellus*, 1 Bl., 414; *Cleveland vs. Chamberlain*, 1 Bl., 419; *U. S. vs. Knight's Admr.*, 1 Bl., 488; *Mississippi & Missouri R. R., vs. Ward*, 2 Bl., 445; *Callan vs. May*, 2 Bl., 541; *Sturgis vs. Clough*, 1 Wall., 269; *Malarin vs. U. S.*, 1 Wall., 232; *Blossom vs. Railroad Co.*, 1 Wall., 655; *U. S. vs. Gomez*, 1 Wall., 690; *Humiston vs. Stainthorp*, 2 Wall., 106; *Railroad Co. vs. Soutter*, 2 Wall., 440, 510; *Newell vs. Norton and Ship*, 3 Wall., 267; *Barrel vs. Transportation Co.*, 3 Wall., 454; *The Douro*, 3 Wall., 564; *Merryam vs. Haas*, 3 Wall., 687; *U. S. vs. Gomez*, 3 Wall., 752; *Seaver vs. Bigelows*, 5 Wall., 208; *Rubber Co. vs. Goodyear*, 6 Wall., 153; *The Grace Girdler*, 6 Wall., 441; *Edmonson vs. Bloomshire*, 7 Wall., 306; *Thompson vs. Dean*, 7 Wall., 342; *The Baltimore*, 7 Wall., 382; *Sheets vs. Selden*, 7 Wall., 416; *Ex parte McCardle*, 7 Wall., 506; *Railroad Co. vs. Bradleys*, 7 Wall., 575; *Washington County vs. Durant*, 7 Wall., 694; *The Lucy*, 8 Wall., 307; *Morris's Cotton*, 8 Wall., 507; *Latham's Appeal*, 9 Wall., 145; *Steamboat Burns*, 9 Wall., 237; *Hoe vs. Wilson*, 9 Wall., 501; *The Nonesuch*, 9 Wall., 504; *Herndon vs. Howard*, 9 Wall., 664; *Masterson vs. Herndon*, 10 Wall., 416; *Morgan vs. Thornhill*, 11 Wall., 65; *The Protector*, 11 Wall., 82; *French vs. Shoemaker*, 12 Wall., 86; *Bigler vs. Waller*, 12 Wall., 142; *Germain vs. Mason*, 12 Wall., 269; *Knox vs. Exchange Bank*, 12 Wall., 379; *Hall vs. Allen*, 12 Wall., 452; *Mead vs. Thompson*, 15 Wall., 636; *Merrill vs. Petit*, 16 Wall., 344; *Marin vs. Lalley*, 17 Wall., 14; *Ex parte Warmonth*, 17 Wall., 64; *Rodd vs. Heatt*, 17 Wall., 354; *Moore vs. Robbins*, 18 Wall., 588; *St. Clair County vs. Lovington*, 18 Wall., 628.

SEC. 693. Any final judgment or decree, in any civil suit or proceeding before a circuit court which was held, at the time, by a circuit justice and a circuit judge or a district judge, or by the circuit judge and a district judge, wherein the said judges certify as provided by law, that their opinions were opposed upon any question which occurred on the trial or hearing of the said suit or proceeding, may be reviewed and affirmed or reversed or modified by the Supreme Court, on writ of error or appeal, according to the nature of the case, and subject to the provisions of law applicable to other writs of error or appeals in regard to bail and supersedeas. [See § 682.]

SEC. 694. Nothing in the act of March three, eighteen hundred and seventy-three, relating to the circuit and district courts for the middle and northern districts of Alabama, shall affect the jurisdiction of the Supreme Court to hear and determine any cause or proceeding pending in said court at the date of said act on writ of error or appeal from the district courts of either of said districts.

SEC. 695. An appeal shall be allowed to the Supreme Court from all final decrees of any district court in prize causes, where the matter in dispute; exclusive of costs, exceeds the sum or value of two thousand dollars; and shall be allowed, without reference to the value of the matter in dispute, on the certificate of the district judge that the adjudication involves a question of general importance. And the Supreme Court shall receive, hear, and determine such appeals and shall always be open for the entry thereof. [See § 1009.]

SEC. 696. An appeal shall be allowed to the Supreme Court from all final decrees of any circuit court in prize causes depending therein on the thirtieth day of June, eighteen hundred and sixty-four, in the same manner, and subject to the same conditions as appeals in prize causes from the district courts.

SEC. 697. When any question occurs on the hearing or trial of any criminal proceeding before a circuit court, upon which the judges are divided in opinion, and the point upon which they disagree is certified to the Supreme Court according to law, such point shall be finally decided by the Supreme Court; and its decision and order in the premises shall be remitted to such circuit court, and be there entered of record, and shall have effect according to the nature of the said judgment and order. [See § 681.]

vs. Ellzey, 2 Cr., 445; *U. S. vs. Tyler*, 7 Cr., 285; *Ross vs. Triplett*, 3 Wh., 600; *U. S. vs. Lancaster*, 5 Wh., 434; *U. S. vs. Daniel*, 6 Wh., 542; *Wayman vs. Southard*, 10 Wh., 1; *Devereaux vs. Marr*, 12 Wh., 212; *Wolf vs. Usher*, 3 Pet., 269; *Saunders vs. Gould*, 4 Pet., 392; *Grant vs. Raymond*, 6 Pet., 218; *U. S. vs. Bailey*, 9 Pet., 267; *Davis vs. Braden*, 10 Pet., 236; *Smith vs. Vaughan*, 10 Pet., 366; *Packer vs. Nixon*, 10 Pet., 408; *Adams vs. Jones*, 12 Pet., 207; *White vs. Turk*, 12 Pet., 238; *U. S. vs. Stone*, 14 Pet., 524; *U. S. vs. Briggs*, 5 How., 208; *Nesmith vs. Sheldon*, 6 How., 41; *Luther vs. Borden*, 7 How., 1; *U. S. vs. Chicago*, 7 How., 185; *Sadler vs. Hoover*, 7 How., 646; *Wilson vs. Baruum*, 8 How.,

Review of decisions of circuit court on certificate of division of opinion.

1 June, 1872, c. 255, s. 1, v. 17, p. 196.

Cases pending in Supreme Court from middle and northern districts of Alabama.

3 March, 1873, c. 223, s. 3, v. 17, p. 485.

Appeals in prize causes.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

3 March, 1803, c. 40, s. 2, v. 2, p. 244.

The Admiral, 3 Wall. 603; *Withenbury vs. United States*, 5 Wall., 819; *The Alicia*, 7 Wall., 571.

Appeals in prize causes remaining in circuit courts.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

Points certified on division of opinion in a circuit court.

29 April, 1802, c. 31, s. 6, v. 2, p. 159.

Ogle vs. Lee, 2 Cr., 33; *Hepburn*

258; *Webster vs. Cooper*, 10 How., 54; *Dennistoun vs. Stewart*, 18 How., 565; *U. S. vs. City Bank Columbus*, 19 How., 385; *Ex parte Gordon*, 1 Bl., 503; *Silliman vs. Hudson River Bridge Co.*, 1 Bl., 582; *Ward vs. Chamberlain*, 2 Bl., 430; *Daniels vs. Railroad*, 3 Wall., 250; *Havemeyer vs. Iowa County*, 3 Wall., 294; *Brobst vs. Brobst*, 4 Wall., 2; *U. S. vs. Rosenburgh*, 7 Wall., 580; *Hannauer vs. Woodruff*, 10 Wall., 482; *U. S. vs. Avery*, 13 Wall., 251; *Insurance Company vs. Comstock*, 16 Wall., 358.

Transcripts on appeals.

3 March, 1863, c. 40, a. 2, v. 2, p. 244.
26 Feb., 1853, c. 60, a. 1, v. 10, p. 163.
30 June, 1864, c. 174, a. 13, v. 13, p. 310.

Conn vs. Penn., 5 Wh., 424; *Villabolas vs. U. S.*, 6 How., 81; *U. S. vs. Curry*, 6 How., 106; *Steamer Virginia vs. West*, 19 How., 182; *Mesa vs. U. S.*, 2 Bl., 721; *U. S. vs. Gomez*, 3 Wall., 763, 766; *The Mabey*, 10 Wall., 419.

Writs of error and appeals, without reference to amount.

Patent and copy-right cases.

8 July, 1870, c. 230, ss. 56, 107, v. 16, pp. 207, 215.—*Hogg vs. Emerson*, 6 How., 477; *Stimpeon vs. Railroad*, 10 How., 346; *Sizer vs. Maney*, 16 How., 98; *Brown vs. Shannon*, 20 How., 55.

Actions for enforcement of any revenue law.

31 May, 1844, c. 31, v. 5, p. 658.—*Curry vs. Curtis*, 3 How., 244; *U. S. vs. Carr*, 8 How., 9; *U. S. vs. Bromley*, 12 How., 86; *Mason vs. Gamble*, 21 How., 390.

Actions against revenue officers.

27 March, 1868, c. 34, s. 1, v. 15, p. 44.

Cases on account of deprivation of rights of citizens or under the Constitution.

20 April, 1871, c. 22, ss. 1, 2, v. 17, p. 13.
1, 3, v. 14, p. 27.

Suits for injuries by conspirators against civil rights.

20 April, 1871, c. 22, a. 2, v. 17, p. 13.

Cases tried by the circuit court without the intervention of a jury.

3 March, 1865, c. 86, s. 4, v. 13, p. 501. See acts.
24 Sept., 1789, c. 20, a. 22, v. 1, p. 84.
3 March, 1863, c. 40, s. 2, v. 2, p. 244.—*Barnes vs. Williams*, 11 Wh., 415; *Prentice vs. Zane's Admr.*, 8 How., 470; *Stimpeon vs. Railroad*, 10 How., 329; *Graham vs. Bayne*,

SEC. 698. Upon the appeal of any cause in equity, or of admiralty and maritime jurisdiction, or of prize or no prize, a transcript of the record, as directed by law to be made, and copies of the proofs, and of such entries and papers on file as may be necessary on the hearing of the appeal, shall be transmitted to the Supreme Court: *Provided*, That either the court below or the Supreme Court may order any original document or other evidence to be sent up, in addition to the copy of the record, or in lieu of a copy of a part thereof. And on such appeals no new evidence shall be received in the Supreme Court, except in admiralty and prize causes. [See § 750.]

SEC. 699. A writ of error may be allowed to review any final judgment at law, and an appeal shall be allowed from any final decree in equity hereinafter mentioned, without regard to the sum or value in dispute:

First. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, or of the supreme court of the District of Columbia, or of any Territory, in any case touching patents-rights or copyrights.

Second. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action brought by the United States for the enforcement of any revenue law thereof.

Third. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action against any officer of the revenue for any act done by him in the performance of his official duty, or for the recovery of any money exacted by or paid to him which shall have been paid into the Treasury.

Fourth. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, in any case brought on account of the deprivation of any right, privilege, or immunity secured by the Constitution of the United States, or of any right or privilege of a citizen of the United States.

Fifth. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action brought by any person on account of injury to his person or property by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty, Title "CIVIL RIGHTS."

SEC. 700. When an issue of fact in any civil cause in a circuit court is tried and determined by the court without the intervention of a jury, according to section six hundred and forty-nine, the rulings of the court in the progress of the trial of the cause, if excepted to at the time, and duly presented by a bill of exceptions, may be reviewed by the Supreme Court upon a writ of error or upon appeal; and when the finding is special the review may extend to the determination of the sufficiency of the facts found to support the judgment. [See § 649.]

18 How., 62; *Snydam vs. Williamson*, 20 How., 432; *Kelsey vs. Forsyth*, 21 How., 86; *Campbell vs. Boyreau*, 21 How., 223; *Cucullu vs. Emmerling*, 22 How., 83; *Burr vs. Des Moines Com.*, 1 Wall., 99; *Insurance Com. vs. Tweed*, 7 Wall., 44; *Basset vs. U. S.*, 9 Wall., 38; *Norris vs. Jackson*, 9 Wall., 125; *Flanders vs. Tweed*, 9 Wall., 425; *Copelin vs. Insurance Com.*, 9 Wall., 467; *Coddington vs. Richards*, 10 Wall., 516; *Smith vs. Sac County*, 11 Wall., 139; *Bethel vs. Mathews*, 13 Wall., 1; *Dirst vs. Morris*, 14 Wall., 484; *Dickinson vs. Planters' Bank*, 16 Wall., 250; *Insurance Com. vs. Folsom*, 18 Wall., 237; *Town of Ohio vs. Marcy*, 18 Wall., 552.

SEC. 701. The Supreme Court may affirm, modify, or reverse any judgment, decree, or order of a circuit court, or district court acting as a circuit court, or of a district court in prize causes, lawfully brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the inferior court, as the justice of the case may require. The Supreme Court shall not issue execution in a cause removed before it from such courts, but shall send a special mandate to the inferior court to award execution thereupon.

Judgment or decree on review.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.
24 Sept., 1789, c. 20, s. 24, v. 1, p. 85.
3 March, 1803, c. 40, s. 2, v. 2, p. 244.
30 June, 1864, c. 174, s. 13, v. 13, p. 310.

Sheehy vs. Mandeville, 6 Cr., 266; *Martin vs. Hunter's Lessee*, 1 Wh., 304; *Lanusee vs. Barker*, 3 Wh., 147; *U. S. Bank vs. Smith*, 11 Wh., 182; *Fowle vs. Common Council of Alexandria*, 11 Wh., 324; *Barnes vs. Williams*, 11 Wh., 415; *McArthur vs. Porter's Lessee*, 1 Pet., 628; *Farrar vs. U. S.*, 5 Pet., 389; *U. S. vs. Hawkins*, 10 Pet., 125; *Mackey vs. U. S.*, 10 Pet., 342; *Ex parte Sibbold*, 12 Pet., 492; *West vs. Bradshaw*, 14 Pet., 51; *U. S. vs. Boyd*, 15 Pet., 209; *Garland vs. Davis*, 4 How., 131; *Cutler vs. Rae*, 7 How., 732; *Humphreys vs. Leggett*, 9 How., 297; *McNulty vs. Batty*, 10 How., 72; *Graham vs. Bayne*, 18 How., 63; *Snydam vs. Williamson*, 20 How., 440; *Taylor vs. Morton*, 2 Bl., 451; *Ex parte Dubuque & Pacific R. R.*, 1 Wall., 69; *Railroad vs. Souther*, 2 Wall., 510; *Ex parte McCordle*, 7 Wall., 506; *Ex parte Morris & Johnson*, 9 Wall., 607; *Insurance Com. vs. Boykin*, 12 Wall., 433; *Insurance Com. vs. Piaggio*, 16 Wall., 378; *U. S. vs. Huchabee*, 16 Wall., 436; *Walbrun vs. Babbit*, 16 Wall., 577.

SEC. 702. The final judgments and decrees of the supreme court of any Territory, except the Territory of Washington, in cases where the value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party, or of other competent witnesses, exceeds one thousand dollars, may be reviewed and reversed or affirmed in the Supreme Court, upon writ of error or appeal, in the same manner and under the same regulations as the final judgments and decrees of a circuit court. In the Territory of Washington the value of the matter in dispute must exceed two thousand dollars, exclusive of costs. And any final judgment or decree of the supreme court of said Territory in any cause (*) the Constitution or a statute or treaty of the United States is brought in question may be reviewed in like manner. (See §§ 1006, 1011.)

Writs of error and appeals from territorial courts.

Utah, 9 September, 1850, c. 51, s. 9, v. 9, p. 455; New Mexico, 9 September, 1850, c. 49, s. 10, v. 9, p. 449; Washington, 2 March, 1853, c. 90, s. 9, v. 10, p. 175; Dakota, 2 March, 1861, c. 85, s. 9, v. 12, p. 241; Arizona, 24 February, 1863, c. 56, s. 2, v. 12, p. 665; Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811; Montana, 26 May, 1864, c. 95, s. 9, v. 13, p. 88; Wyoming, 25 July, 1868, c. 235, s. 9, v. 15, p. 180.—*Sheppard vs. Wilson*, 5 How., 210; *United States vs. Vigil*, 10 Wall., 423; *Wells vs. McGregor*, 13 Wall., 188; *Bartemeyer vs. Iowa*, 14 Wall., 26.

SEC. 703. In all cases where the judgment or decree of any court of a Territory might be reviewed by the Supreme Court on writ of error or appeal, such writ of error or appeal may be taken, within the time and in the manner provided by law, notwithstanding such Territory has, after such judgment or decree, been admitted as a State; and the Supreme Court shall direct the mandate to such court as the nature of the writ of error or appeal requires.

When a Territory becomes a State after judgment or decree in territorial court.

12 June, 1858, c. 154, s. 18, v. 11, p. 328.

Hunt vs. Palas, 4 How., 589; *Freeborn vs. Smith*, 2 Wall., 160.

SEC. 704. The judgments or decrees of any district court, in cases transferred to it from the superior court of any Territory, upon the admission of such Territory as a State, under sections five hundred and sixty-seven and five hundred and sixty-eight, may be reviewed and reversed or affirmed upon writs of error sued out of, or appeals taken to, the Supreme Court, in the same manner as if such judgments or decrees had been rendered in said superior court of such Territory. And the mandates and all writs necessary to the exercise of the appellate jurisdiction of the Supreme Court in such cases shall be directed to such district court, which shall cause the same to be duly executed and obeyed. (See §§ 567, 569.)

Judgments and decrees of district courts in cases transferred from territorial courts.

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.
22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

Express Co. vs. Kountze Bros., 8 Wall., 342.

(*) The word *where* omitted in the Roll.

Judgments and decrees of supreme court of District of Columbia.

3 March, 1863, c. 91, s. 11, v. 12, p. 764.

27 Feb., 1801, c. 15, s. 8, v. 2, p. 106.

2 April, 1816, c. 39, s. 1, v. 3, p. 261. — U. S. vs. Moore, 3 Cr., 159; Young vs. Bank of Alexandria, 4 Cr., 384; Carter's Heirs vs. Cutting, 8 Cr., 351; Peyton vs. Robertson, 9 Wh., 527; Brown vs. Wiley, 4 Wall., 165; Garnett vs. U. S., 11 Wall., 256; Smith vs. Mason, 14 Wall., 419.

Cases where matter in dispute exceeds \$100.

2 April, 1816, c. 39, s. 2, v. 3, p. 261.

3 March, 1863, c. 91, ss. 2, 11, v. 12, pp. 763, 764.

Lee vs. Lee, 8 Pet., 44; Campbell vs. Reed, 9 Wall., 198.

Appeals from the Court of Claims.

25 June, 1868, c. 71, s. 1, v. 15, p. 75.

3 March, 1863, c. 92, ss. 5, 11, v. 12, pp. 766, 767.

De Groot vs. U. S., 5 Wall., 419; U. S. vs. Adams, 6 Wall., 101; *Ex parte Zellner*, 9 Wall., 245; U. S. vs. Ayres, 9 Wall., 606; U. S. vs. Adams, 9 Wall., 661; *Ex parte Roberts*, 15 Wall., 384.

Time and manner of appeals from the Court of Claims.

3 March, 1863, c. 92, ss. 5, 11, v. 12, pp. 766, 767. 25 June, 1868, c. 71, s. 1, v. 15, p. 75.

Judgments and decrees of State courts on writ of error.

5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

24 Sept., 1789, c. 20, s. 25, v. 1, p. 85.

Olney vs. Arnold, 3 Dall., 308; Hepburn vs. Elzey, 2 Cr., 445; Gordon vs. Cadleigh, 3 Cr., 268; Matthews vs. Zane, 4 Cr., 352; Owings vs. Norwood's Lessee, 5 Cr., 344; Martin vs. Hunter's Lessee, 1 Wh., 304; Ingles vs. Coolidge, 2 Wh., 363; Miller vs. Nichols, 4 Wh., 311; Gibbons vs. Ogden, 6 Wh., 448; Ewell vs. Van Ness, 8 Wh., 312; Williams vs. Norris, 12 Wh., 117; Montgomery vs. Hernandez, 12 Wh., 129; Gwynn's Heirs vs. Jackson, 12 Wh., 135; Hickie vs. Starke, 1 Pet., 94; Ross vs. Barland, 1 Pet., 655; Wilson vs. Blackbird Creek Marsh Com., 2 Pet., 245; Satterlee vs. Matthews, 2 Pet., 380; Weston vs. City Council Charleston, 2 Pet., 449; Harris vs. Dennie, 3

SEC. 705. The final judgment or decree of the supreme court of the District of Columbia, in any case where the matter in dispute, exclusive of costs, exceeds the value of one thousand dollars, may be re-examined and reversed or affirmed in the Supreme Court of the United States, upon writ of error or appeal, in the same manner and under the same regulations as are provided in cases of writs of error on judgments, or appeals from decrees rendered in a circuit court.

SEC. 706. The writ of error or appeal provided by the preceding section may be allowed in any case where the value of the matter in dispute, exclusive of costs, is less than one thousand dollars, but more than one hundred dollars, upon the petition in writing of either party, accompanied by a copy of the proceedings complained of, and an assignment of errors, exhibited to any justice of the Supreme Court, if said justice is of opinion that such errors involve questions of law of such extensive operation as to render a decision of them by the Supreme Court desirable. The allowance in such case shall be by the written order of said justice, directed to the clerk of the supreme court of said District, to allow the appeal or issue the writ of error.

SEC. 707. An appeal to the Supreme Court shall be allowed, on behalf of the United States, from all judgments of the Court of Claims adverse to the United States, and on behalf of the plaintiff in any case where the amount in controversy exceeds three thousand dollars, or where his claim is forfeited to the United States by the judgment of said court, as provided in section one thousand and eighty-nine.

SEC. 708. All appeals from the Court of Claims shall be taken within ninety days after the judgment is rendered, and shall be allowed under such regulations as the Supreme Court may direct.

SEC. 709. A final judgment or decree in any suit in the highest court of a State, in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity; or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States, and the decision is against the title, right, privilege, or immunity specially set up or claimed, by either party, under such Constitution, treaty, statute, commission, or authority, may be re-examined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States; and the proceeding upon the reversal shall be the same, except that the Supreme Court may, at their discretion, proceed to a final decision of the case, and award execution, or remand the same to the court from which it was so removed. [See § 1617.]

The Supreme Court may re-affirm, reverse, modify, or affirm the judgment or decree of such State court, and may, at their discretion, award execution, or remand the same to the court from which it was removed by the writ.

Pet., 292; *Craig vs. Missouri*, 4 Pet., 410; *Fisher's Lessee vs. Cockerell*, 5 Pet., 248; *Maynard vs. Aspasia*, 5 Pet., 505; *Davis vs. Packard*, 6 Pet., 41; *City of New Orleans vs. Armas*, 9 Pet., 223; *Crowell vs. Randell*, 10 Pet., 368; *McBride vs. Hoey*, 11 Pet., 167; *Reed's Lessee vs. Marsh*, 13 Pet., 153; *Ocean Ins. Com. vs. Polley*, 13 Pet., 157; *Mitchell vs. Lennox*, 14 Pet., 49; *Kentucky vs. Griffith*, 14 Pet., 56; *Holmes vs. Jennison*, 14 Pet., 540; *Fulton vs. McAfee*, 16 Pet., 149; *City of Mobile vs. Ealava*, 16 Pet., 234; *Armstrong vs. Treasurer of Athens Co.*, 16 Pet., 281; *Mills vs. Brown*, 16 Pet., 525; *Chouteau vs. Eckhart*, 2 How., 344; *Mackay vs. Dillon*, 4 How., 421; *Pepper vs. Dunlap*, 5 How., 51; *Walker vs. Taylor*, 5 How., 64; *Commercial Bank of Cin. vs. Buckingham's Exrs.*, 5 How., 317; *Scott vs. Jones*, 5 How., 343; *Erwin vs. Lowry*, 7 How., 172; *Smith vs. Hunter*, 7 How., 738; *Almonester vs. Kenton*, 9 How., 1; *Strader vs. Baldwin*, 9 How., 261; *Doe vs. Ealava*, 9 How., 421; *Doe vs. Mobile*, 9 How., 451; *Henderson vs. Tennessee*, 10 How., 311; *Clements vs. Berry*, 11 How., 396; *Webster vs. Reid*, 11 How., 437; *Gill vs. Oliver's executors*, 11 How., 529; *Miners' Bank vs. Iowa*, 12 How., 1; *Williams vs. Oliver*, 12 How., 111; *Kanouse vs. Martin*, 14 How., 23; *Lawler vs. Walker*, 14 How., 149; *State Bank of Ohio vs. Knoop*, 16 How., 369; *Poydras de la Land vs. Treasurer of Louisiana*, 17 How., 1; *Heirs of Poydras de la Land vs. Treasurer of Louisiana*, 18 How., 192; *Calcott vs. Stanton*, 18 How., 243; *United States vs. Booth*, 18 How., 476; *Maxwell vs. Newbold*, 18 How., 511; *Cousin vs. Blanc's Executor*, 19 How., 202; *Bell vs. Hearne*, 19 How., 252; *Michigan Central Railroad vs. Michigan Southern Railroad*, 19 How., 379; *Burke vs. Gaines*, 19 How., 398; *Wynn vs. Morris*, 20 How., 3; *Christ Church vs. County Philadelphia*, 20 How., 26; *Withers vs. Buckley*, 20 How., 84; *Moreland vs. Paige*, 20 How., 522; *Beers vs. Arkansas*, 20 How., 527; *Abelman vs. Booth*, 21 How., 507; *White vs. Wright*, 22 How., 19; *Verden vs. Coleman*, 22 How., 192; *Lytle vs. Arkansas*, 22 How., 193; *Berthold vs. McDonald*, 22 How., 334; *Medberry vs. State of Ohio*, 24 How., 413; *Porter vs. Foley*, 24 How., 415; *Reddall vs. Bryan*, 24 How., 420; *Maguire vs. Tyler*, 1 Bl., 195; *Attorney-General vs. Federal-street Meeting-House*, 1 Bl., 262; *Farney vs. Towle*, 1 Bl., 350; *Hoyt vs. Sheldon*, 1 Bl., 518; *Taylor vs. Morton*, 2 Bl., 481; *Congdon vs. Goodnan*, 2 Bl., 574; *Randall vs. Howard*, 2 Bl., 565; *Minnesota vs. Batchelder*, 1 Wall., 116; *Bridge Proprietors vs. Hoboken Co.*, 1 Wall., 142; *Day vs. Gallup*, 2 Wall., 97; *The Binghamton Bridge*, 3 Wall., 51; *Lewis vs. Campan*, 3 Wall., 106; *Mining Company vs. Baggs*, 3 Wall., 304; *Buck vs. Colbath*, 3 Wall., 334; *McGuire vs. The Commonwealth*, 3 Wall., 382; *Ex parte Milligan*, 4 Wall., 113; *Railroad Com. vs. Rock*, 4 Wall., 177; *Lanier vs. Hunley*, 4 Wall., 209; *Ryan vs. Thomas*, 4 Wall., 603; *Green vs. Van Buskirk*, 5 Wall., 307; *Townsend vs. Greeley*, 5 Wall., 326; *Walker vs. Villavaeo*, 6 Wall., 124; *Rector vs. Ashley*, 6 Wall., 142; *Relehart vs. Felps*, 6 Wall., 160; *Millengar vs. Hartupee*, 6 Wall., 258; *The Victory*, 6 Wall., 382; *Hamilton Com. vs. Massachusetts*, 6 Wall., 632; *The Banks vs. The Mayor*, 7 Wall., 16; *Twitchell vs. The Commonwealth*, 7 Wall., 321; *Austin vs. The Aldermen*, 7 Wall., 604; *Furman vs. Nicholl*, 8 Wall., 44; *Gibson vs. Chanteau*, 8 Wall., 314; *Aldrich vs. Etna Com.*, 8 Wall., 491; *Maguire vs. Tyler*, 8 Wall., 651; *Worthy vs. The Commissioners*, 9 Wall., 611; *Downham vs. Alexandria*, 9 Wall., 661; *Gleason vs. Florida*, 9 Wall., 779; *Carpenter vs. Williams*, 9 Wall., 785; *Messenger vs. Mason*, 10 Wall., 507; *Railroad Com. vs. McClure*, 10 Wall., 511; *Bethel vs. Demorest*, 10 Wall., 537; *Parmelee vs. Lawrence*, 11 Wall., 36; *Insurance Co. vs. The Treasurer*, 11 Wall., 204; *Runkin vs. The State*, 11 Wall., 380; *Knox vs. Exchange Bank*, 12 Wall., 379; *People vs. Central Railroad*, 12 Wall., 455; *Trebilcock vs. Wilson*, 12 Wall., 687; *West Tennessee Bank vs. Citizens' Bank*, 13 Wall., 432; *Dooley vs. Smith*, 13 Wall., 604; *Cockroft vs. Vose*, 14 Wall., 5; *Tennessee Bank vs. Bank of Louisiana*, 14 Wall., 9; *Palmer vs. Marston*, 14 Wall., 10; *Sevier vs. Haskell*, 14 Wall., 13; *Steines vs. Franklin*, 14 Wall., 15; *Kennebec Railroad vs. Portland Railroad*, 14 Wall., 23; *Bartemeyer vs. Iowa*, 14 Wall., 26; *Hurley vs. Street*, 14 Wall., 85; *Caperton vs. Bowyer*, 14 Wall., 216; *Caperton vs. Ballard*, 14 Wall., 238; *O'Dowd vs. Russell*, 14 Wall., 402; *Delmas vs. Insurance Com.*, 14 Wall., 661; *Railroads vs. Richmond*, 15 Wall., 3; *Railroad vs. Johnson*, 15 Wall., 8; *Tarver vs. Keach*, 15 Wall., 67; *Salomons vs. Graham*, 15 Wall., 208; *Pennywit vs. Eaton*, 15 Wall., 380; *Moses vs. The Mayor*, 15 Wall., 387; *Hall vs. Jordan*, 15 Wall., 393; *Commercial Bank vs. Rochester*, 15 Wall., 639; *Smith vs. Adair*, 16 Wall., 185; *Bank vs. Turnbull*, 16 Wall., 190; *Marqueze vs. Bloom*, 16 Wall., 351; *Taylor vs. Taintor*, 16 Wall., 366; *Steamboat Com. vs. Chase*, 16 Wall., 522; *Crapo vs. Kelly*, 16 Wall., 610; *Tyler vs. Magwire*, 17 Wall., 253; *Miller vs. Joseph*, 17 Wall., 655.

SEC. 710. Cases on writ of error, to revise the judgment of a State court in any criminal case, shall have precedence, on the docket of the Supreme Court, of all cases to which the Government of the United States is not a party, excepting only such cases as the court, in its discretion, may decide to be of public importance.

Precedence of writs of error to State courts in criminal cases.

13 July, 1866, c. 184, s. 69, v. 14, p.

172. 24 Sept., 1789, c. 20, s. 25, v. 1, p. 85. 5 Feb., 1807, c. 28, s. 2, v. 14, p. 383.

CHAPTER TWELVE.

PROVISIONS COMMON TO MORE THAN ONE COURT OR JUDGE.

Sec.	Sec.
711. Exclusive jurisdiction of courts of United States.	733. Suits for internal-revenue taxes, where to be brought.
712. Oath of United States judges.	734. Seizures, where cognizable.
713. Judges prohibited from practicing law.	735. Captures of insurrectionary property, where cognizable.
714. Judges resigning entitled, in certain cases, to salary for life.	736. Proceedings to enjoin Comptroller of the Currency.
715. Criers of the courts. Attendants on juries.	737. When a part of several defendants cannot be served.
716. Power to issue writs.	738. Suits in equity against absent defendants, to subject property in the district.
717. Writs of <i>ascensu</i> .	739. Suits against inhabitants of United States to be brought where they reside or are found.
718. Temporary restraining orders.	740. Suits not of a local nature in States containing several districts.
719. Injunctions.	741. Suits of a local nature in States containing several districts.
720. Injunction to stay proceedings in State courts.	742. When land lies in different districts of same State.
721. Laws of the States, rules of decision.	743. In Indiana; where actions may be commenced.
722. Proceedings, civil and criminal, in vindication of civil rights.	744. Iowa; where suits are to be brought.
723. When suits in equity may be maintained.	745. Kentucky; where suits to be returned and tried.
724. Power to order production of books and writings in actions at law.	746. Causes in progress of trial not discontinued by arrival of new term.
725. Power to impose oaths and punish contempt.	747. Parties may manage their causes personally or by counsel.
726. New trials.	748. Certain officers forbidden to practice as attorneys, &c.
727. Power to hold to security for the peace and good behavior.	749. Penalty for violating preceding section.
728. Power to enforce awards of foreign consuls, &c., in certain cases.	750. Final record, how made in equity and admiralty causes.
729. Offenses punishable with death, where tried.	
730. Offenses on the high seas, &c., where triable.	
731. Offenses begun in one district and completed in another.	
732. Suits for pecuniary penalties and forfeitures, where to be brought.	

Exclusive jurisdiction of courts of United States.

24 Sept., 1789, c. 20, s. 9, v. 1, pp. 76, 78.

Martin vs. Hunter's Lessee, 1 Wh., 329; *Houston vs. Moore*, 5 Wh., 24, 29; *Prigg vs. Pennsylvania*, 16 Pet., 658; *Ely vs. Peck*, 7 Conn., 239; *The State vs. Adams*, 4 Blackf., 146; *Haney vs. Sharp*, 1 Dana, 442; *U. S. vs. Lathrop*, 17 Johns., 4; *U. S. vs. Campbell*, *Tappan's R.*, 29; *State vs. McBride*, 1 Rice, (So. C.,) 400; *Commonwealth vs. Feely*, 1 Va. Cases, 321; *Jackson vs. Rose*, 2 Va. Cases, 34.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

Ketland vs. The Cassius, 2 Dall., 365; *Martin vs. Hunter's Lessee*, 1 Wh., 329; *Houston vs. Moore*, 5 Wh., 24, 29; *Prigg vs. Pennsylvania*, 16 Pet., 658; *Hall vs. Warren*, 2 McLean, 332; *Ely vs. Peck*, 7 Conn., 239; *The State vs. Adams*, 4 Blackf., 146; *Haney vs. Sharp*, 1 Dana, 442; *U. S. vs. Lathrop*, 17 Johns., 4; *U. S. vs. Campbell*, *Tappan's R.*, 276; *State vs. McBride*, 1 Rice, (So. C.,) 400; *Commonwealth vs. Feely*, 1 Va. Cases, 321; *Jackson vs. Rose*, 2 Va. Cases, 34.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

The Hine vs. Trevor, 4 Wall., 555, (569;) *The Belfast*, 7 Wall., 625.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

13 July, 1866, c.

184, s. 9, v. 14, p. 111. 3 March, 1867, c. 169, s. 25, v. 14, p. 483. 6 Aug., 1861, c. 60, s. 2, v. 12, p. 319.—*Slocum vs. Mayberry*, 2 Wh., 1; *Gelston vs. Hoyt*, 3 Wh., 246, (312.)

SEC. 711. The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned, shall be exclusive of the courts of the several States:

First. Of all crimes and offenses cognizable under the authority of the United States.

Second. Of all suits for penalties and forfeitures incurred under the laws of the United States.

Third. Of all civil causes of admiralty and maritime jurisdiction; saving to suitors, in all cases, the right of a common-law remedy, where the common law is competent to give it.

Fourth. Of all seizures under the laws of the United States, on land or on waters not within admiralty and maritime jurisdiction.

Fifth. Of all cases arising under the patent-right or copyright laws of the United States. Patent and copy right cases.

8 July, 1870, c. 230, ss. 55, 56, 58, 106, v. 16, pp. 206, 207, 215.

Sixth. Of all matters and proceedings in bankruptcy. 2 March, 1867, c. 176, a. 1, v. 14, p. 517.

Seventh. Of all controversies of a civil nature, where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens. States.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80.
Georgia vs. Brailsford, 2 Dall., 402; Chisholm vs. Georgia, 2 Dall., 419; Hollingsworth vs. Virginia, 3 Dall., 378; New York vs. Connecticut 4 Dall., 1; Governor of Georgia vs. Madrazo, 1 Pet., 110; New Jersey vs. New York, 5 Pet., 284; Rhode Island vs. Massachusetts, 12 Pet., 657; Florida vs. Georgia, 11 How., 293.

Eighth. Of all suits or proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, or against consuls or vice consuls. Foreign ministers and their servants, and consuls.

24 Sept., 1789, c. 20, ss. 9, 11, 13, v. 1, pp. 76, 78, 80.—U. S. vs. Ravara, 2 Dall., 297; Cohens vs. Virginia, 6 Wh., 407; Davis vs. Packard, 7 Pet., 276; St. Luke's Hospital vs. Barkley et al., 3 Blatchf., 259.

SEC. 712. The justices of the Supreme Court, the circuit judges, and the district judges, hereafter appointed, shall take the following oath before they proceed to perform the duties of their respective offices: "I, _____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States: So help me God." Oath of United States judges.

24 Sept., 1789, c. 20, s. 8, v. 1, p. 76.

SEC. 713. It shall not be lawful for any judge appointed under the authority of the United States to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law. And any person offending against the prohibition of this section shall be deemed guilty of a high misdemeanor.

Judges prohibited from practicing law.

18 Dec., 1812, c. 5, v. 2, p. 788.

SEC. 714. When any judge of any court of the United States resigns his office, after having held his commission as such at least ten years, and having attained the age of seventy years, he shall, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation.

Judges resigning entitled, in certain cases, to salary for life.

10 April, 1869, c. 22, s. 5, v. 16, p. 45.

SEC. 715. The circuit and district courts may appoint criers for their courts, to be allowed the sum of two dollars per day; and the marshals may appoint such a number of persons, not exceeding five, as the judges of their respective courts may determine, to attend upon the grand and other juries, and for other necessary purposes, who shall be allowed for their services the sum of two dollars per day, to be paid by and included in the accounts of the marshal, out of any money of the United States in his hands. Such compensation shall be paid only for actual attendance, and, when both courts are in session at the same time, only for attendance on one court.

Criers of the courts, attendants on juries.

26 Feb., 1863, c. 80, s. 1, v. 10, p. 166.
2 March, 1867, c. 156, s. 2, v. 14, p. 433.

SEC. 716. The Supreme Court and the circuit and district courts shall have power to issue writs of scire facias. They shall also have power to issue all writs not specifically provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the usages and principles of law.

Power to issue writs.

24 Sept., 1789, c. 20, s. 14, v. 1, p. 81.
2 March, 1793, c. 22, s. 5, v. 1, p. 334.

Mandamus: McIntire vs. Wood, 7 Cr., 504; Kendall vs. U. S., 12 Pet., 524; Decatur vs. Paulding, 14 Pet., 497; Brahear vs. Mason, 6 How., 32; Commissioners of Knox County vs. Aspinwall, 24 How., 376; Supervisors vs. U. S., 4 Wall., 435; Commr. Patents vs. Whitely, 4 Wall., 522; Van Hoffman vs. City of Quincy, 4 Wall., 535; U. S. vs. The Commissioner, 5 Wall., 563; Riggs vs. Johnson County, 6 Wall., 166; Walkley vs. Muscatine, 6 Wall., 481; *Ex parte* De Groot, 6 Wall., 497; Benbow vs. Iowa City, 7 Wall., 313; *Ex parte* Bradley, 7 Wall., 364; Butz vs. City of Muscatine, 8 Wall., 575; The Mayor vs. Lord, 9 Wall., 409; Litchfield vs. The Register and Receiver, 9 Wall., 575; Bath County vs. Amy, 13 Wall., 244; Graham vs. Norton, 15 Wall., 427; Insurance Com. vs. Comstock, 16 Wall., 258; *In re* Turner, 3 Wall., Jr., C. C., 258; Spraggins vs. County Court, Cooke, 160.

Injunctions: Georgia vs. Brailsford, 2 Dall., 402; New York vs. Connecticut, 4 Dall., 1; Diggs vs. Wolcott, 4 Cr., 179; Marine Insurance Co. vs. Hodgson, 7 Cr., 332; Osborne vs.

Bank of U. S., 9 Wh., 738; *Parker vs. Judges of Circuit Court of Maryland*, 12 Wh., 661; *Boyle vs. Zacharie & Turner*, 6 Pet., 658; *Mississippi vs. Johnson*, 4 Wall., 475; *Gaines vs. Thompson*, 7 Wall., 347; *Litchfield vs. The Register and Receiver*, 9 Wall., 575; *Perry vs. Parker*, 1 Wood. & M., 260; *Bonaparte vs. Railroad*, 1 Baldw., 205, (21d.)

Certiorari: *Fenimore vs. U. S.*, 3 Dall., 362; *Stewart vs. Ingle*, 9 Wh., 526; *Clark vs. Hackett*, 1 Bl., 77; *Ex parte Vallandigham*, 1 Wall., 243; *Ex parte Dougan*, 2 Wall., 134; *Stearns vs. U. S.*, 4 Wall., 1; *U. S. vs. Adams*, 9 Wall., 661.

Supersedeas: *Hogan vs. Ross*, 11 How., 294; *Ex parte The Milwaukee R. R. Co.*, 5 Wall., 188.

Executions: *Bank of U. S. vs. Halstead*, 10 Wh., 56.

Writs of ne exeat.

3 March, 1793, c. 22, a. 5, v. 1, p. 334.
10 April, 1860, c. 22, a. 2, v. 16, p. 44.

Gurnon vs. Boccaline, 2 Waah. C. C., 130.

Temporary restraining orders.

1 June, 1872, c. 255, a. 7, v. 17, p. 197.

Injunctions.

2 March, 1793, c. 22, a. 5, v. 1, p. 334.
13 Feb., 1807, c. 13, v. 2, p. 418.

10 April, 1860, c. 22, a. 1, v. 16, p. 44.

1 June, 1872, c. 255, a. 7, v. 17, p. 197.

Injunction to stay proceedings in State courts.

2 March, 1793, c. 22, a. 5, v. 1, p. 334.

Diggs vs. Wolcott, 4 Cr., 179; *Peck vs. Jenness*, 7 How., 625; *Watson vs. Jones*, 13 Wall., 719.

Laws of the States, rules of decision.

24 Sept., 1789, c. 20, a. 34, v. 1, p. 92.

Brown vs. Van Braam, 3 Dall., 344; *Robinson vs. Campbell*, 3 Wh., 212; *Cohens vs. Virginia*, 6 Wh., 264; *Wayman vs. Southard*, 10 Wh., 1; *Green vs. Neal's Lessee*, 6 Pet., 291; *Ross vs. Duval*, 13 Pet., 45; *Swift vs. Tyson*, 16 Pet., 1; *Lane vs. Vick*, 3 How., 464; *Luther vs. Borden*, 7 How., 1; *Williamson vs. Berry*, 8 How., 486; *Van Rensselaer vs. Kearney*, 11 How., 297; *U. S. vs. Reid*, 12 How., 361; *Neves vs. Scott*, 13 How., 266; *Carroll vs. Carroll's Lessee*, 16 How., 275; *Morgan vs. Curtaneous*, 20 How., 1; *Fenn vs. Holme*, 21 How., 481; *Jeter vs. Hewitt*, 22 How., 352; *Snydam vs. Williamson*, 24 How., 327; *Sheirburn vs. Cordova*, 24 How., 423; *Hausnecht vs. Claypool*, 1 Bl., 431; *Jefferson Branch Bank vs. Skelly*, 1 Bl., 436; *Conway vs. Taylor's Executor*, 1 Bl., 603; *Chicago vs. Robbins*, 2 Bl., 418; *Leffingwell vs. Warren*, 2 Bl., 569; *Bridge Proprietors vs. Hoboken Com.*, 1 Wall., 145; *Gelpcke vs. Dubuque*, 1 Wall., 175; *Christie vs. Pridgeon*, 4 Wall., 203; *Mitchell vs. Burlington*, 4 Wall., 274; *Ewing vs. City of St. Louis*, 5 Wall., 419; *Nichols vs. Levi*, 5 Wall., 433; *Delmas vs. Insurance Com.*, 14 Wall., 667, 8; *Boyce vs. Tabb*, 18 Wall., 546.

Proceedings, civil and criminal, in vindication of civil rights.

9 April, 1866, c. 31, a. 3, v. 14, p. 27.

SEC. 717. Writs of ne exeat may be granted by any justice of the Supreme Court, in cases where they might be granted by the Supreme Court; and by any circuit justice or circuit judge, in cases where they might be granted by the circuit court of which he is a judge. But no writ of ne exeat shall be granted unless a suit in equity is commenced, and satisfactory proof is made to the court or judge granting the same that the defendant designs quickly to depart from the United States.

SEC. 718. Whenever notice is given of a motion for an injunction out of a circuit or district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security, in the discretion of the court or judge.

SEC. 719. Writs of injunction may be granted by any justice of the Supreme Court in cases where they might be granted by the Supreme Court; and by any judge of a circuit court in cases where they might be granted by such court. But no justice of the Supreme Court shall hear or allow any application for an injunction or restraining order in any cause pending in the circuit to which he is allotted, elsewhere than within such circuit, or at such place outside of the same as the parties may stipulate in writing, except when it cannot be heard by the circuit judge of the circuit or the district judge of the district. And an injunction shall not be issued by a district judge, as one of the judges of a circuit court, in any case where a party has had a reasonable time to apply to the circuit court for the writ; nor shall any injunction so issued by a district judge continue longer than to the circuit court next ensuing, unless so ordered by the circuit court.

SEC. 720. The writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State, except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy. [See § 5164.]

SEC. 721. The laws of the several States, except where the Constitution, treaties, or statutes of the United States otherwise require or provide, shall be regarded as rules of decision in trials at common law, in the courts of the United States, in cases where they apply.

SEC. 722. The jurisdiction in civil and criminal matters conferred on the district and circuit courts by the provisions of this Title, and of Title "CIVIL RIGHTS," and of Title "CRIMES," for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United

States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

SEC. 723. Suits in equity shall not be sustained in either of the courts of the United States in any case where a plain, adequate, and complete remedy may be had at law.

31 May, 1870, c. 114, a. 18, v. 16, p. 144.

When suits of equity may be maintained.

24 Sept., 1789, c. 20, a. 16, v. 1, p. 82. — Robinson vs. Campbell, 3 Wh., 212; Boyce's Executors vs. Grundy, 3 Pet., 210; *Ex parte* Tillinghast, 4 Pet., 108; Clark vs. Smith, 13 Pet., 195; U. S. vs. Price, 9 How., 83; Bennett vs. Butterworth, 11 How., 669; *Ex parte* Secombe, 19 How., 9; Hipp vs. Babin, 19 How., 271; Hungerford vs. Sigerson, 20 How., 156; Parker vs. Winnepicogee Co., 2 Bl., 545; Watts vs. Sutherland, 5 Wall., 74; Thompson vs. Railroad Cos., 6 Wall., 134.

SEC. 724. In the trial of actions at law, the courts of the United States may, on motion and due notice thereof, require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery. If a plaintiff fails to comply with such order, the court may, on motion, give the like judgment for the defendant as in cases of nonsuit; and if a defendant fails to comply with such order, the court may, on motion, give judgment against him by default.

Power to order production of books and writings in actions at law.

24 Sept., 1789, c. 20, a. 15, v. 1, p. 82. — Thompson vs. Selden, 20 How., 194; Geyger's Lessee vs. Geyger, 2 Dall. C. C., 332; Mayo vs. Carberry, 2 Cr. C. C., 336; Bank U. S. vs. Kurtz, 2 Cr. C. C., 342; Hilton's Lessee vs. Brown; 1 Wash. C. C., 296; Bas vs. Steele, 3 Wash. C. C., 381; Dnrham vs. Riley, 4 Wash. C. C., 126; Vaseo vs. Mifflin, 4 Wash. C. C., 519; Jacques vs. Collins, 2 Blatchf., 23; Iasigi vs. Brown, 1 Cur. C. C., 301.

24 Sept., 1789, c. 20, a. 15, v. 1, p. 82.

Thompson vs. Selden, 20 How., 194; Geyger's Lessee vs. Geyger, 2 Dall. C. C., 332; Mayo vs.

SEC. 725. The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said courts.

Power to impose oaths and punish contempts.

24 Sept., 1789, c. 20, a. 17, v. 1, p. 83.

2 March, 1831, c. 99, a. 1, v. 4, p. 467.

Ex parte Garland, 4 Wall., 378.

SEC. 726. All of the said courts shall have power to grant new trials, in cases where there has been a trial by jury, for reasons for which new trials have usually been granted in the courts of law.

New trials.

24 Sept., 1789, c. 20, a. 17, v. 1, p. 83.

Warner vs. Norton, 20 How., 448; Zentsinger vs. Waitman, 2 Cr. C. C., 478; Lloyd vs. Scott, 4 Cr. C. C., 206; U. S. vs. White, 5 Cr. C. C., 38; U. S. vs. Keene, 1 McLean, 429; U. S. vs. Connor, 3 McLean, 573; U. S. vs. Macomb, 5 McLean, 286; U. S. vs. Wanson, 1 Gall., 5; U. S. vs. Gilbert, 2 Sumn., 19; Cunningham vs. Bell, 5 Mas., 161; U. S. vs. Halberstadt, Gilp., 262; Rochelle vs. Phillips, Hemp., 22; Parker vs. Lewis, Hemp., 72; U. S. vs. Beaty, Hemp., 467; U. S. vs. Harding, 1 Wall., jr., 127; Clark vs. Manufacturers' Ins. Co., 2 Wood. & M., 472.

SEC. 727. The judges of the Supreme Court and of the circuit and district courts, the commissioners of the circuit courts, and the judges and other magistrates of the several States who are or may be authorized by law to make arrests for offenses against the United States, shall have the like authority to hold to security of the peace, and for good behavior, in cases arising under the Constitution and laws of the United States, as may be lawfully exercised by any judge or justice of the peace of the respective States, in cases cognizable before them.

Power to hold to security for the peace and good behavior.

16 July, 1798, c. 83, v. 1, p. 609.

24 Sept., 1789, c. 20, a. 33, v. 1, p. 91.

2 March, 1793, c.

22, a. 4, v. 1, p. 334. 23 August, 1842, c. 188, s. 1, v. 5, p. 516. 15 May, 1862, c. 71, a. 8, v. 12, p. 387. 10 April, 1869, c. 22, a. 2, v. 16, p. 44.

Power to enforce awards of foreign consuls, &c., in certain cases.

8 August, 1846, c. 105, v. 9, p. 78.

SEC. 728. The district and circuit courts, and the commissioners of the circuit courts, shall have power to carry into effect, according to the true intent and meaning thereof, the award, or arbitration, or decree of any consul, vice-consul, or commercial agent of any foreign nation, made or rendered by virtue of authority conferred on him as such consul, vice-consul, or commercial agent, to sit as judge or arbitrator in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to his charge; application for the exercise of such power being first made to such court or commissioner by petition of such consul, vice-consul, or commercial agent. And said courts and commissioners may issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto, by imprisonment in the jail or other place of confinement in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration, or decree is complied with, or the parties are otherwise discharged therefrom, by the consent in writing of such consul, vice-consul, or commercial agent, or his successor in office, or by the authority of the foreign government appointing such consul, vice-consul, or commercial agent: *Provided, however,* That the expenses of the said imprisonment, and maintenance of the prisoners, and the cost of the proceedings, shall be borne by such foreign government, or by its consul, vice-consul, or commercial agent requiring such imprisonment. The marshals of the United States shall serve all such process, and do all other acts necessary and proper to carry into effect the premises, under the authority of the said courts and commissioners.

Offenses punishable with death, where tried.

SEC. 729. The trial of offenses punishable with death shall be had in the county where the offense was committed, where that can be done without great inconvenience.

24 September, 1789, c. 20, s. 29, v. 1, p. 88. 16 July, 1802, c. 189, s. 2, v. 12, p. 582.

Offenses on the high seas, &c., where triable.

SEC. 730. The trial of all offenses committed upon the high seas or elsewhere, out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought.

30 April, 1790, c.

9, s. 8, v. 1, p. 113.

3, p. 600.

—U. S. vs. Jackalow, 1 Bl., 484;

20 April, 1818, c. 88, s. 4, v. 3, p. 448.

15 May, 1820, c. 113, ss. 3, 4, 5, v.

3, p. 600. 3 March, 1825, c. 65, ss. 5, 14, v. 4, pp. 115, 118.

3 March, 1847, c. 51, v. 9, p. 175.

—U. S. vs. Baker, 5 Blatch., C. C., 6.

Offenses begun in one district and completed in another.

SEC. 731. When any offense against the United States is begun in one judicial district and completed in another, it shall be deemed to have been committed in either, and may be dealt with, inquired of, tried, determined, and punished in either district, in the same manner as if it had been actually and wholly committed therein.

2 March, 1867, c.

169, s. 30, v. 14, p.

484.

Suits for pecuniary penalties and forfeitures, where to be brought.

SEC. 732. All pecuniary penalties and forfeitures may be sued for and recovered either in the district where they accrue or in the district where the offender is found.

28 February, 1839, c. 36, s. 3, v. 5, p. 322.

30 June, 1864, c. 173, ss. 41, 179, v. 13, pp. 239, 306.

13 July, 1866, c. 184, s. 9, v. 14, pp. 111, 145.

Suits for internal-revenue taxes, where to be brought.

SEC. 733. Taxes accruing under any law providing internal revenue may be sued for and recovered either in the district where the liability for such tax occurs or in the district where the delinquent resides.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

Seizures, where cognizable.

SEC. 734. Proceedings on seizures, for forfeiture under any law of the United States, made on the high seas may be prosecuted in any district into which the property so seized is brought and proceedings instituted. Proceedings on such seizures made within any district shall be prose-

24 Sept., 1789, c.

20, s. 9, v. 1, p. 76.

cutted in the district where the seizure is made, except in cases where it is otherwise provided.

13 July, 1860, c. 184, a. 9, v. 14, p. 111.
 30 June, 1864, c. 173, a. 48, v. 13, p. 240. 2 March, 1867, c. 169, a. 25, v. 14, p. 483. 13 July, 1861, c. 3, ss. 4, 5, 9, v. 12, pp. 256, 257, 258. 6 August, 1861, c. 60, a. 2, v. 12, p. 319.—Jennings vs. Carson, 4 Cr., 2; Ship Richmond vs. U. S., 9 Cr., 102; Sloop Abby, 1 Mas., 360; Schooner Bolena and cargo, 1 Gallis., 75; The Washington, 4 Blatchf., 101; Brig Little Ann, 1 Paine, 40.

SEC. 735. Proceedings for the condemnation of any property captured as prize, whether on the high seas or elsewhere out of the limits of any judicial district, or within any district, on account of its being purchased or acquired, sold or given, with intent to use or employ the same, or to suffer it to be used or employed, in aiding, abetting, or promoting any insurrection against the Government of the United States, or knowingly so used or employed by the owner thereof, or with his consent, may be prosecuted in any district where the same may be seized, or into which it may be taken and proceedings first instituted.

Captures of insurrectionary property, where cognizable.

6 August, 1861, c. 60, a. 2, v. 12, p. 319.

Insurance Co. vs. U. S., 6 Wall., 759.

SEC. 736. All proceedings by any national banking association to enjoin the Comptroller of the Currency, under the provisions of any law relating to national banking associations, shall be had in the district where such association is located.

Proceedings to enjoin Comptroller of the Currency.

3 June, 1864, c. 106, ss. 50, 57, v. 13, pp. 115, 116.

SEC. 737. When there are several defendants in any suit at law or in equity, and one or more of them are neither inhabitants of nor found within the district in which the suit is brought, and do not voluntarily appear, the court may entertain jurisdiction, and proceed to the trial and adjudication of the suit between the parties who are properly before it; but the judgment or decree rendered therein shall not conclude or prejudice other parties not regularly served with process nor voluntarily appearing to answer; and non-joinder of parties who are not inhabitants of nor found within the district, as aforesaid, shall not constitute matter of abatement or objection to the suit.

When a part of several defendants cannot be served.

28 Feb., 1839, c. 36, a. 1, v. 5, p. 321.

Bank of Vicksburg vs. Slocomb, 14 Pet., 60; Louisville. R. R. Co. vs. Letson, 9 How., 556; Union Bank vs. Stafford, 12

How., 327; Hagan vs. Walker, 14 How., 36; Rundel vs. Delaware and Haritan Canal Co., 14 How., 96; Nor. Indiana R. R. vs. Michigan Central R. R., 15 How., 233; Shields vs. Barrow, 17 How., 130; Colton et al. vs. Millandon et al., 19 How., 115; Clearwater vs. Meredith; 21 How., 489; Barney vs. Baltimore City, 6 Wall., 235; Taylor vs. Cook, 2 McLean, 616; Cooper vs. Gordon, 4 McLean, 6.

SEC. 738. When any defendant in a suit in equity to enforce any legal or equitable lien or claim against real or personal property within the district where the suit is brought is not an inhabitant of nor found within the said district, and does not voluntarily appear thereto, it shall be lawful for the court to make an order directing such absent defendant to appear, plead, answer, or demur to the complainant's bill at a certain day, therein to be designated; and the said order shall be served on such absent defendant, if practicable, wherever found, or, where such personal service is not practicable, shall be published in such manner as the court shall direct. If such absent defendant does not appear, plead, answer, or demur within the time so limited, or within some further time to be allowed by the court in its discretion, it shall be lawful for the court, upon proof of the service or publication of the said order, and of the performance of the directions contained therein, to entertain jurisdiction, and proceed to the hearing and adjudication of such suit, in the same manner as if such absent defendant had been served with process within the said district. But the said adjudication shall, as regards such absent defendant without appearance, affect his property within such district only.

Suits in equity against absent defendants, to subject property in the district.

1 June, 1872, c. 255, a. 13, v. 17, p. 198.

SEC. 739. Except in the cases provided in the next three sections, no person shall be arrested in one district for trial in another, in any civil action before a circuit or district court; and except in the said cases and the cases provided by the preceding section, no civil suit shall be brought before either of said courts against an inhabitant of the United States,

Suits against inhabitants of United States to be brought where they reside or are found.

24 Sept., 1789, c. 20, s. 11, v. 1, p. 79.

4 May, 1858, c. 27,

ss. 1, 2, v. 11, p. 272.

4 Cr., 421; Logan vs. Patrick, 5 Cr., 288; Gracie vs. Palmer, 8 Wh., 699; Toland vs. Sprague, 12 Pet., 300; Levy vs. Fitzpatrick, 15 Pet., 167; Herndon vs. Ridgway, 17 How., 424; Harrison vs. Rowan, 1 Pet. C. C., 459; Segee vs. Thomas, 3 Blatch., 11; Moffat vs. Soley, 2 Paine, 103; Flanders vs. Insurance Co., 3 Mas., 158; Picquet vs. Swan, 5 Mas., 35.

1 June, 1872, c. 265, s. 13, v. 17, p. 198.—Pollard & Pickett vs. Dwight,

4 Cr., 421; Logan vs. Patrick, 5 Cr., 288; Gracie vs. Palmer, 8 Wh., 699; Toland vs. Sprague, 12 Pet., 300; Levy vs. Fitzpatrick, 15 Pet., 167; Herndon vs. Ridgway, 17 How., 424; Harrison vs. Rowan, 1 Pet. C. C., 459; Segee vs. Thomas, 3 Blatch., 11; Moffat vs. Soley, 2 Paine, 103; Flanders vs. Insurance Co., 3 Mas., 158; Picquet vs. Swan, 5 Mas., 35.

Suits not of a local nature in States containing several districts.

4 May, 1858, c. 27,

s. 1, v. 11, p. 272.

24 Feb., 1863, c. 54, s. 9, v. 12, p. 682.

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Suits of a local nature in States containing several districts.

4 May, 1858, c. 27,

s. 1, v. 11, p. 272.

24 Feb., 1863, c. 54, s. 9, v. 12, p. 682.

Suits of a local nature in States containing several districts.

4 May, 1858, c. 27,

s. 1, v. 11, p. 272.

24 Feb., 1863, c. 54, s. 9, v. 12, p. 682.

When land lies in different districts of same State.

4 May, 1858, c. 27,

s. 2, v. 11, p. 272.

In Indiana; where actions may be commenced.

3 March, 1871, c. 106, s. 1, v. 16, p. 473.

3 March, 1871, c. 106, s. 1, v. 16, p. 473.

Iowa; where suits are to be brought.

3 March, 1849, c. 124, ss. 1, 3, v. 9, pp. 410, 411.

30 June, 1870, c. 178, ss. 1, 3, v. 16, p. 174.

30 June, 1870, c. 178, ss. 1, 3, v. 16, p. 174.

30 June, 1870, c. 178, ss. 1, 3, v. 16, p. 174.

Kentucky; where suits to be returned and tried.

15 May, 1862, c. 71, s. 9, v. 12, p. 387.

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by any original process, in any other district than that of which he is an inhabitant or in which he is found at the time of serving the writ.

SEC. 740. When a State contains more than one district, every suit not of a local nature, in the circuit or district courts thereof, against a single defendant, inhabitant of such State, must be brought in the district where he resides; but if there are two or more defendants, residing in different districts of the State, it may be brought in either district, and a duplicate writ may be issued against the defendants, directed to the marshal of any other district in which any defendant resides. The clerk issuing the duplicate writ shall indorse thereon that it is a true copy of a writ sued out of the court of the proper district; and such original and duplicate writs, when executed and returned into the office from which they issue, shall constitute and be proceeded on as one suit; and upon any judgment or decree rendered therein, execution may be issued, directed to the marshal of any district in the same State.

SEC. 741. In suits of a local nature, where the defendant resides in a different district, in the same State, from that in which the suit is brought, the plaintiff may have original and final process against him, directed to the marshal of the district in which he resides.

SEC. 742. Any suit of a local nature, at law or in equity, where the land or other subject-matter of a fixed character lies partly in one district and partly in another, within the same State, may be brought in the circuit or district court of either district; and the court in which it is brought shall have jurisdiction to hear and decide it, and to cause mesne or final process to be issued and executed, as fully as if the said subject-matter were wholly within the district for which such court is constituted.

SEC. 743. In the district of Indiana all actions of which the circuit and district courts have jurisdiction may be instituted in said courts, respectively, held at New Albany and Evansville, in the first instance, by filing the proper pleadings or other papers in the offices of the deputy clerks performing the duties of clerks of said courts respectively; and all proper and lawful process shall issue therefrom in the same manner as from other circuit and district courts in like cases.

SEC. 744. In the district of Iowa all suits not of a local nature in the district court against a single defendant, inhabitant of such State, must be brought in the division of the district where he resides; but if there are two or more defendants, residing in different divisions of the district, such suits may be brought in either division, and duplicate writs may be sent to the other defendants. The clerk issuing the duplicate writ shall indorse thereon that it is a true copy of a writ sued out of the court in the proper division of the district; and the original and duplicate writs, when executed and returned into the office from which they issue, shall constitute and be proceeded in as one suit. All issues of fact in such suits shall be tried at a term of the court held in the division where the suit is so brought.

SEC. 745. In the district of Kentucky the clerks of the circuit and district courts, respectively, upon issuing original process in a civil action, shall make it returnable to the court nearest to the county of the residence of the defendant, or of that defendant whose county is nearest a court, if he have information sufficient, and shall immediately, upon payment by the plaintiff of his fees accrued, send the papers filed to the clerk of the court to which the process is made returnable; and whenever the process is not thus made returnable, any defendant may, upon motion, on or before the calling of the cause, have it transferred

to the court to which it should have been sent had the clerk known the residence of the defendant when the action was brought.

SEC. 746. When the trial or hearing of any cause, civil or criminal, in a circuit or district court, has been commenced and is in progress before a jury or the court, it shall not be stayed or discontinued by the arrival of the time fixed by law for another session of said court; and the court may proceed therein and bring it to a conclusion, in the same manner and with the same effect as if another stated term of the court had not intervened.

SEC. 747. In all the courts of the United States the parties may plead and manage their own causes personally, or by the assistance of such counsel or attorneys at law as, by the rules of the said courts, respectively, are permitted to manage and conduct causes therein.

SEC. 748. No clerk, assistant or deputy clerk, of any territorial, district, or circuit court, or of the Court of Claims, or the Supreme Court of the United States, or marshal or deputy marshal of the United States within the district for which he is appointed, shall act as a solicitor, proctor, attorney, or counsel in any cause depending in either of said courts, or in any district for which he is acting as such officer.

SEC. 749. Whosoever violates the preceding section shall be stricken from the roll of attorneys by the court upon complaint, upon which the respondent shall have due notice, and be heard in his defense; and in the case of a marshal or deputy marshal so acting, he shall be recommended by the court for dismissal from office.

SEC. 750. In equity and admiralty causes, only the process, pleadings, and decree, and such orders and memorandums as may be necessary to show the jurisdiction of the court and regularity of the proceedings, shall be entered upon the final record. [See § 603.]

Causes in progress of trial not discontinued by arrival of new term.

2 March, 1855, c. 140, s. 1, v. 10, p. 620.

Parties may manage their causes personally or by counsel.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92.

Certain officers forbidden to practice as attorneys, &c.

16 Jan., 1873, c. 36, s. 1, v. 17, p. 411.

Penalty for violating preceding section.

16 Jan., 1873, c. 36, s. 2, v. 17, p. 411.

Final record, how made in equity and admiralty causes.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 163.

CHAPTER THIRTEEN.

HABEAS CORPUS.

Sec.	Sec.
751. Power of courts to issue writs of <i>habeas corpus</i> .	760. Denial of return, counter-allegations, amendments.
752. Power of judges to grant writs of <i>habeas corpus</i> .	761. Summary hearing; disposition of party.
753. Writs of <i>habeas corpus</i> when prisoner is in jail.	762. In cases involving the law of nations, notice to be served on State attorney-general.
754. Application for the writ of <i>habeas corpus</i> .	763. Appeals in cases of <i>habeas corpus</i> to circuit court.
755. Allowance and direction of the writ.	764. Appeal to Supreme Court.
756. Time of return.	765. Appeals, how taken.
757. Form of return.	766. Pending proceedings in certain cases, action by State authority void.
758. Body of the party to be produced.	
759. Day for hearing.	

SEC. 751. The Supreme Court and the circuit and district courts shall have power to issue writs of *habeas corpus*.

Power of courts to issue writs of *habeas corpus*.

24 Sept., 1789, c. 20, s. 14, v. 1, p. 81. 10 April, 1869, c. 22, s. 2, v. 16, p. 44. 2 March, 1833, c. 57, s. 7, v. 4, p. 634. 5 Feb., 1867, c. 28, s. 1, v. 14, p. 385. 29 Aug., 1842, c. 257, s. 1, v. 5, p. 539.—U. S. vs. Hamilton, 3 Dall., 17; *Ex parte* Burford, 3 Cr., 448; *Ex parte* Bollman, 4 Cr., 75; *Ex parte* Wilson, 6 Cr., 52; *Ex parte* Kearney, 7 Wh., 38; *Ex parte* Watkins, 3 Pet., 193; *Ex parte* Watkins, 7 Pet., 568; *Ex parte* Milburn, 9 Pet., 704; *Holmes vs. Jennison*, 14 Pet., 540; *Ex parte* Barry, 2 How., 65; *Ex parte* Dorr, 3 How., 103; *Barry vs. Mercein*, 5 How., 103; *In re* Metzger, 5 How., 176; *In re* Kaine, 14 How., 103; *Ex parte* Wells, 18 How., 307; *Ex parte* Milligan, 4 Wall., 2; *Ex parte* McCordle, 6 Wall., 318; *Ex parte* McCordle, 7 Wall., 506; *Ex parte* Yerger, 8 Wall., 85; *Ex parte* Lange, 18 Wall., 163; *In re* Heinrich, 5 Blatchf., 414; *Ex parte* Keeler, Hempa., 306; U. S. vs. Williamson, 3 Am. Law Rep., 729; *Bennet vs. Bennet*, 1 Deady, 299; *Ex parte* Everts, 7 Am. Law Rep., 79; *Norris vs. Newton*, 5 McLean, 22; U. S. vs. Rector, 5 McLean, 174; *Veremaitre's Case*, 13 Law Rep., 608; *Ex parte* Sifford, 5 Am. Law R., 659; *Ex parte* Mc-

Can, 14 Am. Law Rep., 158; U. S. vs. French, 1 Gallis, 1; *Ex parte* Cheeney, 5 Law Rep., 19; *Ex parte* Des Roches, 1 McAllis, 68; *Ex parte* Pleasants, 4 Cr. C. C., 314; *Ex parte* Turner, 6 Int. Rev. Rec., 147; *Ex parte* Jenkins, 2 Wall., jr., 521; *Ex parte* Robinson, 6 McLean, 365; *Ex parte* Smith, 3 McLean, 121; Meade's Case, 1 Brock., 324; U. S. vs. Anderson, Cooke, 143.

Power of judges to grant writs of *habeas corpus*.

24 Sept., 1789, c. 20, s. 14, v. 1, p. 81. 10 April, 1869, c. 22, s. 2, v. 16, p. 44. 2 March, 1833, a. 57, v. 4, p. 634. 5 Feb., 1867, c. 28, a. 1, v. 14, p. 385. 29 Aug., 1842, c. 257, a. 1, v. 5, p. 539.

Writ of *habeas corpus* when prisoner is in jail.

24 Sept., 1789, c. 20, s. 14, v. 1, p. 81. 2 March, 1833, c. 57, a. 7, v. 4, p. 634. 5 Feb., 1867, c. 28, a. 1, v. 14, p. 385. 29 Aug., 1842, c. 257, a. 1, v. 5, p. 539.

Ex parte Dorr, 3 How., 103; *Ex parte* Barnes, 1 Sprague, 133.

Application for the writ of *habeas corpus*.

5 Feb., 1867, c. 28, a. 1, v. 14, p. 385.

Allowance and direction of the writ.

5 Feb., 1867, c. 28, a. 1, v. 14, p. 385.

Ex parte Watkins, 3 Pet., 193; *Ex parte* Milligan, 4 Wall., 2, (110.)

Time of return.

5 Feb., 1867, c. 28, a. 1, v. 14, p. 385.

Form of return.

5 Feb., 1867, c. 28, a. 1, v. 14, p. 385.

Body of the party to be produced.

5 Feb., 1867, c. 28, a. 1, v. 14, p. 385.

Day for hearing.

5 Feb., 1867, c. 28, a. 1, v. 14, p. 385.

Denial of return, counter-allegations, amendments.

5 Feb., 1867, c. 28, a. 1, v. 14, p. 385.

Summary hearing; disposition of party.

5 Feb., 1867, c. 28, a. 1, v. 14, p. 385.

SEC. 752. The several justices and judges of the said courts, within their respective jurisdictions, shall have power to grant writs of *habeas corpus* for the purpose of an inquiry into the cause of restraint of liberty.

SEC. 753. The writ of *habeas corpus* shall in no case extend to a prisoner in jail, unless where he is in custody under or by color of the authority of the United States, or is committed for trial before some court thereof; or is in custody for an act done or omitted in pursuance of a law of the United States, or of an order, process, or decree of a court or judge thereof; or is in custody in violation of the Constitution or of a law or treaty of the United States; or, being a subject or citizen of a foreign state, and domiciled therein, is in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, or order, or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations; or unless it is necessary to bring the prisoner into court to testify.

SEC. 754. Application for a writ of *habeas corpus* shall be made to the court, or justice, or judge authorized to issue the same, by complaint in writing, signed by the person for whose relief it is intended, setting forth the facts concerning the detention of the party restrained, in whose custody he is detained, and by virtue of what claim or authority, if known. The facts set forth in the complaint shall be verified by the oath of the person making the application.

SEC. 755. The court, or justice, or judge to whom such application is made shall forthwith award a writ of *habeas corpus*, unless it appears from the petition itself that the party is not entitled thereto. The writ shall be directed to the person in whose custody the party is detained.

SEC. 756. Any person to whom such writ is directed shall make due return thereof within three days thereafter, unless the party be detained beyond the distance of twenty miles; and if beyond that distance and not beyond a distance of a hundred miles, within ten days; and if beyond the distance of a hundred miles, within twenty days.

SEC. 757. The person to whom the writ is directed shall certify to the court, or justice, or judge before whom it is returnable the true cause of the detention of such party.

SEC. 758. The person making the return shall at the same time bring the body of the party before the judge who granted the writ.

SEC. 759. When the writ is returned, a day shall be set for the hearing of the cause, not exceeding five days thereafter, unless the party petitioning requests a longer time.

SEC. 760. The petitioner or the party imprisoned or restrained may deny any of the facts set forth in the return, or may allege any other facts that may be material in the case. Said denials or allegations shall be under oath. The return and all suggestions made against it may be amended, by leave of the court, or justice, or judge, before or after the same are filed, so that thereby the material facts may be ascertained.

SEC. 761. The court, or justice, or judge shall proceed in a summary way to determine the facts of the case, by hearing the testimony and arguments, and thereupon to dispose of the party as law and justice require.

SEC. 762. When a writ of habeas corpus is issued in the case of any prisoner who, being a subject or citizen of a foreign state and domiciled therein, is committed, or confined, or in custody, by or under the authority or law of any one of the United States, or process founded thereon, on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption, claimed under the commission or order or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations, notice of the said proceeding, to be prescribed by the court, or justice, or judge at the time of granting said writ, shall be served on the attorney-general or other officer prosecuting the pleas of said State, and due proof of such service shall be made to the court, or justice, or judge before the hearing.

SEC. 763. From the final decision of any court, justice, or judge inferior to the circuit court, upon an application for a writ of habeas corpus or upon such writ when issued, an appeal may be taken to the circuit court for the district in which the cause is heard :

1. In the case of any person alleged to be restrained of his liberty in violation of the Constitution, or of any law or treaty of the United States.

2. In the case of any prisoner who, being a subject or citizen of a foreign state, and domiciled therein, is committed or confined, or in custody by or under the authority or law of the United States, or of any State, or process founded thereon, for or on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption, set up or claimed under the commission, order, or sanction of any foreign state or sovereignty, the validity and effect whereof depend upon the law of nations, or under color thereof.

SEC. 764. From the final decision of such circuit court an appeal may be taken to the Supreme Court in the cases described in the last clause of the preceding section.

SEC. 765. The appeals allowed by the two preceding sections shall be taken on such terms, and under such regulations and orders, as well for the custody and appearance of the person alleged to be in prison or confined or restrained of his liberty, as for sending up to the appellate tribunal a transcript of the petition, writ of habeas corpus, return thereto, and other proceedings, as may be prescribed by the Supreme Court, or, in default thereof, by the court or judge hearing the cause.

SEC. 766. Pending the proceedings or appeal in the cases mentioned in the three preceding sections, and until final judgment therein, and after final judgment of discharge, any proceeding against the person so imprisoned or confined or restrained of his liberty, in any State court, or by or under the authority of any State, for any matter so heard and determined, or in process of being heard and determined, under such writ of habeas corpus, shall be deemed null and void.

In cases involving the law of nations, notice to be served on State attorney-general.

29 Aug., 1842, c. 257, v. 5, p. 539.

Appeals in cases of habeas corpus to circuit court.

29 Aug., 1842, c. 257, v. 5, p. 539.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 386.

27 March, 1868, c. 34, s. 2, v. 15, p. 44.

Ex parte McCordle, 6 Wall., 318; *Ex parte McCordle*, 7 Wall., 506; *Ex parte Yergler*, 8 Wall., 86.

Appeal to Supreme Court.

29 Aug., 1842, c. 257, v. 5, p. 539.

Appeals, how taken.

29 Aug., 1842, c. 257, v. 5, p. 539.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 386.

Pending proceedings in certain cases, action by State authority void.

29 Aug., 1842, c. 257, v. 5, p. 539.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 386.

CHAPTER FOURTEEN.

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District attorneys.

SEC. 767. There shall be appointed in each district, except in the middle district of Alabama, and the northern district of Georgia, and the western district of South Carolina, a person learned in the law, to act as attorney for the United States in such district. The district attorney of the northern district of Alabama shall perform the duties of district attorney of the middle district of said State; and the district attorney of the southern district of Georgia shall perform the duties of district attorney of the northern district of said State; and the district attorney of the eastern district of South Carolina shall perform the duties of district attorney for the western district of said State.

24 Sept., 1789, c. 20, a. 35, v. 1, p. 92. Ala., 21 April, 1820, c. 47, a. 6, v. 3, p. 565; 10 March, 1824, c. 28, a. 8, v. 4, p. 10; 6 Feb., 1839, c. 20, a. 7, v. 5, p. 316. Ark., 15 June, 1836, c. 100, a. 6, v. 5, p. 51; 3 March 1851, c. 24, a. 4, v. 9, p. 595. Ga., 11 Aug., 1848, c. 151, a. 7, v. 9, p. 281. Fla., 3 March, 1845, c. 75, a. 7, v. 5, p. 788; 23 Feb., 1847, c. 20, a. 5, v. 9, p. 131. Ill., 3 March, 1819, c. 70, a. 4, v. 3, p. 503; 13 Feb., 1855, c. 98, a. 9, v. 10, p. 607. Ind., 3 March, 1817, c. 100, a. 4, v. 3, p. 391. Iowa, 3 March, 1845, c. 76, a. 4, v. 5, p. 789. Kans., 29 Jan., 1861, c. 20, a. 4, v. 12, p. 128. La., 27 July, 1866, c. 280, a. 1, v. 14, p. 300. Mich., 1 July, 1836, c. 234, a. 4, v. 5, p. 62; 24 Feb., 1863, c. 54, a. 8, v. 12, p. 661. Minn., 11 May, 1858, c. 31, a. 3, v. 11, p. 285. Miss., 3 April, 1818, c. 29, a. 4, v. 3, p. 413; 18 June, 1838, c. 115, a. 6, v. 5, p. 246. Mo., 16 Mar., 1822, c. 12, a. 4, v. 3, p. 653; 3 March, 1857, c. 100, a. 8, 9, v. 11, p. 190. Nebr., 25 Mar., 1867, c. 7, a. 1, v. 15, p. 5. Nev., 27 Feb., 1865, c. 64, a. 1, v. 13, p. 440. N. Y., 3 March, 1815, c. 95, v. 3, p. 235; 25 Feb., 1865, c. 54, a. 1, v. 13, p. 438. N. C., 4 June, 1790, c. 17, a. 1, v. 1, p. 126; 4 June, 1872, c. 282, a. 7, v. 17, p. 217. Ohio, 19 Feb., 1802, c. 7, a. 4, v. 2, p. 202; 10 Feb., 1855, c. 73, a. 8, v. 10, p. 605. Oreg., 3 March, 1859, c. 85, a. 3, v. 11, p. 437. Pa., 20 April, 1818, c. 108, a. 5, v. 3, p. 463. Tenn., 29 April, 1802, c. 31, a. 20, v. 2, p. 165; 18 June, 1838, c. 118, a. 11, v. 5, p. 250; 18 Jan., 1839, c. 3, a. 1, v. 5, p. 313. Tex., 29 Dec., 1845, c. 1, a. 3, v. 9, p. 1; 21 Feb., 1857, c. 57, a. 6, v. 11, p. 165. Vt., 2 March, 1791, c. 12, a. 1, v. 1, p. 197. Va., 3 Feb., 1871, c. 35, a. 8, v. 16, p. 404. W. Va., 4 Feb., 1819, c. 12, a. 1, 3, v. 3, pp. 478, 479; 26 May, 1824, c. 167, a. 1, v. 4, p. 48; 11 June, 1864, c. 120, a. 1, v. 13, p. 124. Wis., 6 Aug., 1848, c. 89, a. 5, v. 9, p. 57; 29 June, 1870, c. 175, a. 8, v. 16, p. 172.

Iowa, district attorney.

SEC. 768. The district attorney of the district of Iowa shall perform the duties of district attorney for all of the divisions of said district.

3 March, 1849, c. 124, a. 5, v. 9, p. 412. 3 March, 1859, c. 85, a. 5, 8, v. 11, pp. 437, 438. 30 June, 1870, c. 178, a. 1, 3, v. 16, p. 174.

Term and oath of district attorneys.

SEC. 769. District attorneys shall be appointed for a term of four years, and their commissions shall cease and expire at the expiration of four years from their respective dates. And every district attorney, before entering upon his office, shall be sworn to a faithful execution thereof.

24 Sept., 1789, c. 20, a. 35, v. 1, p. 92. 15 May, 1820, c. 102, a. 1, 2, v. 3, p. 532.

Salaries of district attorneys.

SEC. 770. The district attorney for the southern district of New York is entitled to receive quarterly, for all his services, a salary at the rate of six thousand dollars a year. For extra services the district attorney for the district of California is entitled to receive a salary at the rate of five hundred dollars a year, and the district attorneys for all other districts at the rate of two hundred dollars a year.

N. Y., (S. D.,) 6 Aug., 1861, c. 55, a. 1, v. 12, p. 317. Cal., 28 Sept., 1850, c. 86, a. 8, v. 9, p. 522.

Districts in 1841, 3 March, 1841, c. 35, a. 1, v. 5, p. 427. Ark., (W. D.,) 3 March, 1851, c. 24, a. 4, v. 9, p. 595. Fla., (N. D.,) 3 March, 1845, c. 75, a. 7, v. 5, p. 788. Fla., (S. D.,) 23 Feb., 1847, c. 20, a. 5, v. 9, p. 131. Iowa, 3 March, 1845, c. 76, a. 4, v. 5, p. 789. Kans., 29 Jan., 1861, c. 20, a. 4, v. 12, p. 128. Mich., (W. D.,) 24 Feb., 1863, c. 54, a. 8, v. 12, p. 601. Minn., 11 May, 1858, c. 31, a. 3, v. 11, p. 285. Nebr., 8 June, 1872, c. 350, v. 17, p. 337. N. Y., (E. D.,) 25 Feb., 1865, c. 54, a. 1, v. 13, p. 438. Ohio, (S. D.,) 10 Feb., 1855, c. 73, a. 8, v. 10, p. 606. Oreg., 3 March, 1859, c. 85, a. 3, v. 11, p. 437. Nev., 20 July, 1868, c. 176, a. 1, v. 15, p. 109.

Texas, (E. D.,) 29 Dec., 1845, c. 1, s. 3, v. 9, p. 1. Texas, (W. D.,) 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. W. Va., 4 Feb., 1819, c. 12, ss. 1, 3, v. 3, pp. 478, 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 57; 29 June, 1870, c. 175, s. 8, v. 16, p. 172.

SEC. 771. It shall be the duty of every district attorney to prosecute, in his district, all delinquents for crimes and offenses cognizable under the authority of the United States, and all civil actions in which the United States are concerned, and, unless otherwise instructed by the Secretary of the Treasury, to appear in behalf of the defendants in all suits or proceedings pending in his district against collectors, or other officers of the revenue, for any act done by them or for the recovery of any money exacted by or paid to such officers, and by them paid into the Treasury.

Duties of district attorneys.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92.
3 Mar., 1863, c. 76, s. 13, v. 12, p. 741.

Avoy, 4 Blatch., 418; *U. S. vs. Stowell*, 2 Curt. C. C., 153; *The Anna*, Blatch. Pr. Cas., 337; *The Peterhoff*, Blatch. Pr. Cas., 463; *U. S. vs. Ingersoll*, Crabbe, 135.

Levy Court vs. Ringgold, 5 Pet., 451; *U. S. vs. Corrie*, 23 Law Rep., 145; *U. S. vs. Mc-*

SEC. 772. Every district attorney shall, on instituting any suit for the recovery of any fine, penalty, or forfeiture, immediately transmit to the Solicitor of the Treasury a statement thereof.

Statement of suits for fines, penalties, and forfeitures.

29 May, 1830, c. 153, s. 4, v. 4, p. 415.

SEC. 773. Every district attorney shall, immediately after the end of every term of the circuit and district courts for his district, forward to the Solicitor of the Treasury, except in the cases provided for in the next section, a full and particular statement, accompanied by the certificate of the clerks of said courts, respectively, of all causes pending in said courts, and of all causes decided therein during such term, in which the United States are party. He shall also, on the first day of October in each year, make a return to said Solicitor of the number of suits and proceedings commenced, pending, and determined within his district during the fiscal year next preceding the date of such return, showing the date when such proceeding or suit in each case was commenced. If the determination thereof has been delayed or continued beyond the usual or reasonable period, the reasons must be set forth, and a statement must be made of the measures taken by the district attorney to press such proceedings or suits to a close.

Returns of district attorneys to Solicitor of the Treasury.

29 May, 1830, c. 153, s. 3, v. 4, p. 414.
3 March, 1863, c. 76, s. 13, v. 12, p. 741.

2 March, 1867, c. 169, s. 3, v. 14, pp. 471, 472.

SEC. 774. When any suit or proceeding arising under the internal-revenue laws, to which the United States are party, or any suit or proceeding against a collector or other officer of the internal revenue, wherein a district attorney appears, is commenced, the attorney for the district in which it is brought shall immediately report to the Commissioner of Internal Revenue the full particulars relating to the same; and he shall, immediately after the end of each term of the court in which such suit or proceeding is pending, forward to the said Commissioner a full and particular statement of its condition.

Returns of district attorneys to Commissioner of Internal Revenue.

2 March, 1867, c. 169, s. 3, v. 14, pp. 471, 472.

SEC. 775. Each district attorney shall, immediately after the end of every term in which any suit for moneys due on account of the Post-Office Department has been pending in his district, forward to the Department of Justice a statement of any judgment or order made, or step taken in the same, during such term, accompanied by a certificate of the clerk, showing the parties to and amount of every such judgment, with such other information as the Department of Justice may require. And the said attorney shall direct speedy and effectual execution upon said judgment, and the United States marshal to whom the same is directed shall make returns of the proceedings thereon to the Department of Justice, at such times as it may direct.

Reports by district attorney to Department of Justice.

2 July, 1836, c. 170, s. 16, v. 5, p. 83.
8 June, 1872, c. 335, s. 309, v. 17, p. 324.

SEC. 776. A marshal shall be appointed in each district, except in the middle district of Alabama, and the northern district of Georgia, and the western district of South Carolina. The marshal of the southern district of Alabama shall perform the duties of marshal of the middle district of said State, and shall keep an office at Montgomery, in said middle district. The marshal of the southern district of Georgia shall perform the duties of marshal of the northern district of said State.

Marshals.

24 Sept., 1789, c. 20 s. 27, v. 1, p. 87.
Ala., 21 April 1820, c. 47, s. 7, v. 3, p. 565; 5 May, 1820, c. 87, s.

1, v. 4, p. 399; 6 Feb., 1839, c. 20, s. 7, v. 5, p. 316. Ark., 15 June, 1836, c. 100, s. 7, v. 5, p. 51; 3 March, 1851, c. 24, s. 4, v. 9, p. 595. Ga., 11 August, 1848, c. 151, s. 7, v. 9, p. 281. Fla., 3 March, 1845, c. 75, s. 8, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 6, v. 9, p. 131. Ill., 3 March, 1819, c. 70, s. 5, v. 3, p. 503; 13 Feb., 1855, c. 96, s. 9, v. 10, p. 607. Ind., 3 March, 1817, c. 100, s. 5, v. 3, p. 391. Iowa, 3 March, 1845, c. 76, s. 5, v. 5, p. 789. Kana., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. La., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Mich., 1 July, 1836, c. 234, s. 5, v. 5, p. 62; 24 Feb., 1863, c. 54, s. 8, v. 12, p. 661. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Miss., 3 April, 1818, c. 29, s. 5, v. 3, p. 413; 18 June, 1838, c. 115, s. 6, v. 5, p. 248. Mo., 16 March, 1822, c. 12, s. 5, v. 3, p. 653; 3 March, 1857, c. 100, ss. 8, 9, v. 11, p. 198. Nebr., 25 March, 1867, c. 7, s. 1, v. 15, p. 5. Nev., 27 Feb., 1865, c. 64, s. 1, v. 13, p. 440. N. Y., 3 March, 1815, c. 95, v. 3, p. 236; 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. N. C., 4 June, 1790, c. 17, s. 1, v. 1, p. 126. Ohio, 19 Feb., 1802, c. 7, s. 5, v. 2, p. 202; 10 Feb., 1855, c. 73, s. 8, v. 10, p. 605. Oreg., 3 March, 1859, c. 85, s. 3, v. 11, p. 437. Pa., 20 April, 1818, c. 106, s. 5, v. 3, p. 463. Tenn., 29 April, 1802, c. 31, s. 19, v. 2, p. 165; 18 June, 1838, c. 118, s. 10, v. 5, p. 250; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313. Tex., 29 Dec., 1845, c. 1, s. 3, v. 9, p. 1; 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. Vt., 2 March, 1791, c. 12, s. 1, v. 1, p. 197. Va., 3 Feb., 1871, c. 36, s. 8, v. 16, p. 404. W. Va., 4 Feb., 1819, c. 12, ss. 1, 3, v. 3, pp. 478, 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 57; 29 June, 1870, c. 175, s. 8, v. 16, p. 172.

Georgia, (N. D.) **SEC. 777.** The marshal of the southern district of Georgia shall keep marshal's office in an office at Marietta, in the northern district, and his charges for mileage, in the execution of the duties of his office, within the northern district, shall be computed from Marietta.

18 Aug., 1848, c. 151, s. 7, v. 9, p. 281.

Iowa, marshal.

SEC. 778. The marshal of the district of Iowa shall perform the duties of marshal for all of the divisions of said district, and shall keep an office at each of the places in the four divisions of said district where the circuit and district courts thereof are required to be held; and his charges for mileage, in the execution of the duties of his office, within said district, shall be computed from the city of Iowa.

3 March, 1849, c. 124, s. 5, v. 9, p. 412.
3 March, 1859, c. 85, ss. 5, 8, v. 11, pp. 437, 438.
30 June, 1870, c. 178, ss. 1, 3, v. 16, p. 174.

Marshal's term.

SEC. 779. Marshals shall be appointed for a term of four years.

24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.

Deputy marshals.

SEC. 780. Every marshal may appoint one or more deputies, who shall be removable from office by the judge of the district court, or by the circuit court for the district, at the pleasure of either.

24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.

Marshal's salaries for extra services.

SEC. 781. Marshals are entitled to receive salaries, as a compensation for extra services, as follows: The marshal of the district of California, at the rate of five hundred dollars a year; the marshal of the districts of North Carolina, at the rate of four hundred dollars a year; the marshals of all other districts, except the southern and eastern districts of New York, the eastern district of Pennsylvania, the southern district of Illinois, the western district of Missouri, the northern and southern districts of Georgia, and the districts of Massachusetts, Maryland, and Nevada, at the rate of two hundred dollars a year.

Cal., 28 Sept., 1850, c. 86, s. 9, v. 9, p. 522; 27 July, 1866, c. 280, s. 1, v. 14, p. 300. N. C. and N. J., 25 Feb., 1809, c. 22, s. 1, v. 2, pp. 468, 469. Mo., N. H., Vt., and Ky., 28 Feb., 1799, c. 19, s. 1, v. 1, p. 625. Tenn., 29 April, 1802, c. 31, s. 19, v. 2, p. 165; 24 Feb., 1807, c. 17, s. 4, v. 2, p. 421; 18 June, 1838, c. 118, s. 1, v. 5, p. 249; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313. R. I., 2 March, 1831, c. 91, s. 1, v. 4, p. 482. Conn., 6 Jan., 1829, c. 5, s. 1, v. 4, p. 330. Nebr., 8 June, 1872, c. 350, v. 17, p. 337. N. Y., (N. D.) and Pa., (W. D.), 15 May, 1820, c. 111, s. 4, v. 3, p. 598. Del., 24 Feb., 1835, c. 23, s. 1, v. 4, p. 753. Va., 21 Jan., 1829, c. 9, s. 1, v. 4, p. 331. W. Va., 4 Feb., 1819, c. 12, s. 4, v. 3, p. 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Ohio, 19 Feb., 1803, c. 7, s. 5, v. 2, p. 202; 10 Feb., 1805, c. 73, s. 8, v. 10, p. 606. La., 8 April, 1812, c. 50, s. 4, v. 2, p. 703; 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Miss., 3 April, 1818, c. 29, s. 5, v. 3, p. 413; 18 June, 1838, c. 115, s. 7, v. 5, p. 248. Ind., 3 March, 1817, c. 100, s. 5, v. 3, p. 391. Ill., (N. D.), 3 March, 1819, c. 70, s. 5, v. 3, p. 503; 13 Feb., 1855, c. 96, s. 8, v. 10, p. 607. Ala., 5 May, 1830, c. 87, s. 2, v. 4, p. 399. Mo., (E. D.), 16 March, 1822, c. 12, s. 5, v. 3, p. 653; 3 March, 1857, c. 100, s. 8, v. 11, p. 198. Mich., 1 July, 1836, c. 234, s. 5, v. 5, p. 62; 24 Feb., 1863, c. 54, s. 8, v. 12, p. 662. Ark., 15 June, 1836, c. 100, s. 7, v. 5, p. 51; 3 March, 1851, c. 24, s. 4, v. 9, p. 595. Fla., 3 March, 1845, c. 75, s. 8, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 6, v. 9, p. 131. Tex., 29 Dec., 1845, c. 1, s. 3, v. 9, p. 2; 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 58. Iowa, 3 March, 1845, c. 76, s. 5, v. 5, p. 789. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Oreg., 3 March, 1859, c. 85, s. 3, v. 11, p. 437. Kana., 20 Jan., 1861, c. 20, s. 4, v. 12, p. 128.

SEC. 782. Every marshal and deputy marshal shall, before he enters upon the duties of his appointment, take, before the district judge of the district, an oath or affirmation in the following form: "I, A. B., do solemnly swear (or affirm) that I will faithfully execute all lawful precepts directed to the marshal of the district of —, under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marshal (or marshal's deputy, as the case may be) of the district of —, during my continuance in said office, and take only my lawful fees. So help me God." The words "so help me God" shall be omitted in all cases where an affirmation is admitted instead of an oath: *Provided*, That when any person who is appointed deputy marshal resides and is more than twenty miles from the place where the district judge resides and is, the said oath of office may be taken by him before any judge or justice of any State court within the same district, or before any justice of the peace having authority therein, or before any notary public duly appointed in such State, or before any commissioner of a circuit court for such district, and shall, when certified by such officer to the said district judge, be as effectual as if taken before such district judge.

SEC. 783. Every marshal, before he enters on the duties of his office, shall give bond before the district judge of the district, jointly and severally with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by said judge, in the sum of twenty thousand dollars, for the faithful performance of said duties by himself and his deputies. Said bond shall be filed and recorded in the office of the clerk of the district court or circuit court sitting within the district, and copies thereof, certified by the clerk, under the seal of the said court, shall be competent evidence in any court of justice.

Gwyn vs. Breedlove, 2 How., 29; Gwyn vs. Barton, 6 How., 7.

SEC. 784. In case of a breach of the condition of a marshal's bond, any person thereby injured may institute in his own name and for his sole use a suit on said bond, and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue for him in due form. If such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant; and the United States shall in no case be liable for the same.

vs. Breedlove, 2 How., 29; Gwyn vs. Buchanan, 4 How., 1; Gwyn vs. Rogers vs. The Marshall, 1 Wall., 644.

SEC. 785. The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of any person injured by breach of the condition of the same, until the whole penalty has been recovered; and the proceedings shall always be as directed in the preceding section.

SEC. 786. No suit on a marshal's bond shall be maintained unless it is commenced within six years after the right of action accrues, saving, nevertheless, the rights of infants, married women, and insane persons, so that they sue within three years after their disabilities are removed.

Montgomery vs. Hernandez, 12 Wh., 133.

SEC. 787. It shall be the duty of the marshal of each district to attend the district and circuit courts when sitting therein, and to execute, throughout the district, all lawful precepts directed to him, and issued under the authority of the United States; and he shall have power to command all necessary assistance in the execution of his duty. [See § 4299.]

SEC. 788. The marshals and their deputies shall have, in each State, the same powers, in executing the laws of the United States, as the sheriffs and their deputies in such State may have, by law, in executing the laws thereof.

Oath of marshals and deputy marshals.

24 Sept., 1789, c. 20, s. 7, 27, v. 1, pp. 76, 87.

28 Feb., 1799, c. 19, s. 2, v. 1, p. 625.

16 Sept., 1850, c. 52, ss. 1, 2, v. 9, p. 458.

Marshal's bond.

24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.

10 April, 1806, c. 21, s. 1, v. 2, p. 372.

U. S. vs. Kirkpatrick, 9 Wh., 720; U. S. vs. Van Zandt, 11 Wh., 184; Dox vs. Postmaster-General, 1 Pet., 325;

Gwyn vs. Barton, 6 How., 7.

Suits on marshal's bond; costs.

10 April, 1806, c. 21, s. 2, v. 2, p. 373.

U. S. vs. Giles, 9

Cr., 212; U. S. vs. Morris, 10 Wh., 246; Williams vs. U. S., 1 How., 290; Gwyn

vs. Barton, 6 How.,

Marshal's bond to remain after judgment as further security.

10 April, 1806, c. 21, s. 3, v. 2, p. 374.

Limitation of suit on marshal's bonds.

10 April, 1806, c. 21, s. 4, v. 2, p. 374.

Duties of marshal.

24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.

U. S. vs. Giles, 9 Cr., 212.

Marshals shall have, in each State, the same powers as sheriffs in executing the laws of the United States.

In case of death of the marshals, deputies to continue.

24 Sept., 1789, c. 20, s. 28, v. 1, p. 57.

Marshals and deputy marshals, when removed, or office expires, may execute process in their hands.

24 Sept., 1789, c. 20, s. 28, v. 1, p. 57.
7 May, 1800, c. 45, s. 3, v. 2, p. 61.

Doolittle's Lessee vs. Bryan, 14 How., 563.

Marshal's returns to the Solicitor of the Treasury.

15 May, 1820, c. 107, s. 8, v. 3, p. 596.
29 May, 1830, c. 153, s. 2, v. 4, p. 414.

Returns of marshals to Auditor of Post-Office Department.

2 July, 1836, c. 270, s. 16, v. 5, p. 83.

Vacancies in office of district attorney and marshal, how filled temporarily.

3 March, 1863, c. 93, s. 2, v. 12, p. 768.

Oath of clerks.

24 Sept., 1789, c. 20, s. 7, v. 1, p. 76.
30 June, 1870, c. 180, s. 7, v. 16, p. 175.

Clerk's bond.

24 Sept., 1789, c. 20, s. 7, v. 1, p. 76.
3 March, 1863, c. 93, s. 2, v. 12, p. 768.

SEC. 789. In case of the death of any marshal, his deputy or deputies shall continue in office, unless otherwise specially removed, and shall execute the same in the name of the deceased, until another marshal is appointed, as provided in this chapter, and duly qualified. The defaults or misfeasances in office of such deputies in the mean time shall be adjudged a breach of the condition of the bond given by the marshal who appointed them; and the executor or administrator of the deceased marshal shall have like remedy for the defaults and misfeasances in office of such deputies, during such interval, as he would be entitled to if the marshal had continued in life and in the exercise of his said office until his successor was appointed and duly qualified.

SEC. 790. Every marshal or his deputy, when removed from office, or when the term for which the marshal is appointed expires, shall have power, notwithstanding, to execute all such precepts as may be in their hands respectively at the time of such removal or expiration of office; and the marshal shall be held responsible for the delivery to his successor of all prisoners who may be in his custody at the time of his removal, or when the term for which he is appointed expires; and for that purpose he may retain such prisoners in his custody until his successor is appointed and duly qualified.

SEC. 791. Every marshal shall, within thirty days before the commencement of each term of the circuit and district courts in his district, make returns to the Solicitor of the Treasury of the proceedings had upon all writs of execution, or other process, which have been placed in his hands, for the collection of moneys adjudged and decreed to the United States in the said courts, respectively.

SEC. 792. Every marshal to whom any execution upon a judgment in any suit for moneys due on account of the Post-Office Department has been directed, shall make returns to the Sixth Auditor, at such times as he may direct, of the proceedings which have taken place upon the said process of execution.

SEC. 793. In case of a vacancy in the office of district attorney or marshal within any circuit, the circuit justice of such circuit may fill the same, and the person appointed by him shall serve until an appointment is made by the President, and the appointee is duly qualified, and no longer. The appointment made by such justice shall be in writing, which shall be filed in the clerk's office of the circuit court, and a copy thereof shall be entered upon the journal of said court. Any marshal so appointed shall give bond, as if appointed by the President, and the bond shall be approved by said justice. It shall then be filed in the clerk's office of said court, and a copy shall be entered on the journal of the court. A certified copy of such entry shall be prima-facie proof of the execution of such bond, and of the contents thereof.

SEC. 794. The clerk of the Supreme Court, and every clerk and deputy clerk of a circuit or district court, shall, before he enters upon the execution of his office, take an oath or affirmation in the following form: "I, A B, being appointed a clerk of ———, do solemnly swear (or affirm) that I will truly and faithfully enter and record all the orders, decrees, judgments, and proceedings of the said court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God." The words "so help me God" shall be omitted in all cases where an affirmation is admitted instead of an oath.

SEC. 795. The clerk of every court shall give bond, in a sum to be fixed and with sureties to be approved by the court which appoints him, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk; and a new bond may be required whenever the court deems it proper that such bond should be given. A copy of every bond given by a clerk shall be entered on the journal of the court for which he is

appointed, and the bond shall be deposited for safe-keeping as the court may direct. A certified copy of such entry shall be prima-facie proof of the execution of such bond and of the contents thereof.

SEC. 796. Any circuit or district court may require any deputy clerk thereof to give bond to the United States for the faithful discharge of his duty as such deputy, in the same penalty, and with surety in the same manner, as is required by law of clerks; and such bond shall be recorded and preserved in like manner. But the taking of such bond shall not affect the legal responsibility of the clerk for the acts of such deputy.

SEC. 797. Every clerk of a circuit or district court shall, within thirty days after the adjournment of each term thereof, forward to the Solicitor of the Treasury a list of all judgments and decrees, to which the United States are parties, which have been entered in said courts, respectively, during such term, showing the amount adjudged or decreed, in each case, for or against the United States, and the term to which execution thereon will be returnable.

SEC. 798. At each regular session of any court of the United States, the clerk shall present to the court an account of all moneys remaining therein, or subject to its order, stating in detail in what causes they are deposited, and in what causes payments have been made; and said account and the vouchers thereof shall be filed in the court.

SEC. 799. The clerks of the district and circuit courts may, in the absence or in case of the disability of the judges, administer oaths to all persons identifying papers found on board of vessels or elsewhere, to be used on trials in admiralty causes.

Bond of deputy clerks.

30 June, 1870, c. 180, s. 7, v. 16, p. 175.

Clerk to forward to Solicitor of the Treasury a list of judgments.

15 May, 1820, c. 107, s. 8, v. 3, p. 596.

29 May, 1830, c. 153, s. 2, v. 4, p. 414. Account of payments and moneys in court to be stated by the clerk.

24 March, 1871, c. 2, s. 3, v. 17, p. 2.

Oaths to persons identifying papers in admiralty causes, when administered by clerks.

8 May, 1792, c. 36, s. 10, v. 1, p. 278.

CHAPTER FIFTEEN.

JURIES.

<p>Sec. 800. Jurors, qualifications and selection of, according to State laws. 801. Jurors in Pennsylvania. 802. Jurors, how to be apportioned in the district. 803. Writ of venire, how issued and served. 804. Talesmen for petit juries. 805. Special juries in the circuit courts. 806. New York. 807. Vermont, when petit jury to be summoned. 808. Number of grand jurors; completing jury. 809. Foreman of grand jury, appointment and powers of. 810. Grand juries, when summoned. 811. Discharge of grand juries. 812. Jurors not to be summoned oftener than once in two years.</p>	<p>Sec. 813. Grand juries of district courts may act in cases cognizable in circuit court. 814. Arkansas, western district, at Helena; jurors. 815. Juries in Kentucky and Indiana. 816. North Carolina, juries at special terms. 817. Juries for western district of South Carolina. 818. Vermont, charge to grand jury by the circuit court. 819. Challenges. 820. Additional causes of disqualification and challenge of grand and petit jurors. 821. Additional oath for grand and petit jurors. 822. Grand and petit jurors, in cases under act 20 April, 1871, c. 22.</p>
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SEC. 800. Jurors to serve in the courts of the United States, in each State respectively, shall have the same qualifications, subject to the provisions hereinafter contained, and be entitled to the same exemptions, as jurors of the highest court of law in such State may have and be entitled to at the time when such jurors for service in the courts of the United States are summoned; and they shall be designated by ballot, lot, or otherwise, according to the mode of forming such juries then practiced in such State court, so far as such mode may be practicable by the courts of the United States or the officers thereof. And for this purpose the said courts may, by rule or order, conform the designation and impaneling of juries, in substance, to the laws and usages relating

Jurors, qualifications and selection of, according to State laws.

20 July, 1840, c. 47, v. 5, p. 394.

17 June, 1862, c. 103, s. 1, v. 12, p. 430.

20 April, 1871, c. 22, s. 5, v. 17, p. 15.

3 March, 1849, c. 118, v. 9, p. 403.

15 July, 1870, c. 296, s. 3, v. 16, p. 363. This section shall not apply to juries to serve in the courts of the United States in Pennsylvania. [See § 1671.]

22 Dec., 1870, Res. 2, v. 16, p. 589. Sibley vs. Foote, 14 How., 219, 220; U. S. vs. Shackelford, 18 How., 588; U. S. vs. Reed, 2 Blatchf., 435; U. S. vs. Douglass, 2 Blatchf., 208; U. S. vs. Woodruff, 4 McLean, 105.

Jurors in Pennsylvania.

3 March, 1849, c. 118, v. 9, p. 403.

20 July, 1840, c. 47, v. 5, p. 394.

13 May, 1800, c. 61, v. 2, p. 82.

15 July, 1870, c. 296, s. 3, v. 16, p. 363.

22 Dec., 1870, Res. 1871, c. 22, s. 5, v. 17, p. 15.

Jurors, how to be apportioned in the district.

24 Sept., 1789, c. 20, s. 29, v. 1, p. 88.

U. S. vs. Stowell,

Writ of venire, how issued and served.

24 Sept., 1789, c. 20, s. 29, v. 1, p. 88.

Talesmen for petit juries.

24 Sept., 1789, c. 20, s. 29, v. 1, p. 88.

3 March, 1865, c. 86, s. 1, v. 13, p. 500.

U. S. vs. Shackelford, 18 How., 588.

Special juries in the circuit courts.

29 April, 1802, c. 31, s. 30, v. 2, p. 167.

New York.

4 July, 1864, c. 245, s. 2, v. 13, p. 385.

Vermont, when petit jury to be summoned.

29 April, 1802, c. 31, s. 29, v. 2, p. 167.

Number of grand jurors; completing jury.

3 March, 1865, c. 86, s. 1, v. 13, p. 500.

SEC. 801. Jurors to serve in the courts of the United States in Pennsylvania shall be designated by lot or otherwise, in each district respectively, according to the mode of forming juries, to serve in the highest courts of law therein, which was practiced before the passage of the act of July twenty, eighteen hundred and forty, chapter forty-seven, so far as the same shall render such designation practicable by the courts and marshals of the United States. But this provision is subject to the provisions relating to the qualifications and oath of jurors hereinafter contained.

No. 2, v. 16, p. 589. 17 June, 1862, c. 103, s. 1, v. 12, p. 430. 20 April, 1871, c. 22, s. 5, v. 17, p. 15.

SEC. 802. Jurors shall be returned from such parts of the district, from time to time, as the court shall direct, so as to be most favorable to an impartial trial, and so as not to incur an unnecessary expense, or unduly to burden the citizens of any part of the district with such services.

2 Cur. C. C., 153; U. S. vs. Woodruff, 4 McLean, 105.

SEC. 803. Writs of venire facias, when directed by the court, shall issue from the clerk's office, and shall be served and returned by the marshal in person, or by his deputy; or, in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as may be specially appointed for that purpose by the court, who shall administer to him an oath that he will truly and impartially serve and return the writ.

SEC. 804. When, from challenges or otherwise, there is not a petit jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court in which such defect of jurors happens, return jurymen from the by-standers sufficient to complete the panel; and when the marshal or his deputy is disqualified as aforesaid, jurors may be so returned by such disinterested person as the court may appoint, and such person shall be sworn, as provided in the preceding section.

SEC. 805. When special juries are ordered in any circuit court, they shall be returned by the marshal in the same manner and form as is required in such cases by the laws of the several States.

SEC. 806. No jury shall be drawn for service exclusively in the circuit court for the northern district of New York at the adjourned terms thereof required by law to be held at Albany and Utica, but the jury drawn to serve in the district court held at the same times and places with said adjourned terms shall be used for the trial of issues of fact arising in civil causes in said circuit court, and the verdicts of said jury, and all proceedings upon the trial of said issues, shall be of the same effect as if the said jury had been drawn to serve in the said circuit court.

SEC. 807. The clerk of the district court for Vermont shall not cause a petit jury to be summoned or returned to any session in which there shall appear to be no issue proper for trial by jury, unless by special order of the judge.

SEC. 808. Every grand jury empaneled before any district or circuit court shall consist of not less than sixteen nor more than twenty-three persons. If of the persons summoned less than sixteen attend, they shall be placed on the grand jury, and the court shall order the marshal to summon, either immediately or for a day fixed, from the body of the district, and not from the by-standers, a sufficient number of persons to complete the grand jury. And whenever a challenge to a grand juror is allowed, and there are not in attendance other jurors sufficient to

complete the grand jury, the court shall make a like order to the marshal to summon a sufficient number of persons for that purpose.

SEC. 809. From the persons summoned and accepted as grand jurors, the court shall appoint the foreman, who shall have power to administer oaths and affirmations to witnesses appearing before the grand jury.

Foreman of grand jury, appointment and powers of.

3 March, 1805, c. 86, s. 1, v. 13, p. 500.

SEC. 810. No grand jury shall be summoned to attend any circuit or district court unless one of the judges of such circuit court, or the judge of such district, in his own discretion, or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. And either of the said courts may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever, in its judgment, it may be proper to do so. But nothing herein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found.

Grand juries, when summoned.

24 Sept., 1789, c. 20, s. 29, v. 1, p. 68.

20 May, 1823, c. 136, v. 4, p. 188.

8 Aug., 1846, c. 98, s. 3, v. 9, p. 72.

16 Aug., 1856, c. 124, s. 7, v. 11, p. 50.

SEC. 811. The circuit and district courts, the district courts of the Territories, and the supreme court of the District of Columbia, may discharge their grand juries whenever they deem a continuance of the sessions of such juries unnecessary.

Discharge of grand juries.

16 Aug., 1856, c. 124, s. 7, v. 11, p. 50.

SEC. 812. No person shall be summoned as a juror in any circuit or district court more than once in two years, and it shall be sufficient cause of challenge to any juror called to be sworn in any cause that he has been summoned and attended said court as a juror at any term of said court held within two years prior to the time of such challenge.

Jurors not to be summoned oftener than once in two years.

15 July, 1870, c. 298, s. 2, v. 16, p. 363.

SEC. 813. The grand jury impaneled and sworn in any district court may take cognizance of all crimes and offenses within the jurisdiction of the circuit court for said district as well as of said district court.

Grand juries of district courts may act in cases cognizable in circuit court.

8 Aug., 1846, c. 98, s. 3, v. 9, p. 72.

SEC. 814. In the western district of Arkansas such number of jurors shall be summoned at every term of the district court thereof, to be held at Helena, as may have been ordered at a previous term, or by the district judge in vacation. And a grand jury may be summoned to attend any such term when ordered by the court or by the judge in vacation. In case of a deficiency of jurors, talesmen may be summoned by order of the court.

Arkansas, west district, at Helena; jurors.

3 March, 1871, c. 106, s. 2, v. 16, p. 472.

SEC. 815. In the several districts of Kentucky and Indiana, such number of jurors shall be summoned by the marshal at every term of the circuit and district courts, respectively, as may have been ordered of record at the previous term; and in case there is not a sufficient number of jurors in attendance at any time, the court may order such number to be summoned as, in its judgment, may be necessary to transact the business of the court. And a grand jury may be summoned to attend every term of the circuit or district court by order of the court. The marshal may summon juries and talesmen in case of a deficiency, pursuant to an order of the court made during the term, and they shall serve for such time as the court may direct.

Juries in Kentucky and Indiana.

15 May, 1862, c. 71, s. 3, v. 12, p. 386.

30 June, 1870, c. 180, s. 3, v. 16, p. 175.

SEC. 816. The circuit and district courts for either of the districts of North Carolina may order a grand or petit jury, or both to attend any special term thereof, by an order to be entered of record thirty days before the day on which such special term is appointed to convene.

North Carolina; juries at special terms.

4 June, 1872, c. 283, s. 4, v. 17, p. 215.

SEC. 817. The grand and petit jurors for the district court sitting in the western district of South Carolina shall be drawn from the inhabitants of said district who are liable, according to the laws of said State, to do jury duty in the courts thereof; and all jurors shall be drawn during the sitting of the court for the next succeeding term.

Juries for western district of South Carolina.

16 August, 1856, c. 119, s. 2, v. 11, p. 43.

Vermont, charge to grand jury by the circuit court.

29 April, 1802, c. 31, s. 29, v. 2, p. 167.

Challenges.

8 June, 1872, c. 333, s. 2, v. 17, p. 282.

U. S. vs. Marchant and Colson, 12 Wh., 480.

Additional causes of disqualification and challenge of grand and petit jurors.

17 June, 1862, c. 103, s. 1, v. 12, p. 430.

Additional oath for grand and petit jurors.

17 June, 1862, c. 103, s. 2, v. 12, p. 430.

Grand and petit jurors, in cases under act 20 April, 1871, c. 22.

20 April, 1871, c. 22, s. 5, v. 17, p. 15.

SEC. 818. In the district of Vermont, it shall be the duty of the circuit court, at its regular sessions, to give in charge to the grand juries all crimes, offenses, and misdemeanors which are cognizable as well in the district court thereof as in the said circuit court.

SEC. 819. When the offense charged is treason or a capital offense, the defendant shall be entitled to twenty and the United States to five peremptory challenges. On the trial of any other felony, the defendant shall be entitled to ten and the United States to three peremptory challenges; and in all other cases, civil and criminal, each party shall be entitled to three peremptory challenges; and in all cases where there are several defendants or several plaintiffs, the parties on each side shall be deemed a single party for the purposes of all challenges under this section. All challenges, whether to the array or panel, or to individual jurors for cause or favor, shall be tried by the court without the aid of triers. (See §§ 1081, 4803.)

SEC. 820. The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section eight hundred and twelve, namely: Without duress and coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States.

SEC. 821. At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court, in their discretion, may require the clerk to tender to every person summoned to serve as a grand or petit juror, or venireman or talesman, in said court, the following oath or affirmation, namely: "You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money, or any other thing, to any person or persons whom you knew, or had good ground to believe, to have joined, or to be about to join, said insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist with force of arms, the laws of the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.

SEC. 822. No person shall be a grand or petit juror in any court of the United States, upon any inquiry, hearing, or trial of any suit, proceeding, or prosecution based upon or arising under the provisions of Title "CIVIL RIGHTS" and of Title "CRIMES," for enforcing the provisions of the fourteenth amendment to the Constitution, who is, in the judgment of the court, in complicity with any combination or conspiracy in said Titles set forth; and every grand and petit juror shall, before entering upon any such inquiry, hearing, or trial, take and subscribe an oath, in open court, that he has never, directly or indirectly, counseled, advised, or voluntarily aided any such combination or conspiracy.

CHAPTER SIXTEEN.

FEES.

<p>Sec. 823. Fees to be taxed. 824. Attorneys, solicitors, and proctors. 825. Fees in revenue cases and in suits on official bonds. 826. Fees on bonds, when not allowed. 827. Fees of district attorney for defense of revenue officers. 828. Clerks' fees. 829. Marshals' fees. 830. What fees to be paid to marshals. 831. Attendance on rule-days and when circuit and district courts sit at same time. 832. Marshal of the Supreme Court of the United States. 833. Semi-annual returns of fees by district attorneys, marshals, and clerks. 834. What to be included in the semi-annual returns of district attorneys and marshals. 835. Compensation of district attorney. 836. Sum to be paid to district attorney of southern district of New York for office-expenses. 837. District attorney and marshal in Oregon and Nevada. 838. Prosecution of frauds on the revenue. 839. Compensation retained by a clerk.</p>	<p>Sec. 840. Clerks in California, Oregon, and Nevada. 841. Compensation of marshal. 842. Additional compensation in prize causes. 843. Allowances for each year made from the fees thereof. 844. Payment of surplus fees into the Treasury. 845. Auditing of accounts of district attorney, &c., in Department of Justice. 846. Accounts of district attorneys, &c., to be certified to by district judge. 847. Commissioners' fees. 848. Witnesses' fees. 849. No officer of court to have witness fees. 850. Expenses of clerks, &c., of United States sent away as witnesses paid. 851. Seamen sent home as witness. 852. Fees of grand and petit jurors. 853. Printers' fees. 854. Meaning of folio. 855. Jurors and witnesses, when paid by marshal. 856. Fees of district attorneys, marshals, &c., how paid. 857. Fees, how recovered.</p>
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SEC. 823. The following and no other compensation shall be taxed and allowed to attorneys, solicitors, and proctors in the courts of the United States, to district attorneys, clerks of the circuit and district courts, marshals, commissioners, witnesses, jurors, and printers in the several States and Territories, except in cases otherwise expressly provided by law. But nothing herein shall be construed to prohibit attorneys, solicitors, and proctors from charging to and receiving from their clients, other than the Government, such reasonable compensation for their services, in addition to the taxable costs, as may be in accordance with general usage in their respective States, or may be agreed upon between the parties.

Fees to be taxed.
26 Feb., 1853, c. 80, s. 1, v. 10, p. 161.
3 March, 1855, c. 155, s. 12, v. 10, pp. 670, 671.

FEES OF ATTORNEYS, SOLICITORS, AND PROCTORS.

SEC. 824. On a trial before a jury, in civil or criminal causes or before referees, or on a final hearing in equity or admiralty, a docket fee of twenty dollars: *Provided*, That in cases of admiralty and maritime jurisdiction, where the libellant recovers less than fifty dollars, the docket fee of his proctor shall be but ten dollars.

Attorneys, solicitors, and proctors.
26 Feb., 1853, c. 80, s. 1, v. 10, pp. 161, 162.

In cases at law, when judgment is rendered without a jury, ten dollars.

In cases at law, when the cause is discontinued, five dollars.

For scire facias, and other proceedings on recognizances, five dollars.

For each deposition taken and admitted in evidence in a cause, two dollars and fifty cents.

For services rendered in cases removed from a district to a circuit court by writ of error or appeal, five dollars.

For examination by a district attorney, before a judge or commissioner, of persons charged with crime, five dollars a day for the time necessarily employed.

For each day of his necessary attendance in a court of the United States on the business of the United States, when the court is held at the place of his abode, five dollars; and for his attendance when the court is held elsewhere, five dollars for each day of the term.

Ex parte Robbins, 2 Gallis., 320; *The Ann, Blatch*. Pr. Cas., 337; *U. S. vs. Ingersoll*, Crabbe, 135.

For traveling from the place of his abode to the place of holding any court of the United States in his district, or to the place of any examination before a judge or commissioner, of a person charged with crime, ten cents a mile for going and ten cents a mile for returning.

When an indictment for crime is tried before a jury and a conviction is had, the district attorney may be allowed, in addition to the attorney's fees herein provided, a counsel fee, in proportion to the importance and difficulty of the cause, not exceeding thirty dollars.

Fees in revenue cases, and in suits on official bonds.

3 March, 1863, c. 76, s. 11, v. 12, p. 741.

Fees on bonds, when not allowed.

12 Oct., 1837, c. 3, s. 2, v. 5, p. 204.

Fees of district attorney for defense of revenue officers.

3 March, 1863, c. 76, s. 12, v. 12, p. 741.

SEC. 825. There shall be taxed and paid to every district attorney two per centum upon all moneys collected or realized in any suit or proceeding arising under the revenue laws, and conducted by him, in which the United States is a party, which shall be in lieu of all costs and fees in such proceeding.

SEC. 826. No fee shall accrue to any district attorney on any bond left with him for collection, or in a suit commenced on any bond for the renewal of which provision is made by law, unless the party neglects to apply for such renewal for more than twenty days after the maturity of the bond.

SEC. 827. When a district attorney appears by direction of the Secretary or Solicitor of the Treasury, on behalf of any officer of the revenue in any suit against such officer, for any act done by him, or for the recovery of any money received by him and paid into the Treasury in the performance of his official duty, he shall receive such compensation as may be certified to be proper by the court in which the suit is brought, and approved by the Secretary of the Treasury. (See § 444.)

CLERKS' FEES.

Clerks' fees.

26 Feb., 1863, c. 80, s. 1, v. 10, pp. 163, 167.

Bottomlee vs. U. S., 1 Story, 153; *Pomeroy vs. Harter*, 1 McLean, 448; *Ason.*, Hempst., 450; *Erwin vs. Cummins*, Hempst., 703; *Ex parte Paris*, 3 Wood. & Min., 227.

SEC. 828. For issuing and entering every process, commission, summons, *caapias*, execution, warrant, attachment, or other writ, except a writ of *venire*, or a summons or *subpœna* for a witness, one dollar.

For issuing a writ of summons or *subpœna*, twenty-five cents.

For filing and entering every declaration, plea, or other paper, ten cents.

For administering an oath or affirmation, except to a juror, ten cents.

For taking an acknowledgment, twenty-five cents.

For taking and certifying depositions to file, twenty cents for each folio of one hundred words.

For a copy of such deposition furnished to a party on request, ten cents a folio.

For entering any return, rule, order, continuance, judgment, decree, or recognizance, or drawing any bond, or making any record, certificate, return, or report, for each folio, fifteen cents.

For a copy of any entry or record, or of any paper on file, for each folio, ten cents.

For making dockets and indexes, issuing *venire*, taxing costs, and all other services, on the trial or argument of a cause where issue is joined and testimony given, three dollars.

For making dockets and indexes, taxing costs, and all other services, in a cause where issue is joined, but no testimony is given, two dollars.

For making dockets and indexes, taxing costs, and other services, in a cause which is dismissed or discontinued, or where judgment or decree is made or rendered without issue, one dollar.

For making dockets and taxing costs, in cases removed by writ of error or appeal, one dollar.

For affixing the seal of the court to any instrument, when required, twenty cents.

For every search for any particular mortgage, judgment, or other lien, fifteen cents.

For searching the records of the court for judgments, decrees, or other instruments constituting a general lien on real estate, and certifying the

result of such search, fifteen cents for each person against whom such search is required to be made.

For receiving, keeping, and paying out money, in pursuance of any statute or order of court, one per centum on the amount so received, kept, and paid.

For traveling from the office of the clerk, where he is required to reside, to the place of holding any court required by law to be held, five cents a mile for going and five cents for returning, and five dollars a day for his attendance on the court while actually in session.

All books in the offices of the clerks of the circuit and district courts, containing the docket or minute of the judgments, or decrees thereof, shall, during office hours, be open to the inspection of any person desiring to examine the same, without any fees or charge therefor.

Books in clerks' offices open to inspection.

12 Aug., 1848, c. 166, s. 1, v. 9, p. 292.

MARSHALS' FEES.

SEC. 829. For service of any warrant, attachment, summons, capias, or other writ, except execution, venire, or a summons or subpoena for a witness, two dollars for each person on whom service is made.

Marshals' fees.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 164.

For the keeping of personal property attached on 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. In States where, by the laws thereof, jurors are drawn by lot, by constables, or other officers of corporate places, the marshal shall receive, for each jury, two dollars for the use of the officers employed in drawing and summoning the jurors and returning each venire, and two dollars for his own services in distributing the venires. But the fees for distributing and serving venires, drawing and summoning jurors by township officers, including the mileage chargeable by the marshal for each service, shall not at any court exceed fifty dollars.

For holding a court of inquiry or other proceedings before a jury, including the summoning of a jury, five dollars.

For serving a writ of subpoena on a witness, fifty cents; and no further compensation shall be allowed for any copy, summons, or notice for a witness.

For serving a writ of possession, partition, execution, or any final process, the same mileage as is allowed for the service of any other writ, and for making the service, seizing or levying on property, advertising and disposing of the same by sale, set off, or otherwise according to law receiving and paying over the money, the same fees and poundage as are or shall be allowed for similar services to the sheriffs of the States, respectively, in which the service is rendered.

For each bail-bond, fifty cents.

For summoning appraisers, fifty cents each.

For executing a deed prepared by a party or his attorney, one dollar.

For drawing and executing a deed, five dollars.

For copies of writs or papers furnished at the request of any party, ten cents a folio.

For every proclamation in admiralty, thirty cents.

For serving an attachment in rem or a libel in admiralty, two dollars.

For the necessary expenses of keeping boats, vessels, or other property attached or libeled in admiralty, not exceeding two dollars and fifty cents a day.

When the debt or claim in admiralty is settled by the parties without a sale of the property, the marshal shall be entitled to a commission of one per centum on the first five hundred dollars of the claim or decree, and one-half of one per centum on the excess of any sum thereof over five hundred dollars: *Provided*, That, when the value of the property is less than the claim, such commission shall be allowed only on the appraised value thereof.

For sale of vessels or other property under process in admiralty, or under the order of a court of admiralty, and for receiving and paying over the money, two and one-half per centum on any sum under five hundred dollars, and one and one-quarter per centum on the excess of any sum over five hundred dollars.

For disbursing money to jurors and witnesses, and for other expenses, two per centum.

For expenses while employed in endeavoring to arrest, under process, any person charged with or convicted of a crime, the sum actually expended, not to exceed two dollars a day, in addition to his compensation for service and travel.

For every commitment or discharge of a prisoner, fifty cents.

For transporting criminals, ten cents a mile for himself and for each prisoner and necessary guard; except in the case provided for in the next paragraph.

12 May, 1864, c.
85, a. 1, v. 13, p. 74.

For transporting criminals convicted of a crime in any district or Territory where there is no penitentiary available for the confinement of convicts of the United States, to a prison in another district or Territory designated by the Attorney-General, the reasonable actual expense of transportation of the criminals, the marshal, and the guards, and the necessary subsistence and hire.

26 Feb., 1853, c.
80, a. 1, v. 10, p. 165.

For attending the circuit and district courts, when both are in session, or either of them when only one is in session, and for bringing in and committing prisoners and witnesses during the term, five dollars a day.

For attending examinations before a commissioner, and bringing in, guarding, and returning prisoners charged with crime, and witnesses, two dollars a day; and for each deputy not exceeding two, necessarily attending, two dollars a day.

For traveling from his residence to the place of holding court, to attend a term thereof, ten cents a mile for going only.

For travel, in going only, to serve any process, warrant, attachment, or other writ, including writs of subpoena in civil or criminal cases, six cents a mile, to be computed from the place where the process is returned to the place of service, or, when more than one person is served therewith, to the place of service which is most remote, adding thereto the extra travel which is necessary to serve it on the others. But when more than two writs of any kind required to be served in behalf of the same party on the same person might be served at the same time, the marshal shall be entitled to compensation for travel on only two of such writs; and to save unnecessary expense, it shall be the duty of the clerk to insert the names of as many witnesses in a cause in such subpoena as convenience in serving the same will permit.

In all cases where mileage is allowed to the marshal he may elect to receive the same or his actual traveling expenses, to be proved on his oath, to the satisfaction of the court. (See § 1660.)

What fees to be
paid to marshals.

26 Feb., 1853, c.
80, a. 2, v. 10, p. 165.

12 May, 1864, c.
85, ss. 1, 3, v. 13, pp.
74, 75.

22 June, 1870, c.
150, a. 15, v. 16, p.
164.

The Antelope, 12
Wh., 546.

SEC. 830. There shall be paid to the marshal his fees for services rendered for the United States, for summoning jurors and witnesses in behalf of the United States, and in behalf of any prisoner to be tried for a capital offense, for the maintenance of prisoners of the United States confined in jail for any criminal offense; also, for his reasonable actual expense for the transportation of criminals, and of the marshal and guards, to prisons designated by the Attorney-General, and for hire and subsistence in that behalf, as hereinbefore provided; also, his fees for the commitment or discharge of prisoners; his expenses necessarily incurred for fuel, lights, and other contingencies that may accrue in holding the courts within his district, and providing the books necessary to record the proceedings thereof: *Provided*, That he shall not incur, or be allowed, an expense of more than twenty dollars in any one year for furniture, or fifty dollars for rent of a building and making improvements thereon without first submitting a statement and estimates to the Attorney-General and getting his instructions in the premises.

SEC. 831. No per diem or other allowance shall be made to any district attorney, clerk of a circuit court, clerk of a district court, marshal or deputy marshal, for attendance at rule-days of a circuit or district court; and when the circuit and district courts sit at the same time no greater per diem or other allowance shall be made to any such officer than for an attendance on one court.

SEC. 832. The marshal of the Supreme Court of the United States shall be entitled to receive for the service of any warrant, attachment, summons, *capias*, or other writ, except execution, *veuire*, or a summons, or subpoena for a witness, one dollar for each person on whom such service may be made. His fees for all other services shall be the same as are herein allowed to other marshals; but he shall pay into the Treasury of the United States all fees received by him, and render a true account thereof at the close of each term to the Attorney-General.

SEC. 833. Every district attorney, clerk of a district court, clerk of a circuit court, and marshal, shall, on the first days of January and July, in each year, or within thirty days thereafter, make to the Attorney-General, in such form as he may prescribe, a written return for the half year ending on said days, respectively, of all the fees and emoluments of his office, of every name and character, and of all the necessary expenses of his office, including necessary clerk-hire, together with the vouchers for the payment of the same for such last half year. He shall state separately in such returns the fees and emoluments received or payable under the bankrupt act; and every marshal shall state separately therein the fees and emoluments received or payable for services rendered by himself personally, those received or payable for services rendered by each of his deputies, naming him, and the proportion of such fees and emoluments which, by the terms of his service, each deputy is to receive. Said returns shall be verified by the oath of the officer making them. [See §§ 2095, 4644, 4647.]

SEC. 834. The preceding section shall not apply to the fees and compensation allowed to district attorneys by sections eight hundred and twenty-five and eight hundred and twenty-seven. All other fees, charges, and emoluments to which a district attorney or a marshal may be entitled, by reason of the discharge of the duties of his office, as now or hereafter prescribed by law, or in any case in which the United States will be bound by the judgment rendered therein, whether prescribed by statute or allowed by a court, or any judge thereof, shall be included in the semi-annual return required of said officers by the preceding section.

SEC. 835. No district attorney shall be allowed by the Attorney-General to retain of the fees and emoluments of his office which he is required to include in his semi-annual return, for his personal compensation, over and above the necessary expenses of his office, including necessary clerk-hire, to be audited and allowed by the proper accounting officers of the Treasury Department, a sum exceeding six thousand dollars a year, or exceeding that rate for any time less than a year.

SEC. 836. There shall be paid to the district attorney for the southern district of New York, in addition to his salary, at the rate of six thousand dollars a year, such sum as shall be necessary, together with the costs and fees allowed him by law, to pay such amount as may be fixed by the Attorney-General for the proper expenses of his office. But nothing in this or the preceding section shall forbid the allowance of additional compensation for services in prize causes, as provided in Title "PRIZE."

SEC. 837. The district attorneys and marshals for the districts of Oregon and Nevada shall be entitled to receive, for the like services, double the fees hereinbefore provided; but neither of them shall be allowed to retain of such fees any sum exceeding the aggregate compensation of such officer as hereinbefore provided.

Attendance on rule-days, and when circuit and district courts sit at same time

26 Feb., 1853, c. 80, s. 3, v. 10, p. 167.

Marshal of the Supreme Court of the United States.

27 June, 1864, c. 163, ss. 1, 4, v. 13, pp. 195, 196.

2 March, 1867, c. 156, s. 2, v. 14, p. 433.

22 June, 1870, c. 150, s. 15, v. 16, p. 164.

Semi-annual returns of fees by district attorneys, marshals, and clerks.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 165.

22 June, 1870, c. 50, s. 15, v. 16, p. 164.

What to be included in the semi-annual returns of district attorneys and marshals.

3 March, 1863, c. 76, ss. 11, 12, v. 12, p. 741.

27 June, 1864, c. 163, s. 2, v. 13, p. 196.

Compensation of district attorney.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 166.

3 March, 1863, c. 76, s. 11, v. 12, p. 741.

27 June, 1864, c. 163, s. 2, v. 13, p. 196.

30 June, 1864, c. 174, s. 19, v. 13, p. 312.

Sum to be paid to district attorney of southern district of New York for office expenses.

6 Aug., 1861, c. 55, s. 1, v. 12, p. 317.

22 June, 1870, c. 150, s. 15, v. 16, p. 164.

District attorney and marshal in Oregon and Nevada.

27 Feb., 1865, c. 64, s. 6, v. 13, p. 440.

Prosecution of
frauds on the rev-
enue.

3 March, 1873, c.
244, v. 17, p. 581.

SEC. 838. It shall be duty of every district attorney to whom any collector of customs, or of internal revenue, shall report, according to law, any case in which any fine, penalty, or forfeiture has been incurred in the district of such attorney for the violation of any law of the United States relating to the revenue, to cause the proper proceedings to be commenced and prosecuted without delay, for the fines, penalties, and forfeitures in such case provided, unless, upon inquiry and examination, he shall decide that such proceedings cannot probably be sustained, or that the ends of public justice do not require that such proceedings should be instituted; in which case he shall report the facts in customs cases to the Secretary of the Treasury, and in internal-revenue cases to the Commissioner of Internal Revenue for their direction. And for the expenses incurred and services rendered in all such cases, the district attorney shall receive and be paid from the Treasury such sum as the Secretary of the Treasury shall deem just and reasonable, upon the certificate of the judge before whom such cases are tried or disposed of: *Provided*, That the annual compensation of such district attorney shall not exceed the maximum amount prescribed by law, by reason of such allowance and payment.

Compensation re-
tained by a clerk.

26 Feb., 1853, c.
80, s. 3, v. 10, p. 166.
22 June, 1870, c.
150, s. 15, v. 16, p.
174.

U. S. vs. Bassett,
2 Story, 389.

SEC. 839. No clerk of a district court, or clerk of a circuit court, shall be allowed by the Attorney-General, except as provided in the next section, and in section eight hundred and forty-two to retain of the fees and emoluments of his office, or, in case both of the said clerkships are held by the same person, of the fees and emoluments of the said offices, respectively, for his personal compensation, over and above his necessary office expenses, including necessary clerk-hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding three thousand five hundred dollars a year for any such district clerk or for any such circuit clerk, or exceeding that rate for any time less than a year.

Clerks in Califor-
nia, Oregon, and
Nevada.

26 Feb., 1853, c.
80, s. 1, v. 10, p. 163.
19 Feb., 1864, c.
11, s. 6, v. 13, p. 5.
27 Feb., 1866, c.
64, s. 7, v. 13, p. 440.
22 June, 1870, c.
150, s. 15, v. 16, p.
164.
8 June, 1872, c.
336, v. 17, p. 330.

SEC. 840. The clerks of the several circuit and district courts in California, Oregon, and Nevada shall be entitled to charge and receive double the fees hereinbefore allowed to clerks, and shall be allowed, respectively, by the Attorney-General, to retain of the fees so received by them, for their personal compensation, over and above the necessary expenses of their offices, including the salaries of deputy clerks, and necessary clerk-hire, to be audited by the proper accounting officers of the Treasury Department, any sum not exceeding seven thousand dollars a year, nor exceeding that rate for any time less than a year: *Provided*, That whenever, in either of the said districts, the same person holds the office of clerk of both the circuit and district courts, he shall be allowed by the Attorney-General to retain for his personal compensation, as aforesaid, only such sum as is herein allowed to be retained by a person holding the office of clerk of only one of the said courts.

Compensation of
marshal.

26 Feb., 1853, c.
80, s. 3, v. 10, p. 166.
2 March, 1861, c.
84, s. 1, v. 12, p. 219.
27 June, 1864, c.
163, s. 2, v. 13, p.
196.
22 June, 1870, c.
150, s. 15, v. 16, p.
164.

SEC. 841. No marshal shall be allowed by the Attorney-General, except as provided in the next section, to retain of the fees and emoluments which he is required to include in his semi-annual return, as aforesaid, for his personal compensation, over and above the necessary expenses of his office, including necessary clerk-hire, to be audited and allowed by the proper accounting officers of the Treasury Department, and a proper allowance to his deputies, any sum exceeding six thousand dollars a year, or exceeding that rate for any time less than a year. The allowance to any deputy shall in no case exceed three-fourths of the fees and emoluments received or payable for the services rendered by him, and may be reduced below that rate by the Attorney-General, whenever the returns show such rate to be unreasonable.

Additional com-
pensation in prize
cases.

10 June, 1864, c.
119, s. 19, v. 13, p.

SEC. 842. Clerks and marshals may be allowed to retain, for all official services in prize causes, an additional compensation not exceeding in amount one-half of the maximum compensation allowed to them, respectively, by the three preceding sections.

SEC. 843. The allowances for personal compensation of district attorneys, clerks, and marshals, for each calendar year, shall be made from the fees and emoluments of that year, and not otherwise.

Allowances for each year made from the fees thereof.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 166.

SEC. 844. Every district attorney, clerk, and marshal shall, at the time of making his half-yearly return to the Attorney-General, pay into the Treasury, or deposit to the credit of the Treasurer, as he may be directed by the Attorney-General, any surplus of the fees and emoluments of his office, which said return shows to exist over and above the compensation and allowances authorized by law to be retained by him.

Payment of surplus fees into the Treasury.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 166.

22 June, 1870, c. 150, s. 15, v. 16, p. 164.

SEC. 845. In every case where the return of a district attorney, clerk, or marshal shows that a surplus may exist, the Attorney-General shall cause such returns to be carefully examined, and the accounts of disbursements to be regularly audited by the proper officer of his Department, and an account to be opened with such officer in proper books to be provided for that purpose.

Auditing of accounts of district attorney, &c., in Department of Justice.

26 Feb., 1853, c. 80, s. 3, v. 10, pp. 165, 166. 22 June, 1870, c. 150, s. 15, v. 16, p. 164.

SEC. 846. The accounts of district attorneys, clerks, marshals, and commissioners of circuit courts shall be examined and certified by the district judge of the district for which they are appointed, before they are presented to the accounting officers of the Treasury Department for settlement. They shall then be subject to revision upon their merits by said accounting officers, as in case of other public accounts: *Provided*, That no accounts of fees or costs paid to any witness or juror, upon the order of any judge or commissioner, shall be so re-examined as to charge any marshal for an erroneous taxation of such fees or costs.

Accounts of district attorneys, &c., to be certified to by district judge.

16 Aug., 1856, c. 124, ss. 1, 2, v. 11, p. 49.

COMMISSIONERS' FEES.

SEC. 847. For administering an oath, ten cents.

For taking an acknowledgment, twenty-five cents.

For hearing and deciding on criminal charges, five dollars a day for the time necessarily employed.

For attending to a reference in a litigated matter, in a civil cause at law, in equity, or in admiralty, in pursuance of an order of the court, three dollars a day.

For taking and certifying depositions to file, twenty cents for each folio.

For each copy of the same furnished to a party on request, ten cents for each folio.

For issuing any warrant or writ, and for any other service, the same compensation as is allowed to clerks for like services.

For issuing any warrant under the tenth article of the treaty of August nine, one thousand eight hundred and forty-two, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any person charged with any crime or offense set forth in said article, two dollars.

For issuing any warrant under the provision of the convention for the surrender of criminals, between the United States and the King of the French, concluded at Washington November nine, one thousand eight hundred and forty-three, two dollars.

For hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of said treaty, or of said convention, five dollars a day for the time necessarily employed.

For the examination and certificate in cases of applications for discharge of poor convicts imprisoned for non-payment of a fine or fine and costs, five dollars a day for the time necessarily employed. [See § 1042.]

Commissioners' fees.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 167.

1 June, 1872, c. 255, s. 16, v. 17, p. 199.

WITNESSES' FEES.

Witnesses' fees.
26 Feb., 1853, c.
80, s. 3, v. 10, p. 167.

SEC. 848. For each day's attendance in court, or before any officer pursuant to law, one dollar and fifty cents, and five cents a mile for going from his place of residence to the place of trial or hearing, and five cents a mile for returning. When a witness is subpoenaed in more than one cause between the same parties, at the same court, only one travel fee and one per diem compensation shall be allowed for attendance. Both shall be taxed in the case first disposed of, after which the per diem attendance fee alone shall be taxed in the other cases in the order in which they are disposed of.

When a witness is detained in prison for want of security for his appearance, he shall be entitled, in addition to his subsistence, to a compensation of one dollar a day. (See §§ 879, 881.)

No officer of
court to have wit-
ness fees.

SEC. 849. No officer of the United States courts, in any State or Territory, or in the District of Columbia, shall be entitled to witness fees for attending before any court or commissioner where he is officiating.

16 Aug., 1856, c. 124, s. 8, v. 11, p. 50. 21 July, 1852, c. 66, s. 1, v. 10, p. 16, (22.)

Expenses of
clerks, &c., of
United States sent
away as witnesses,
paid.

SEC. 850. When any clerk or other officer of the United States is sent away from his place of business as a witness for the Government, his necessary expenses, stated in items and sworn to, in going, returning, and attendance on the court, shall be audited and paid; but no mileage, or other compensation in addition to his salary, shall in any case be allowed.

26 Feb., 1853, c.
80, s. 3, v. 10, pp.
167, 168.

Seamen sent
home as witnesses.

SEC. 851. There shall be paid to each seaman or other person who is sent to the United States from any foreign port, station, sea, or ocean, by any United States minister, chargé d'affaires, consul, captain, or commander, to give testimony in any criminal case depending in any court of the United States, such compensation, exclusive of subsistence and transportation, as such court may adjudge to be proper, not exceeding one dollar for each day necessarily employed in such voyage, and in arriving at the place of examination or trial. In fixing such compensation, the court shall take into consideration the condition of said seaman or witness, and whether his voyage has been broken up, to his injury, by his being sent to the United States.

26 Feb., 1853, c.
80, s. 3, v. 10, p. 168.

When such seaman or person is transported in an armed vessel of the United States, no charge for subsistence or transportation shall be allowed. When he is transported in any other vessel, the compensation for his transportation and subsistence, not exceeding in any case fifty cents a day, may be fixed by the court, and shall be paid to the captain of said vessel accordingly.

JURORS' FEES.

Fees of grand
and petit jurors.

SEC. 852. For actual attendance at any court or courts, and for the time necessarily occupied in going to and returning from the same, three dollars a day during such attendance.

15 July, 1870, c.
298, s. 1, v. 16, p. 363.

Edwards vs.
Bond, 5 McLean,
300.

For the distance necessarily traveled from their residence in going to and returning from said court by the shortest practicable route, five cents a mile.

PRINTERS' FEES.

Printers' fees.
26 Feb., 1853, c.
80, s. 3, v. 10, p. 168.

SEC. 853. For publishing any notice, or order, required by law, or the lawful order of any court, Department, Bureau, or other person, in any newspaper, except as mentioned in sections thirty-eight hundred and twenty-three, thirty-eight hundred and twenty-four, and thirty-eight hundred and twenty-five, Title, "PUBLIC PRINTING, ADVERTISEMENTS, AND PUBLIC DOCUMENTS," forty cents per folio for the first insertion, and twenty cents per folio for each subsequent insertion. The compensation herein provided shall include the furnishing of lawful evidence,

under oath, of publication, to be made and furnished by the printer or publisher making such publication.

SEC. 854. The term folio, in this chapter, shall mean one hundred words, counting each figure as a word. When there are over fifty and under one hundred words, they shall be counted as one folio; but a less number than fifty words shall not be counted, except when the whole statute, notice, or order contains less than fifty words.

Meaning of folio.
26 Feb., 1853, c.
80, s. 3, v. 10, p. 168.

FEES: HOW PAID AND RECOVERED.

SEC. 855. In cases where the United States are parties, the marshal shall, on the order of the court, to be entered on its minutes, pay to the jurors and witnesses all fees to which they appear by such order to be entitled, which sum shall be allowed him at the Treasury in his accounts.

Jurors and witnesses, when paid by marshal.

26 Feb., 1853, c.
80, s. 3, v. 10, p. 168.

SEC. 856. The fees of district attorneys, clerks, marshals, and commissioners, in cases where the United States are liable to pay the same, shall be paid on settling their accounts at the Treasury.

Fees of district attorneys, marshals, &c., how paid.

26 Feb., 1853, c.
80, s. 3, v. 10, p. 168.

SEC. 857. The fees and compensations of the officers and persons hereinbefore mentioned, except those which are directed to be paid out of the Treasury, shall be recovered in like manner as the fees of the officers of the States respectively for like services are recovered.

Fees, how recovered.

8 May, 1792, c.
36, s. 6, v. 1, p. 278.

CHAPTER SEVENTEEN.

EVIDENCE.

Sec.

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891. Copies of records, &c., of General Land-Office.
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896. Copies of records, &c., in offices of United States consuls, &c.
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907. Copies of foreign records, &c., relating to land-titles in the United States.
908. Little & Brown's edition of the statutes to be evidence.
909. Burden of proof, when it lies on claimant in seizure cases.
910. Possessory actions for recovery of mining-titles.

No witness excluded on account of color or interest; provided, &c.

- 2 July, 1864, c. 210, s. 3, v. 13, p. 351.
3 March, 1865, c. 113, v. 13, p. 533.
16 July, 1862, c. 189, s. 1, v. 12, p. 588.

U. S. *vs.* Murphy, 16 Pet., 203; Smyth *vs.* Strader, 4 How., 420; U. S. *vs.* Reed, 12 How., 361; Wright *vs.* Bales, 2 Bl., 535; Green *vs.* U. S., 9 Wall., 655; Lucas *vs.* Brooks, 18 Wall., 436.

Testimony of witnesses before Congress not admissible against them in criminal prosecutions.

- 24 Jan., 1862, c. 11, v. 12, p. 333. 24 Jan., 1857, c. 19, s. 2, v. 11, p. 156.

Pleadings, disclosures, &c., not to be used in criminal proceedings.

- 25 Feb., 1868, c. 113, s. 1, v. 15, p. 37.

Mode of proof in common-law actions.

- 24 Sept., 1789, c. 20, s. 30, v. 1, p. 88. 20 Feb., 1812, c. 25, s. 3, v. 2, p. 682. 24 Jan., 1827, c. 4, ss. 1, 2, v. 4, pp. 187, 199.

Mode of proof in equity and admiralty causes.

- 23 Aug. 1842, c. 188, s. 6, v. 5, p. 518.

Depositions *de bene esse*.

- 24 Sept., 1789, c. 20, s. 30, v. 1, p. 88.
1 March, 1817, c. 30, v. 3, p. 350.
26 Feb., 1853, c. 80, s. 1, v. 10, p. 153.
29 July, 1854, c. 159, s. 2, v. 10, p. 315.
9 May, 1872, c. 146, v. 17, p. 89.

The Samuel, 1 Wh., 16; The Argo, 2 Wh., 287; The

SEC. 858. In the courts of the United States no witness shall be excluded in any action on account of color, or in any civil action because he is a party to or interested in the issue tried: *Provided*, That in actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other, as to any transaction with, or statement by, the testator, intestate, or ward, unless called to testify thereto by the court. In all other respects, the laws of the State in which the court is held shall be the rules of decision as to the competency of witnesses in the courts of the United States in trials at common law, and in equity and admiralty. [See § 1977.]

SEC. 859. No testimony given by a witness before either House, or before any committee of either House of Congress, shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within the said privilege. [See § 104.]

SEC. 860. No pleading of a party, nor any discovery or evidence obtained from a party or witness by means of a judicial proceeding in this or any foreign country, shall be given in evidence, or in any manner used against him or his property or estate, in any court of the United States, in any criminal proceeding, or for the enforcement of any penalty or forfeiture: *Provided*, That this section shall not exempt any party or witness from prosecution and punishment for perjury committed in discovering or testifying as aforesaid.

SEC. 861. The mode of proof in the trial of actions at common law shall be by oral testimony and examination of witnesses in open court, except as hereinafter provided.

SEC. 862. The mode of proof in causes of equity and of admiralty and maritime jurisdiction shall be according to rules now or hereafter prescribed by the Supreme Court, except as herein specially provided.

SEC. 863. The testimony of any witness may be taken in any civil cause depending in a district or circuit court by deposition *de bene esse*, when the witness lives at a greater distance from the place of trial than one hundred miles, or is bound on a voyage to sea, or is about to go out of the United States, or out of the district in which the case is to be tried, and to a greater distance than one hundred miles from the place of trial, before the time of trial, or when he is ancient and infirm. The deposition may be taken before any judge of any court of the United States, or any commissioner of a circuit court, or any clerk of a district or circuit court, or any chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court or court of common pleas of any of the United States, or any notary public,

not being of counsel or attorney to either of the parties, nor interested in the event of the cause. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition, to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition; and in all cases in rem, the person having the agency or possession of the property at the time of seizure shall be deemed the adverse party, until a claim shall have been put in; and whenever, by reason of the absence from the district and want of an attorney of record or other reason, the giving of the notice herein required shall be impracticable, it shall be lawful to take such depositions as there shall be urgent necessity for taking, upon such notice as any judge authorized to hold courts in such circuit or district shall think reasonable and direct. Any person may be compelled to appear and depose as provided by this section, in the same manner as witnesses may be compelled to appear and testify in court.

London Packet, 2 Wh., 371; *Mechanics' Bank vs. Seaton*, 1 Pet., 299; *Bell vs. Morrison*, 1 Pet., 355; *Patapeco Ins. Co. vs. Southgate*, 5 Pet., 616; *Dick vs. Runnels*, 5 How., 7; *Harris vs. Wall*, 7 How., 693; *Fowler vs. Merrill*, 11 How., 375; *Walsh vs. Rogers*, 13 How., 283; *Hoyt vs. Haumekin*, 14 How., 350; *Nelson vs. Woodruff*, 1 Bl., 156; *The Ottawa* 3 Wall., 271; *Tappan vs. Beardley*, 10 Wall., 427; *Shutte vs. Thompson*, 15 Wall., 151; *Tooker vs. Thompson*, 3 McLean, 92; *Buckingham vs. Burgess*, 3 McLean, 368; *Moore vs. Nelson*, 3 McLean, 384; *Voss vs. Lawrence*, 4 McLean, 303; *Bell vs. Nimmon*, 4 McLean, 539; *Price vs. Morris*, 5 McLean, 4; *Goodhue vs. Bartlett*, 5 McLean, 186; *Wilkinson vs. Yale*, 6 McLean, 18; *Curtis vs. Central Railway*, 6 McLean, 401; *Prouty et al. vs. Draper et al.*, 2 Story, 199; *Carrington vs. Stimson*, 1 Curt., 437; *Evans vs. Hettich*, 3 Wash. C. C., 409; *Pettibone vs. Derringer*, 4 Wash. C. C., 215; *Merrill vs. Dawson*, Hemp., 503; *Dade vs. Young*, 1 Cr. C. C., 123; *Banks vs. Miller*, 1 Cr. C. C., 543; *Wheaton vs. Love*, 1 Cr. C. C., 451; *Vase vs. Smith*, 2 Cr. C. C., 31; *Peyton vs. Veitch*, 2 Cr. C. C., 123; *Miller vs. Young*, 2 Cr. C. C., 53; *Garrett vs. Woodward*, 2 Cr. C. C., 190; *Thorpe vs. Simmons*, 2 Cr. C. C., 195; *Centre vs. Keene*, 2 Cr. C. C., 198; *Woodward vs. Hall*, 2 Cr. C. C., 235; *Edmonson vs. Barrell*, 2 Cr. C. C., 228; *Van Ness vs. Heineke*, 2 Cr. C. C., 259; *Bussard vs. Catalino*, 2 Cr. C. C., 421; *Luther vs. The Merritt Hunt*, Newb., 4; *Allen vs. Blunt*, 2 W. & M., 122; *Whitney vs. Hunt*, 5 Cr. C. C., 120; *Paul vs. Lowry*, 2 Cr. C. C., 628; *Dinsmore vs. Maroney*, 4 Bl. C. C., 416; *Ex parte Humphrey*, 2 Bl. C. C., 228; *Brown vs. Platt*, 2 Cr. C. C., 253; *The Argo*, 2 Gallis., 314; *Debutta vs. McCulloch*, 1 Cr. C. C., 286; *Barrell vs. Limington*, 4 Cr. C. C., 70; *In re Judson*, 3 Bl. C. C., 148; *Ex parte Peck*, 3 Bl. C. C., 113; *Rainer vs. Haynes*, Hemp., 689; *Cahoon vs. Ring*, 1 Cliff., 592; *Banart's Lessee vs. Day*, 3 Wash. C. C., 243; *Russel vs. Ashley*, Hemp., 546; *Ruggles vs. Bucknor*, 1 Paine C. C., 358; *U. S. vs. 1 Case Hair Pencils*, 1 Paine C. C., 400; *The Thomas and Henry*, 1 Brock., 367.

SEC. 864. Every person deposing as provided in the preceding section, shall be cautioned and sworn to testify the whole truth, and carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or by himself in the magistrate's presence, and by no other person, and shall, after it has been reduced to writing, be subscribed by the deponent.

Mode of taking depositions *de bene esse*.

24 Sept., 1789, c. 20, s. 30, v. 1, p. 85.
9 May, 1872, c. 146, v. 17, p. 89.

Bell vs. Morrison, 1 Pet., 351; *Patapeco Ins. Co. vs. Southgate*, 5 Pet., 604; *Cook vs. Burnley*, 11 Wall., 659; *Shutte vs. Thompson*, 15 Wall., 151; *Doe dem. Moore vs. Nelson et al.*, 3 McLean, 383; *Jones vs. Knowles*, 1 Cr. C. C., 523; *Marstin vs. McRae*, Hemp., 688; *Rainer vs. Haynes*, Hemp., 689; *Thorpe & Burton vs. Simmons*, 2 Cr., 195; *Centre vs. Keene*, 2 Cr. C. C., 198; *Bussard vs. Catalino*, 2 Cr. C. C., 421.

SEC. 865. Every deposition taken under the two preceding sections shall be retained by the magistrate taking it, until he delivers it with his own hand into the court for which it is taken; or it shall, together with a certificate of the reasons as aforesaid of taking it and of the notice, if any, given to the adverse party, be by him sealed up and directed to such court, and remain under his seal until opened in court. But unless it appears to the satisfaction of the court that the witness is then dead, or gone out of the United States, or to a greater distance than one hundred miles from the place where the court is sitting, or that, by reason of age, sickness, bodily infirmity, or imprisonment, he is unable to travel and appear at court, such deposition shall not be used in the cause.

Transmission to the court of depositions *de bene esse*.

24 Sept., 1789, c. 20, s. 30, v. 1, p. 85.

Beale vs. Thompson, 8 Cr., 70; *Evans vs. Hettich*, 7 Wh., 453; *Stein vs. Bowman*, 13 Pet., 209; *Harris vs. Wall*, 7 How., 693; *Jones vs. Neale*, Mart., (N. C.), 81; *Orr*, 2 Cr. C. C., 335.

Shankwiker vs. Reading, 4 McLean, 240; *Thorp vs.*

SEC. 866. In any case where it is necessary, in order to prevent a failure or delay of justice, any of the courts of the United States may grant a *dedimus potestatem* to take depositions according to common usage; and any circuit court, upon application to it as a court of equity, may, according to the usages of chancery, direct depositions to be taken in *perpetuam rei memoriam*, if they relate to any matters that may be

Depositions under a *dedimus potestatem* and in *perpetuam*, &c.

24 Sept., 1789, c. 20, s. 30, v. 1, p. 85.

9 May, 1872, c. 146, v. 17, p. 89.

Guppy vs. Brown, 4 Dall. 410; *Buddecum vs. Kirk*, 3 Cr., 293; *Sergeant vs. Biddle*, 4 Wh., 506;

Evans vs. Hettich, 7 Wh., 453; *Gilpins vs. Consequa*, Pet. C. C., 65; *Nelson vs. U. S.*, Pet. C. C., 235; *Willings vs. Consequa*, Pet. C. C., 301; *Winthrop vs. Ina. Co.*, 2 Wash. C. C., 7; *Richardson vs. Golden*, 3 Wash. C. C., 109; *Bell vs. Davidson*, 3 Wash. C. C., 332; *Lonsdale vs. Brown*, 3 Wash. C. C., 404; *Dodge vs. Israel*, 4 Wash. C. C., 323; *The Schooner Ruby*, 5 Mas., 451; *Cunningham vs. Otis*, 1 Gall., 160; *Leroy vs. Delaware Ina. Co.*, 2 Wash. C. C., 223; *U. S. vs. Price's Admr.*, 2 Wash. C. C., 356; *Rauderau vs. Montgomery*, 4 Wash. C. C., 196; *Peters vs. Prevost*, 1 Paine, 65.

Depositions *in perpetuam*, &c., admissible at discretion of the court.

cognizable in any court of the United States. And the provisions of sections eight hundred and sixty-three, eight hundred and sixty-four, and eight hundred and sixty-five, shall not apply to any deposition to be taken under the authority of this section.

20 Feb., 1812, c. 25, a. 3, v. 2, p. 622.—

SEC. 867. Any court of the United States may, in its discretion, admit in evidence in any cause before it any deposition taken in *perpetuam rei memoriam*, which would be so admissible in a court of the State wherein such cause is pending, according to the laws thereof.

Deposition under a *dedimus potestatem*, how taken.

24 Jan., 1827, c. 4, s. 1, v. 4, p. 197.

York Co. vs. Central R. R., 3 Wall., 113.

SEC. 868. When a commission is issued by any court of the United States for taking the testimony of a witness named therein at any place within any district or Territory, the clerk of any court of the United States for such district or Territory shall, on the application of either party to the suit, or of his agent, issue a subpoena for such witness, commanding him to appear and testify before the commissioner named in the commission, at a time and place stated in the subpoena; and if any witness, after being duly served with such subpoena, refuses or neglects to appear, or, after appearing, refuses to testify, not being privileged from giving testimony, and such refusal or neglect is proven to the satisfaction of any judge of the court whose clerk issues such subpoena, such judge may proceed to enforce obedience to the process, or punish the disobedience, as any court of the United States may proceed in case of disobedience to process of subpoena to testify issued by such court.

Subpœna *duces tecum* under a *dedimus potestatem*.

24 Jan., 1827, c. 4, s. 2, v. 4, p. 199.

Burr's Trial, 183.

SEC. 869. When either party in such suit applies to any judge of a United States court in such district or Territory for a subpoena commanding the witness, therein to be named, to appear and testify before said commissioner, at the time and place to be stated in the subpoena, and to bring with him and produce to such commissioner any paper or writing or written instrument or book or other document, supposed to be in the possession or power of such witness, and to be described in the subpoena, such judge, on being satisfied by the affidavit of the person applying, or otherwise, that there is reason to believe that such paper, writing, written instrument, book, or other document is in the possession or power of the witness, and that the same, if produced, would be competent and material evidence for the party applying therefor, may order the clerk of said court to issue such subpoena accordingly. And if the witness, after being served with such subpoena, fails to produce to the commissioner, at the time and place stated in the subpoena, any such paper, writing, written instrument, book, or other document, being in his possession or power, and described in the subpoena, and such failure is proved to the satisfaction of said judge, he may proceed to enforce obedience to said process of subpoena, or punish the disobedience in like manner as any court of the United States may proceed in case of disobedience to like process issued by such court. When any such paper, writing, written instrument, book, or other document is produced to such commissioner, he shall, at the cost of the party requiring the same, cause to be made a correct copy thereof, or of so much thereof as shall be required by either of the parties.

Witness under a *dedimus potestatem*, when required to attend.

24 Jan., 1827, c. 4, ss. 1, 2, v. 4, pp. 197, 199.

SEC. 870. No witness shall be required, under the provisions of either of the two preceding sections, to attend at any place out of the county where he resides, nor more than forty miles from the place of his residence, to give his deposition; nor shall any witness be deemed guilty of contempt for disobeying any subpoena directed to him by virtue of either of the said sections, unless his fee for going to, returning from,

and one day's attendance at, the place of examination, are paid or tendered to him at the time of the service of the subpoena.

SEC. 871. When a commission to take the testimony of any witness found within the District of Columbia, to be used in a suit depending in any State or territorial or foreign court, is issued from such court, or a notice to the same effect is given according to its rules of practice, and such commission or notice is produced to a justice of the supreme court of said District, and due proof is made to him that the testimony of such witness is material to the party desiring the same, the said justice shall issue a summons to the witness, requiring him to appear before the commissioners named in the commission or notice, to testify in such suit, at a time and at a place within said District therein specified.

SEC. 872. When it satisfactorily appears by affidavit to any justice of the supreme court of the District of Columbia, or to any commissioner for taking depositions appointed by said court—

First. That any person within said District is a material witness for either party in a suit pending in any State or territorial or foreign court;

Second. That no commission nor notice to take the testimony of such witness has been issued or given; and

Third. That, according to the practice of the court in which the suit is pending, the deposition of a witness taken without the presence and consent of both parties will be received on the trial or hearing thereof, such officer shall issue his summons, requiring the witness to appear before him at a place within the District, at some reasonable time, to be stated therein, to testify in such suit.

SEC. 873. Testimony obtained under the two preceding sections shall be taken down in writing by the officer before whom the witness appears, and shall be certified and transmitted by him to the court in which the suit is pending, in such manner as the practice of that court may require. If any person refuses or neglects to appear at the time and place mentioned in the summons, or, on his appearance, refuses to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit.

SEC. 874. Every witness appearing and testifying under the said provisions relating to the District of Columbia shall be entitled to receive for each day's attendance, from the party at whose instance he is summoned, the fees now provided by law for each day he shall give attendance.

SEC. 875. When any commission or letter rogatory, issued to take the testimony of any witness in a foreign country, in any suit in which the United States are parties or have an interest, is executed by the court or the commissioner to whom it is directed, it shall be returned by such court or commissioner to the minister or consul of the United States nearest the place where it is executed. On receiving the same, the said minister or consul shall indorse thereon a certificate, stating when and where the same was received, and that the said deposition is in the same condition as when he received it; and he shall thereupon transmit the said letter or commission, so executed and certified, by mail, to the clerk of the court from which the same issued, in the manner in which his official dispatches are transmitted to the Government. And the testimony of witnesses so taken and returned shall be read as evidence on the trial of the suit in which it was taken, without objection as to the method of returning the same. [See §§ 4071-4074.]

SEC. 876. Subpoenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district: *Provided*, That in civil causes the witnesses living out of the district in which the court is held do not live at a greater distance than one hundred miles from the place of holding the same.

22, s. 6, v. 1, p. 335.—*Patapsco Insurance Co. vs. Southgate*, 5 Pet., 616; *Russell vs. Ashley*, Hempst., 546.

Depositions in Dist. of Col. in suits pending elsewhere.

3 March, 1869, c. 128, s. 1, v. 15, p. 324.

Same subject; when no commission nor notice.

3 March, 1869, c. 128, s. 2, v. 15, p. 325.

Same subject; manner of taking and transmitting the deposition.

3 March, 1869, c. 128, s. 3, v. 15, p. 325.

Same subject; witness-fees.

3 March, 1869, c. 128, s. 4, v. 15, p. 325.

Letters rogatory from United States courts.

3 March, 1869, c. 95, s. 4, v. 12, p. 770. *Nelson vs. U. S.*, Pet. C. C., 235.

Subpoenas for witnesses to run into another district.

2 March, 1793, c.

Witnesses, form of subpoena; attendance under.

6 Feb., 1853, c. 80, a. 3, v. 10, p. 169.

Witnesses in behalf of indigent defendants in criminal cases.

8 Aug., 1846, c. 98, a. 11, v. 9, p. 74.

Recognizance of witnesses at the hearing of charges in criminal cases.

24 Sept., 1789, c. 20, a. 33, v. 1, p. 91.

23 Aug., 1842, c. 188, a. 2, v. 5, p. 517.

8 Aug., 1846, c. 98, a. 7, v. 9, p. 73.

Vermont, recognizance of witnesses, how taken.

29 April, 1802, c. 31, a. 29, v. 2, p. 167.

Recognizance of witnesses required at any time on application of district attorney.

8 Aug., 1846, c. 98, a. 7, v. 9, p. 73.

Copies of Department records and papers.

15 Sept., 1789, c. 14, a. 5, v. 1, p. 69.

Copies of records, &c., in office of Solicitor of the Treasury.

SEC. 877. Witnesses who are required to attend any term of a circuit or district court on the part of the United States, shall be subpoenaed to attend to testify generally on their behalf, and not to depart the court without leave thereof, or of the district attorney; and under such process they shall appear before the grand or petit jury, or both, as they may be required by the court or district attorney.

SEC. 878. Whenever any person indicted in a court of the United States makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he cannot safely go to trial without them; what he expects to prove by each of them; that they are within the district in which the court is held, or within one hundred miles of the place of trial; and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court in term, or any judge thereof in vacation, may order that such witnesses be subpoenaed if found within the limits aforesaid. In such case the costs incurred by the process and the fees of the witnesses shall be paid in the same manner that similar costs and fees are paid in case of witnesses subpoenaed in behalf of the United States.

SEC. 879. Any judge or other officer who may be authorized to arrest and imprison or bail persons charged with any crime or offense against the United States may, at the hearing of any such charge, require of any witness produced against the prisoner, on pain of imprisonment, a recognizance, with or without sureties, in his discretion, for his appearance to testify in the case. And where the crime or offense is charged to have been committed on the high seas, or elsewhere within the admiralty and maritime jurisdiction of the United States, he may, in his discretion, require a like recognizance, with such sureties as he may deem necessary, of any witness produced in behalf of the accused, whose testimony in his opinion is important, and is in danger of being otherwise lost. (See §§ 848, 1014.)

SEC. 880. In the district of Vermont, all recognizances of witnesses, taken by any magistrate in said district, for their appearance to testify in any case cognizable either in the district or circuit court thereof, shall be to the circuit court next thereafter to be held in the said district.

SEC. 881. Any judge of the United States, on the application of a district attorney, and on being satisfied by proof that the testimony of any person is competent and will be necessary on the trial of any criminal proceeding in which the United States are parties or are interested, may compel such person to give recognizance, with or without sureties, at his discretion, to appear to testify therein; and, for that purpose, may issue a warrant against such person, under his hand, with or without seal, directed to the marshal or other officer authorized to execute process in behalf of the United States, to arrest and bring before him such person. If the person so arrested neglects or refuses to give recognizance in the manner required, the judge may issue a warrant of commitment against him, and the officer shall convey him to the prison mentioned therein. And the said person shall remain in confinement until he is removed to the court for the purpose of giving his testimony, or until he gives the recognizance required by said judge. (See § 848.)

SEC. 882. Copies of any books, records, papers, or documents in any of the Executive Departments, authenticated under the seals of such Departments, respectively, shall be admitted in evidence equally with the originals thereof.

22 Feb., 1849, c. 61, a. 3, v. 9, p. 347. 31 May, 1854, c. 60, a. 2 v. 10, p. 297.

SEC. 883. Copies of any documents, records, books, or papers in the office of the Solicitor of the Treasury, certified by him under the seal of his office, or, when his office is vacant, by the officer acting as Solicitor for the time, shall be evidence equally with the originals.

SEC. 884. Every certificate, assignment, and conveyance executed by the Comptroller of the Currency, in pursuance of law, and sealed with his seal of office, shall be received in evidence in all places and courts; and all copies of papers in his office, certified by him and authenticated by the said seal, shall in all cases be evidence equally with the originals. An impression of such seal directly on the paper shall be as valid as if made on wax or wafer.

SEC. 885. Copies of the organization certificate of any national banking association, duly certified by the Comptroller of the Currency, and authenticated by his seal of office, shall be evidence in all courts and places within the jurisdiction of the United States of the existence of the association, and of every matter which could be proved by the production of the original certificate. [See § 5113.]

SEC. 886. When suit is brought in any case of delinquency of a revenue officer, or other person accountable for public money, a transcript from the books and proceedings of the Treasury Department, certified by the Register and authenticated under the seal of the Department, or, when the suit involves the accounts of the War or Navy Departments, certified by the Auditors respectively charged with the examination of those accounts, and authenticated under the seal of the Treasury Department, shall be admitted as evidence, and the court trying the cause shall be authorized to grant judgment and award execution accordingly. And all copies of bonds, contracts, or other papers relating to, or connected with, the settlement of any account between the United States and an individual, when certified by the Register, or by such Auditor, as the case may be, to be true copies of the originals on file, and authenticated under the seal of the Department, may be annexed to such transcripts, and shall have equal validity, and be entitled to the same degree of credit which would be due to the original papers if produced and authenticated in court: *Provided*, That where suit is brought upon a bond or other sealed instrument, and the defendant pleads "non est factum," or makes his motion to the court, verifying such plea or motion by his oath, the court may take the same into consideration, and, if it appears to be necessary for the attainment of justice, may require the production of the original bond, contract, or other paper specified in such affidavit.

vs. Lent, 1 Paine, 417; *U. S. vs. Martin*, 2 Paine, 68; *U. S. vs. Van Zandt*, 2 Cr. C. C., 328; *U. S. vs. Griffith*, 2 Cr. C. C. 336; *U. S. vs. Lee*, 2 Cr. C. C. 462; *U. S. vs. Harrill*, 1 McAll., 243; *U. S. vs. Mattison*, Gilp., 44; *U. S. vs. Corwin*, 1 Bond, 149.

SEC. 887. Upon the trial of any indictment against any person for embezzling public moneys, it shall be sufficient evidence, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury Department, as provided by the preceding section.

Instruments and papers of Comptroller of the Currency.

3 June, 1864, c. 106, s. 2, v. 13, p. 100.

Organization certificates of national banks.

3 June, 1864, c. 106, s. 6, v. 13, p. 101.

Transcripts from books, &c., of the Treasury, in suits against delinquents.

3 March, 1797, c. 20, s. 1, v. 1, p. 512.
3 March, 1817, c. 45, s. 11, v. 3, p. 387.

Walton vs. U. S., 9 Wh., 651; *U. S. vs. Buford*, 3 Pet., 12; *Smith vs. U. S.*, 5 Pet., 292; *Cox vs. U. S.*, 6 Pet., 172; *U. S. vs. Jones*, 9 Pet., 375; *Gratiot vs. U. S.*, 15 Pet., 336; *U. S. vs. Irving*, 1 How., 250; *Hoyt vs. U. S.*, 10 How., 109; *Bruce vs. U. S.*, 17 How., 437; *U. S. vs. Edwards*, 1 McLean, 467; *U. S. vs. Hilliard et al.*, 3 McLean, 324; *U. S.*

Transcripts from books of the Treasury in indictments for embezzlement of public moneys.

6 Aug., 1846, c. 90, s. 16, v. 9, p. 63. 2 March, 1797, c. 20, s. 1, v. 1, p. 512.

SEC. 888. A copy of any return of a contract returned and filed in the returns-office of the Department of the Interior, as provided by law, when certified by the clerk of the said office to be full and complete, and when authenticated by the seal of the Department, shall be evidence in any prosecution against any officer for falsely and corruptly swearing to the affidavit required by law to be made by such officer in making his return of any contract, as required by law, to said returns-office. [See § 3744.]

Copies of returns in returns-office.

2 June, 1862, c. 93, s. 4, v. 12, p. 412.

SEC. 889. Copies of the quarterly returns of postmasters and of any papers pertaining to the accounts in the office of the Sixth Auditor, and transcripts from the money-order account-books of the Post-Office Department, when certified by the Sixth Auditor under the seal of his office, shall be admitted as evidence in the courts of the United States, in civil suits and criminal prosecutions; and in any civil suit, in case of delinquency of any postmaster or contractor, a statement of the account, certified as aforesaid, shall be admitted in evidence, and the court shall be authorized thereupon to give judgment and award execution, subject to the provisions of law as to proceedings in such civil suits.

Copies of Post-Office records and of Auditor's statement of accounts.

2 July, 1836, c. 270, s. 15, v. 5, p. 82.
17 May, 1864, c. 87, s. 11, v. 13, p. 78.
27 July, 1863, c. 246, s. 18, v. 15, p. 197.

3 March, 1825, c. 64, s. 38, v. 4, p. 113.—*U. S. vs. Hodge*, 13 How., 478; *Lawrence vs. U. S.*, 2 McLean, 581.

Copies of statements of demands by Post-Office Department.

27 July, 1868, c. 246, s. 19, v. 15, p. 197.

SEC. 890. In all suits for the recovery of balances due from postmasters, a copy, duly certified under the seal of the Sixth Auditor, of the statement of any postmaster, special agent, or other person, employed by the Postmaster-General or the Auditor for that purpose, that he has mailed a letter to such delinquent postmaster at the post-office where the indebtedness accrued, or at his last usual place of abode; that a sufficient time has elapsed for said letter to have reached its destination in the ordinary course of the mail; and that payment of such balance has not been received, within the time designated in his instructions, shall be received as sufficient evidence in the courts of the United States, or other courts, that a demand has been made upon the delinquent postmaster; but when the account of a late postmaster has been once adjusted and settled, and a demand has been made for the balance appearing to be due, and afterward allowances are made or credits entered, it shall not be necessary to make a further demand for the new balance found to be due.

Copies of records, &c., of General Land-Office.

25 April, 1812, c. 68, s. 4, v. 2, p. 717.
4 July, 1836, c. 362, ss. 2, 7, v. 5, pp. 109, 111.

3 March, 1843, c. 95, ss. 1, 2, v. 5, pp. 627, 628.—*Galt vs. Galloway*, 4 Pet., 331.

Copies of records, &c., of Patent-Office.

8 July, 1870, c. 230, s. 57, v. 16, p. 207.

Brooks et al. vs. Jenkins et al., 3 McLean, 432; *Parker vs. Haworth*, 4 McLean, 370; *Pettibone vs. Deringer*, 4 Wash. C. C., 215; *Lee vs. Blandy*, 2 Fish., 89, (see 1 Bond, 361;) *Woodworth vs. Hall, Wood. & Min.*, 260; *Emerson vs. Hogg*, 2 Blatch., 12.

Copies of foreign letters-patent.

8 July, 1870, c. 230, s. 57, v. 16, p. 207.

Printed copies of specifications and drawings of patents.

11 Jan., 1871, Res. 5, v. 16, p. 590.

Extracts from the Journals of Congress.

8 Aug., 1846, c. 107, s. 1, v. 9, p. 80.

Copies of records, &c., in offices of United States consuls, &c.

8 Jan., 1869, c. 7, v. 15, p. 266.

Certain books and papers in offices of district and circuit courts in Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas.

27 June, 1864, c.

SEC. 891. Copies of any records, books, or papers in the General Land-Office, authenticated by the seal and certified by the Commissioner thereof, or, when his office is vacant, by the principal clerk, shall be evidence equally with the originals thereof. And literal exemplifications of any such records shall be held, when so introduced in evidence, to be of the same validity as if the names of the officers signing and countersigning the same had been fully inserted in such record. [Secs §§ 2469, 2470.]

SEC. 892. Written or printed copies of any records, books, papers, or drawings belonging to the Patent-Office, and of letters-patent, authenticated by the seal and certified by the Commissioner or Acting Commissioner thereof, shall be evidence in all cases wherein the originals could be evidence; and any person making application therefor, and paying the fee required by law, shall have certified copies thereof.

SEC. 893. Copies of the specifications and drawings of foreign letters-patent, certified as provided in the preceding section, shall be prima-facie evidence of the fact of the granting of such letters-patent, and of the date and contents thereof.

SEC. 894. The printed copies of specifications and drawings of patents, which the Commissioner of Patents is authorized to print for gratuitous distribution, and to deposit in the capitols of the States and Territories, and in the clerk's offices of the district courts, shall, when certified by him and authenticated by the seal of his office, be received in all courts as evidence of all matters therein contained.

SEC. 895. Extracts from the Journals of the Senate, or of the House of Representatives, and of the Executive Journal of the Senate when the injunction of secrecy is removed, certified by the Secretary of the Senate or by the Clerk of the House of Representatives, shall be admitted as evidence in the courts of the United States, and shall have the same force and effect as the originals would have if produced and authenticated in court.

SEC. 896. Copies of all official documents and papers in the office of any consul, vice-consul, or commercial agent of the United States, and of all official entries in the books or records of any such office, certified under the hand and seal of such officer, shall be admitted in evidence in the courts of the United States. [Secs § 1707.]

SEC. 897. The transcripts into new books, made by the clerks of the district courts in the several districts of Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas, in pursuance of the act of June twenty-seven, eighteen hundred and sixty-four, chapter one hundred and sixty-five, from the records and journals transferred by them respectively, under the said act, to the clerks of the circuit courts in said districts, when certified by the clerks respectively making the same to be full and

true copies from the original books, shall have the same force and effect as records as the originals. And the certificates of the clerks of said circuit courts, respectively, of transcripts of any of the books or papers so transferred to them, shall be received in evidence with the like effect as if made by the clerk of the court in which the proceedings were had.

SEC. 898. The transcripts into new books made by the clerks of the circuit and district courts for the western district of North Carolina, in pursuance of the act of June four, eighteen hundred and seventy-two, chapter two hundred and eighty-two, when certified by the clerks respectively making the same to be full and true copies from the original books, shall have the same force and effect as records as the originals. And the certificates of the clerks of said circuit and district courts respectively, of transcripts of any of the said transcribed records, shall also be received in evidence with the like effect as if made by the proper clerk from the originals from which such records were transcribed.

SEC. 899. When the record of any judgment, decree, or other proceeding of any court of the United States is lost or destroyed, any party or person interested therein may, on application to such court, and on showing to its satisfaction that the same was lost or destroyed without his fault, obtain from it an order authorizing such defect to be supplied by a duly certified copy of the original record, where the same can be obtained; and such certified copy shall thereafter have, in all respects, the same effect as the original record would have had.

SEC. 900. When any such record is lost or destroyed, and the defect cannot be supplied as provided in the preceding section, any party or person interested therein may make a written application to the court to which the record belonged, verified by affidavit, showing such loss or destruction; that the same occurred without his fault or neglect; that certified copies of such record cannot be obtained by him; and showing also the substance of the record so lost or destroyed, and that the loss or destruction thereof, unless supplied, will or may result in damage to him. The court shall cause said application to be entered of record, and a copy of it shall be served personally upon every person interested therein, together with written notice that on a day therein stated, which shall not be less than sixty days after such service, said application will be heard; and if, upon such hearing, the court is satisfied that the statements contained in the application are true, it shall make and cause to be entered of record an order reciting the substance and effect of said lost or destroyed record. Said order shall have the same effect, so far as concerns the party or person making such application and the persons served as above provided, but subject to intervening rights, which the original record would have had, if the same had not been lost or destroyed.

SEC. 901. When any cause has been removed to the Supreme Court, and the original record thereof is afterward lost, a duly certified copy of the record remaining in said court may be filed in the court from which the cause was removed, on motion of any party or person claiming to be interested therein; and the copy so filed shall have the same effect as the original record would have had if the same had not been lost or destroyed.

SEC. 902. In the proceedings to restore the records of the circuit and district courts of the northern district of Illinois, destroyed by fire on the ninth of October, eighteen hundred and seventy-one, under the three preceding sections, the notice required may be served upon any non-resident of said district anywhere within the jurisdiction of the United States, or in any foreign country, the proof of the service of such notice, if made in a foreign country, to be certified by a minister or consul of the United States in such country, under his official seal.

SEC. 903. A certified copy of the official return of the district attorney, clerk of the circuit or district court, or the marshal of the northern district of Illinois, made in pursuance of law, and on file in the Department of Justice, relating to any cause in either of said courts to which

165, ss. 2, 4, v. 13, p. 199.

Transcribed records in the clerks' offices of western district of North Carolina.

4 June, 1872, c. 282, s. 10, v. 17, p. 217.

When original records are lost or destroyed.

3 March, 1871, c. 111, s. 1, v. 16, p. 474.

Same subject.

3 March, 1871, c. 111, s. 2, v. 16, p. 475.

Same subject.

3 March, 1871, c. 111, s. 3, v. 16, p. 475.

Records of northern district of Illinois destroyed by fire.

18 March, 1872, c. 56, s. 1, v. 17, p. 40.

Same subject.

18 March, 1872, c. 56, s. 2, v. 17, p. 41.

the United States was a party, the record of which was destroyed in said fire, may be filed in the court to which it appertains, and shall have the same force and effect as if it were an original return made to said court; and in any case in which the names of the parties, and the date and amount of the judgment or decree shall appear from such returns, it shall be lawful for the court in which they are filed to issue the necessary process to enforce such decree or judgment in the same manner as if the original record was before said court.

Same subject.

18 March, 1873, c. 56, s. 3, v. 17, p. 41.

SEC. 904. It shall be the duty of the district attorney for the northern district of Illinois to take such steps as may be necessary to restore the records and files of the circuit and district courts of said district which were destroyed by fire on the ninth of October, eighteen hundred and seventy-one, and in which the United States is interested, so far as the judges of said courts, respectively, shall deem it essential to the interests of the United States that said records and files be restored; and the judges of said courts, respectively, are authorized to direct such steps to be taken as, in their opinion, shall be deemed advisable to restore the judgment dockets and indices of said courts, and for that purpose may direct the performance, by the clerks of said courts, and by the United States attorney for said district, of any duty incident thereto; and said clerks and said district attorney shall be allowed such compensation and disbursements for services rendered under this section (in cases where no compensation is now provided by law for such services) as may be allowed by the Attorney-General, and certified to be just and reasonable by the judge of the court in which said services are rendered, and the amount so allowed shall be paid out of the judiciary fund: *Provided, however,* That the sum allowed the clerks of said courts shall not exceed the sum of twelve thousand dollars, and the entire compensation of the United States attorney for such services shall not exceed the sum of six thousand dollars.

Authentication of legislative acts and proof of judicial proceedings of States, &c.

26 May, 1790, c. 11, v. 1, p. 122.

27 March, 1804, c. 56, s. 2, v. 2, p. 299.

Ferguson vs. Harwood, 7 Cr., 408; *Mills vs. Duryee*, 7 Cr., 481; *U. S. vs. Amedy*, 11 Wh., 392; *Buckner vs. Finley*, 2 Pet., 592; *Owings vs. Hull*, 9 Pet., 627; *Urtetiqui vs. D'Arbel*, 9 Pet., 700; *McElmoyle vs. Cohen*, 13 Pet., 312; *Stacey vs. Thrasher*, 6 How., 44; *Bank of Alabama vs. Dalton*, 9 How., 522; *D'Arcy vs. Ketchum*, 11 How., 165; *Railroad vs. Howard*, 13 How., 307; *Booth vs. Clark*, 17 How., 322; *Mason vs. Lawason*, 1 Cr. C. C., 190; *Bisford vs. Hickman*, Hemp., 232; *Craig vs. Brown*, Pet. C. C., 354; *Stewart vs. Gray*, Hemp., 94; *Gardner vs. Lindo*, 1 Cr. C. C., 78; *Trigg vs. Conway*, Hemp., 536; *Turner vs. Waddington*, 3 Wash. C. C., 126; *Catlin vs. Underhill*, 4 McL., 199; *Morgan vs. Curtenius*, 4 McL., 366; *Hale vs. Brotherton*, 3 Cr. C. C., 594; *Mewster vs. Spalding*, 6 McL., 24; *Parrot vs. Habersham*, 1 Cr. C. C., 14; *Talcott vs. Delaware Ins. Com.*, 2 Wash. C. C., 449; *James vs. Stookey*, 1 Wash. C. C., 330; *Bennett vs. Bennett*, Dist. Oregon, 1867.

Proofs of records, &c., kept in offices not pertaining to courts.

27 March, 1804, c. 56, s. 1, 2, v. 2, pp. 298, 299.

21 Feb., 1871, c. 62, v. 16, p. 419.

SEC. 905. The acts of the legislature of any State or Territory, or of any country subject to the jurisdiction of the United States, shall be authenticated by having the seals of such State, Territory, or country affixed thereto. The records and judicial proceedings of the courts of any State or Territory, or of any such country, shall be proved or admitted in any other court within the United States, by the attestation of the clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief justice, or presiding magistrate, that the said attestation is in due form. And the said records and judicial proceedings, so authenticated, shall have such faith and credit given to them in every court within the United States as they have by law or usage in the courts of the State from which they are taken.

SEC. 906. All records and exemplifications of books, which may be kept in any public office of any State or Territory, or of any country subject to the jurisdiction of the United States, not appertaining to a court, shall be proved or admitted in any court or office in any other State or Territory, or in any such country, by the attestation of the keeper of the said records or books, and the seal of his office annexed, if there be a seal, together with a certificate of the presiding justice of the court of the county, parish, or district in which such office may be kept, or of the governor, or secretary of state, the chancellor or keeper of the great seal, of the State, or Territory, or country, that the said attestation is in due form, and by the proper officers. If the said certifi-

cate is given by the presiding justice of a court, it shall be further authenticated by the clerk or prothonotary of the said court, who shall certify, under his hand and the seal of his office, that the said presiding justice is duly commissioned and qualified; or, if given by such governor, secretary, chancellor, or keeper of the great seal, it shall be under the great seal of the State, Territory, or country aforesaid in which it is made. And the said records and exemplifications, so authenticated, shall have such faith and credit given to them in every court and office within the United States as they have by law or usage in the courts or offices of the State, Territory, or country, as aforesaid, from which they are taken.

SEC. 907. It shall be lawful for any keeper or person having the custody of laws, judgments, orders, decrees, journals, correspondence, or other public documents of any foreign government or its agents, relating to the title to lands claimed by or under the United States, on the application of the head of one of the Departments, the Solicitor of the Treasury, or the Commissioner of the General Land-Office, to authenticate copies thereof under his hand and seal, and to certify them to be correct and true copies of such laws, judgments, orders, decrees, journals, correspondence, or other public documents, respectively; and when such copies are certified by an American minister or consul, under his hand and seal of office, to be true copies of the originals, they shall be sealed up by him and returned to the Solicitor of the Treasury, who shall file them in his office, and cause them to be recorded in a book to be kept for that purpose. A copy of any such law, judgment, order, decree, journal, correspondence, or other public document, so filed, or of the same so recorded in said book, may be read in evidence in any court, where the title to land claimed by or under the United States may come into question, equally with the originals.

SEC. 908. The edition of the laws and treaties of the United States, published by Little & Brown, shall be competent evidence of the several public and private acts of Congress, and of the several treaties therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.

SEC. 909. In suits or informations brought, where any seizure is made pursuant to any act providing for or regulating the collection of duties on imports or tonnage, if the property is claimed by any person, the burden of proof shall lie upon such claimant: *Provided*, That probable cause is shown for such prosecution, to be judged of by the court.

22, ss. 70, 71, v. 1, p. 678.—Locke vs. U. S., 7 Cr., 339; The Luminary, 8 Wh., 407; Clifton vs. U. S., 4 How., 242; Buckley vs. U. S., 4 How., 261; Cluquot's Champagne, 3 Wall., 143; The John Griffin, 15 Wall., 39; U. S. vs. An Open Boat, 5 Mas., 232.

SEC. 910. No possessory action between persons, in any court of the United States, for the recovery of any mining title, or for damages to any such title, shall be affected by the fact that the paramount title to the land in which such mines lie is in the United States; but each case shall be adjudged by the law of possession.

Copies of foreign records, &c., relating to land-titles in the United States.

22 Feb., 1849, c. 61, s. 1, v. 9, p. 346.
2 March, 1849, c. 82, v. 9, p. 350.

Little & Brown's edition of the Statutes to be evidence.

8 Aug., 1846, c. 100, s. 2, v. 9, p. 76.

Burden of proof, when it lies on claimant in seizure cases.

2 March, 1799, c. 100, s. 2, v. 9, p. 76.

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27 Feb., 1865, c. 64, s. 9, v. 13, p. 441.

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SEC. 911. All writs and processes issuing from the courts of the United States shall be under the seal of the court from which they issue, and shall be signed by the clerk thereof. Those issuing from the Supreme Court or a circuit court shall bear teste of the Chief Justice of the United States, or, when that office is vacant, of the associate justice next in precedence, and those issuing from a district court shall bear teste of the judge, or, when that office is vacant, of the clerk thereof. The seals of the said courts shall be provided at the expense of the United States.

SEC. 912. All process issued from the courts of the United States shall bear teste from the day of such issue.

SEC. 913. The forms of mesne process and the forms and modes of proceeding in suits of equity and of admiralty and maritime jurisdiction in the circuit and district courts shall be according to the principles, rules, and usages which belong to courts of equity and of admiralty, respectively, except when it is otherwise provided by statute or by rules of court made in pursuance thereof; but the same shall be subject to alteration and addition by the said courts, respectively, and to regulation by the Supreme Court, by rules prescribed, from time to time, to any circuit or district court, not inconsistent with the laws of the United States.

Grayson vs. Virginia, 3 Dall., 320; Wayman vs. Southard, 10 Wh. 1; Bank of U. S. vs. Halstead, 10 Wh., 51; Munro vs. Almeida, 10 Wh., 498; Boyle vs. Zacharie, 6 Pet., 658; Duncan's Heirs vs. U. S., 7 Pet., 435; Beers vs. Houghton, 9 Pet., 359, 360; Harrison vs. Nixon, 9 Pet., 507; Story vs. Livingston, 13 Pet., 359; Gaines vs. Relf, 15 Pet., 9; Pennsylvania vs. Wheeling Bridge Co., 13 How., 564; McKinlay vs. Morrish, 21 How., 347.

SEC. 914. The practice, pleadings, and forms and modes of proceeding in civil causes, other than equity and admiralty causes, in the circuit and district courts, shall conform, as near as may be, to the practice, pleadings, and forms and modes of proceeding existing at the time in

Sealing and testing of writs.

8 May, 1792, c. 36, s. 1, v. 1, p. 275.

Teste of process, day of.

1 June, 1872, c. 255, s. 4, v. 17, p. 197.

Mesne process, and proceedings in equity and admiralty.

29 Sept., 1789, c. 21, s. 2, v. 1, p. 93.

8 May, 1792, c. 36, s. 2, v. 1, p. 276.

19 May, 1828, c. 68, s. 1, v. 4, p. 278.

1 Aug., 1842, c. 109, v. 5, p. 493.

Practice and proceedings in other than equity and admiralty causes.

1 June, 1872, c. 255, s. 5, v. 17, p. 197. like causes in the courts of record of the State within which such circuit or district courts are held, any rule of court to the contrary notwithstanding.

Elmore vs. Grymes, 1 Pet., 469; *U. S. vs. Robeson*, 9 Pet., 319; *Wilcox vs. Hunt*, 13 Pet., 378; *Minor vs. Tillotson*, 2 How., 392; *Gwyn vs. Barton*, 6 How., 7; *Townsend vs. Jemison*, 7 How., 706; *U. S. vs. Cox*, 7 How., 833; *Sears vs. Eastburn*, 10 How., 187; *Fenn vs. Holme*, 21 How., 481; *Hooper vs. Scheimer*, 23 How., 249; *Sheirburn vs. Cordova*, 24 How., 423; *U. S. vs. Council of Keokuk*, 6 Wall., 514.

Attachments.

1 June, 1872, c. 255, s. 6, v. 17, p. 197.

SEC. 915. In common-law causes in the circuit and district courts the plaintiff shall be entitled to similar remedies, by attachment or other process, against the property of the defendant, which are now provided by the laws of the State in which such court is held for the courts thereof; and such circuit or district courts may, from time to time, by general rules, adopt such State laws as may be in force in the States where they are held in relation to attachments and other process: *Provided*, That similar preliminary affidavits or proofs, and similar security, as required by such State laws, shall be first furnished by the party seeking such attachment or other remedy.

Executions in common-law causes.

1 June, 1872, c. 255, s. 6 v. 17, p. 197.

Wayman vs. Southard, 10 Wh., 1; *Bank U. S. vs. Halstead*, 10 Wh., 51; *Boyle vs. Zachario et al.*, 6 Pet., 648; *Ross vs. Duval*, 13 Pet., 45; *U. S. vs. Knight*, 14 Pet., 301; *Ames vs. Smith*, 16 Pet., 303; *Massingill vs. Downs*, 7 How., 760.

SEC. 916. The party recovering a judgment in any common-law cause in any circuit or district court, shall be entitled to similar remedies upon the same, by execution or otherwise, to reach the property of the judgment debtor, as are now provided in like causes by the laws of the State in which such court is held, or by any such laws hereafter enacted which may be adopted by general rules of such circuit or district court; and such courts may, from time to time, by general rules, adopt such State laws as may hereafter be in force in such State in relation to remedies upon judgments, as aforesaid, by execution or otherwise.

Power of the Supreme Court to regulate the practice of circuit and district courts.

23 Aug., 1842, c. 188, s. 6, v. 5, p. 518.

Wayman vs. Southard, 10 Wh., 43; *Poultney vs. The City of Lafayette*, 12 Pet., 472; *The Steamer St. Lawrence*, 1 Bl., 522; *Noonan vs. Lee*, 2 Bl., 509.

SEC. 917. The Supreme Court shall have power to prescribe, from time to time, and in any manner not inconsistent with any law of the United States, the forms of writs and other process, the modes of framing and filing proceedings and pleadings, of taking and obtaining evidence, of obtaining discovery, of proceeding to obtain relief, of drawing up, entering, and enrolling decrees, and of proceeding before trustees appointed by the court, and generally to regulate the whole practice, to be used, in suits in equity or admiralty, by the circuit and district courts.

Practice in the several courts to be regulated by their own rules.

2 March, 1793, c. 22, s. 7, v. 1, p. 335.

23 Aug., 1842, c. 188, s. 6, v. 5, p. 518.

Wayman vs. Southard, 10 Wh., 43; *Mills vs. Bank U. S.*, 11 Wh., 431; *The Steamer St. Lawrence*, 1 Bl., 522.

SEC. 918. The several circuit and district courts may, from time to time, and in any manner not inconsistent with any law of the United States, or with any rule prescribed by the Supreme Court under the preceding section, make rules and orders directing the returning of writs and processes, the filing of pleadings, the taking of rules, the entering and making up of judgments by default, and other matters in vacation, and otherwise regulate their own practice as may be necessary or convenient for the advancement of justice and the prevention of delays in proceedings.

Suits for duties, imposts, taxes, penalties, or forfeitures.

2 March, 1799, c. 22, s. 29, v. 1, pp. 686, 696.

4 August, 1790, c. 35, s. 67, v. 1, p. 176. 31 December, 1792, c. 1, s. 29, v. 1, p. 298. 18 Feb., 1793, c. 8, s. 35, v. 1, p. 317. 13 July, 1866, c. 184, s. 9, v. 14, pp. 111, 145. 8 June, 1872, c. 335, s. 303, v. 17, p. 323.

SEC. 919. All suits for the recovery of any duties, imposts, or taxes, or for the enforcement of any penalty or forfeiture provided by any act respecting imports or tonnage, or the registering and recording or enrolling and licensing of vessels, or the internal revenue, or direct taxes, and all suits arising under the postal laws, shall be brought in the name of the United States.

SEC. 920. Whenever two or more things belonging to the same person are seized for an alleged violation of the revenue laws, the whole must be included in one suit; and if separate actions are prosecuted in such cases, the court shall consolidate them.

SEC. 921. When causes of a like nature or relative to the same question are pending before a court of the United States, or of any Territory, the court may make such orders and rules concerning proceedings therein as may be conformable to the usages of courts for avoiding unnecessary costs or delay in the administration of justice, and may consolidate said causes when it appears reasonable to do so.

SEC. 922. When the marshal or his deputy is a party in any cause, the writs and precepts therein shall be directed to such disinterested person as the court or any justice or judge thereof may appoint, and the person so appointed may execute and return them.

SEC. 923. When any vessel, goods, wares, or merchandise are seized by any officer of the customs, and prosecuted for forfeiture by virtue of any law respecting the revenue, or the registering and recording, or the enrolling and licensing of vessels, the court shall cause fourteen days' notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some newspaper published near the place of seizure, and by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial; and proclamation shall be made in such manner as the court shall direct. And if no person appears and claims such vessel, goods, wares, or merchandise, and gives bond to defend the prosecution thereof and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law.

SEC. 924. In all cases where debts are due from defaulting or delinquent postmasters, contractors, or other officers, agents, or employes of the Post-Office Department, a warrant of attachment may issue against all real and personal property and legal and equitable rights belonging to such officer, agent, or employe, and his sureties, or either of them, in the following cases:

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

Second. When such officer, agent, or employe, and his sureties, or either of them, has conveyed away, or is about to convey away his property, or any part thereof, or has removed or is about to remove the same or any part thereof from the district wherein it is situate, with intent to defraud the United States.

And when any such property has been removed, certified copies of the warrant may be sent to the marshal of the district into which the same has been removed, under which certified copies he may seize said property and convey it to some convenient point within the jurisdiction of the court from which the warrant originally issued. And alias warrants may be issued in such cases upon due application, and the validity of the warrant first issued shall continue until the return day thereof.

SEC. 925. Application for such warrant of attachment may be made by any district or assistant district attorney, or any other person authorized by the Postmaster-General, before the judge, or, in his absence, before the clerk of any court of the United States having original jurisdiction of the cause of action. And such application shall be made upon an affidavit of the applicant, or of some other credible person, stating the existence of either of the grounds of attachment enumerated in the preceding section, and upon production of legal evidence of the debt.

Consolidation of revenue seizures.

26 Feb, 1853, c. 80, s. 1, v. 10, p. 162.

Orders to save costs, and consolidation of causes of a like nature.

22 July, 1813, c. 14, s. 3, v. 3, p. 21.

2 Sellon's Prac., 229.

When the marshal or his deputy is a party in a cause.

24 Sept, 1789, c. 20, s. 28, v. 1, p. 87.

Seizures for forfeiture in certain cases.

2 March, 1799, c. 22, ss. 70, 89, v. 1, pp. 678, 695, 696.

4 Aug., 1790, c. 35, s. 67, v. 1, p. 176.

31 Dec., 1792, c. 1, s. 29, v. 1, p. 298.

18 Feb., 1793, c. 8, s. 35, v. 1, p. 317.

Attachment in postal suits.

23 Feb., 1865, c. 47, s. 1, v. 13, pp. 432, 433.

Application for warrant; by whom and how made.

23 Feb., 1865, c. 47, s. 2, v. 13, p. 433.

Issuing warrant; duty of clerk and marshal.

23 Feb., 1865, c. 47, s. 2, v. 13, p. 433.

Ownership of attached property; trial; other remedies.

23 Feb., 1865, c. 47, s. 3, v. 13, p. 433.

Proceeds of attached property to be invested.

23 Feb., 1865, c. 47, s. 4, v. 13, p. 433.

Publication of attachment.

23 Feb., 1865, c. 47, s. 5, v. 13, p. 434.

Persons having property of defendants to account for it; sales void; personal notice.

23 Feb., 1865, c. 47, s. 6, v. 13, p. 434.

Discharge of attachment; bond.

23 Feb., 1865, c. 47, s. 7, v. 13, p. 434.

Accrued rights not to be abridged.

23 Feb., 1865, c. 47, s. 9, v. 13, p. 434.

Attachments dissolved in conformity with State laws.

14 March, 1848, c. 18, s. 1, v. 9, p. 213.

23 Feb., 1865, c. 47, ss. 1, 9, v. 13, pp. 432, 434.

SEC. 926. Upon any such application and upon due order of any judge of the court, or, in his absence, without such order, the clerk shall issue a warrant for the attachment of all the property of any kind belonging to the person specified in the affidavit, which warrant shall be executed with all possible dispatch by the marshal, who shall take the property attached, if personal, into his custody, and hold the same subject to all interlocutory or final orders of the court.

SEC. 927. At any time within twenty days before the return day of such warrant, the party whose property is attached may, on giving notice to the district attorney of his intention, file a plea in abatement, traversing the allegations of the affidavit, or denying the ownership of the property attached to be in the defendants or either of them; in which case the court may, upon application of either party, order an immediate trial by jury of the issues raised by the affidavit and plea; but the parties may, by consent, waive a trial by jury, in which case the court shall decide the issues raised. And any party claiming ownership of the property attached and a specific return thereof, shall be confined to the remedy herein afforded, but his right to an action of trespass, or other action for damages, shall not be impaired hereby.

SEC. 928. When the property attached is sold on any interlocutory order of the court or is producing any revenue, the money arising from such sale or revenue shall be invested in securities of the United States, under the order of the court, and all accretions shall be held subject to the orders of the same.

SEC. 929. Immediately upon the execution of any such warrant of attachment, the marshal shall cause due publication thereof to be made, in the case of absconding debtors for two months and of non-residents for four months. The publication shall be made in some newspaper published in the district where the property is situate, and the details thereof shall be regulated by the order under which the warrant is issued.

SEC. 930. After the first publication of such notice of attachment as required by law, every person indebted to, or having possession of any property belonging to, the said defendants, or either of them, and having knowledge of such notice, shall account and answer for the amount of such debt and the value of such property; and any disposal or attempt to dispose of any such property, to the injury of the United States, shall be illegal and void. And when the person indebted to, or having possession of the property of, such defendants, or either of them, is known to the district attorney or marshal, such officer shall see that personal notice of the attachment is served upon such person, but the want of such notice shall not invalidate the attachment.

SEC. 931. Upon application of the party whose property has been attached, the court, or any judge thereof, may discharge the warrant of attachment as to the property of the applicant, provided such applicant shall execute to the United States a good and sufficient penal bond, in double the value of the property attached, to be approved by a judge of the court, and with condition for the return of said property, or to answer any judgment which may be rendered by the court in the premises.

SEC. 932. Nothing contained in the preceding eight sections shall be construed to limit or abridge, in any manner, such rights of the United States as have accrued or been allowed in any district under the former practice of, or the adoption of State laws by, the United States courts.

SEC. 933. An attachment of property, upon process instituted in any court of the United States, to satisfy such judgment as may be recovered by the plaintiff therein, except in the cases mentioned in the preceding nine sections, shall be dissolved when any contingency occurs by which, according to the laws of the State where said court is held, such attachment would be dissolved upon like process instituted in the courts of said State: *Provided*, That nothing herein contained shall interfere with any priority of the United States in the payment of debts.

SEC. 934. All property taken or detained by any officer or other person, under authority of any revenue law of the United States, shall be irrepleviable, and shall be deemed to be in the custody of the law, and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof.

Property taken under revenue laws irrepleviable.

2 March, 1833, c. 57, s. 2, v. 4, p. 632.

13 July, 1866, c.

184, s. 67, v. 14, p. 172.

SEC. 935. In any suit by the United States against a corporation for the recovery of money upon a bill, note, or other security, the debtors of the corporation may be summoned as garnishees; and it shall be the duty of any person so summoned to appear in open court and to depose, in writing, to the amount which he was indebted to the said corporation at the time of the service of the summons and at the time of making such deposition; and judgment may be entered in favor of the United States for the sum admitted by such garnishee to be due to the said corporation, in the same manner as if it had been due to the United States: *Provided*, That no judgment shall be entered against any garnishee until after judgment has been rendered against the corporation defendant to the said action, nor until the sum in which the garnishee stands indebted is actually due.

Garnishees in suits by the United States, on notes, &c.

20 April, 1818, c. 83, s. 8, v. 3, p. 443.

SEC. 936. When any person summoned as garnishee deposes in open court that he is not, and was not at the time of the service of the summons, indebted to such corporation, an issue may be tendered by the United States upon such demand, and if, upon the trial of that issue, a verdict is rendered against the garnishee, judgment shall be entered in favor of the United States, pursuant to such verdict, with costs of suit.

Issue tendered when garnishee denies indebtedness.

20 April, 1818, c. 83, s. 9, v. 3, p. 443.

SEC. 937. If any person summoned as garnishee, as aforesaid, fails to appear at the term of the court to which he is summoned, he shall be subject to attachment for contempt of the court

Garnishee failing to appear.

20 April, 1818, c. 83, s. 10, v. 3, p. 444.

SEC. 938. Upon the prayer of any claimant to the court, that any vessel, goods, wares, or merchandise, seized and prosecuted under any law respecting the revenue from imports or tonnage, or the registering and recording, or the enrolling and licensing of vessels, or any part thereof, should be delivered to him, the court shall appoint three proper persons to appraise such property, who shall be sworn in open court, or before a commissioner appointed by the district court to administer oaths to appraisers, for the faithful discharge of their duty; and the appraisement shall be made at the expense of the party on whose prayer it is granted. If, on the return of the appraisement, the claimant, with one or more sureties, to be approved by the court, shall execute a bond to the United States for the payment of a sum equal to the sum at which the property prayed to be delivered is appraised, and produce a certificate from the collector of the district where the trial is had, and of the naval officer thereof, if any there be, that the duties on the goods, wares, and merchandise, or tonnage-duty on the vessel so claimed, have been paid or secured in like manner as if the same had been legally entered, the court shall, by rule, order such vessel, goods, wares, or merchandise to be delivered to such claimant; and the said bond shall be lodged with the proper officer of the court. If judgment passes in favor of the claimant, the court shall cause the said bond to be canceled; but if judgment passes against the claimant, as to the whole or any part of such vessel, goods, wares, or merchandise, and the claimant does not within twenty days thereafter pay into the court, or to the proper officer thereof, the amount of the appraised value of such vessel, goods, wares, or merchandise so condemned, with the costs, judgment shall be granted upon the bond, on motion in open court, without further delay. [See § 570.]

Bailing of property seized under customs laws.

2 March, 1799, c. 22, s. 89, v. 1, pp. 695, 696.

4 Aug., 1790, c. 35, s. 67, v. 1, p. 176.

31 Dec., 1792, c. 1, s. 29, v. 1, p. 296.

18 Feb., 1793, c. 8, s. 35, v. 1, p. 317.

9 June, 1794, c. 64, s. 1, v. 1, p. 395.

SEC. 939. All vessels, goods, wares, or merchandise which shall be condemned by virtue of any law respecting the revenue from imports or tonnage, or the registering and recording, or the enrolling and licensing of vessels, and for which bonds shall not have been given by the

Sale after condemnation.

2 March, 1799, c. 22, s. 90, v. 1, p. 696.

4 Aug., 1790, c. 35, s. 68, v. 1, p. 177.
31 Dec., 1792, c. 1, s. 29, v. 1, p. 298.
18 Feb., 1793, c. 8, s. 35, v. 1, p. 317.

claimant, shall be sold by the marshal or other proper officer of the court in which condemnation shall be had, to the highest bidder, at public auction, by order of such court, and at such place as the court may appoint, giving at least fifteen days' notice (except in cases of perishable merchandise) in one or more of the public newspapers of the place where such sale shall be; or if no paper is published in such place, in one or more of the papers published in the nearest place thereto; for which advertising, a sum not exceeding five dollars shall be paid. And the amount of such sales, deducting all proper charges, shall be paid within ten days after such sale by the person selling the same to the clerk or other proper officer of the court directing such sale, to be by him, after deducting the charges allowed by the court, paid to the collector of the district in which such seizure or forfeiture has taken place, as hereinbefore directed.

In cases of seizure, bailing of property in vacation.

5 April, 1832, c. 66, v. 4, p. 503.

2 March, 1799, c. 22, s. 89, v. 1, pp. 695, 696.

4 Aug., 1790, c. 35, s. 67, v. 1, p. 176.

31 Dec., 1792, c. 1, s. 29, v. 1, p. 298.

18 Feb., 1793, c. 8, s. 35, v. 1, p. 317.

SEC. 940. In any cause of admiralty and maritime jurisdiction, or other case of seizure, depending in any court of the United States, any judge of the said court, in vacation, shall have the same authority to order any vessel, or cargo, or other property to be delivered to the claimants, upon bail or bond, or to be sold when necessary, as the said court has in term time, and to appoint appraisers, and exercise every other incidental power necessary to the complete execution of the authority herein granted; and the recognition of bail or bond, under such order, may be executed before the clerk upon the party's producing the certificate of the collector of the district, of the sufficiency of the security offered; and the same proceedings shall be had in case of said order of delivery or of sale, as are had in like cases when ordered in term time: *Provided*, That upon every such application, either for an order of delivery or of sale, the collector and the attorney of the district shall have reasonable notice in cases of the United States, and the party or counsel in all other cases.

Delivery bond in admiralty proceedings.

3 March, 1847, c. 55, v. 9, p. 181.

2 March, 1799, c. 22, s. 89, v. 1, pp. 695, 696.

4 Aug., 1790, c. 35, s. 67, v. 1, p. 176.

31 Dec., 1792, c. 1, s. 29, v. 1, p. 298.

18 Feb., 1793, c. 8, s. 35, v. 1, p. 317.

SEC. 941. When a warrant of arrest or other process in rem is issued in any cause of admiralty jurisdiction, except the cases of seizure for forfeiture under any law of the United States, the marshal shall stay the execution of such process, or discharge the property arrested if the process has been levied, on receiving from the claimant of the property a bond or stipulation in double the amount claimed by the libellant, with sufficient surety, to be approved by the judge of the court where the cause is pending, or, in his absence, by the collector of the port, conditioned to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court, and judgment thereon, against both the principal and sureties, may be recovered at the time of rendering the decree in the original cause.

Special bail required in suits for duties and penalties.

2 March, 1799, c. 22, s. 65, v. 1, p. 676.

28 Feb., 1839, c. 35,

SEC. 942. In all suits or prosecutions for the recovery of duties or pecuniary penalties prescribed by the laws of the United States, commenced in any State where, by the laws thereof, imprisonment for debt shall not have been abolished, the person against whom process is issued shall be held to special bail, subject to the rules which prevail in civil suits in which special bail is required.

When defendant giving bail in one district is committed in another.

2 March, 1799, c. 32, s. 1, v. 1, p. 727.

SEC. 943. When a defendant who has procured bail to respond to the judgment in a suit in any court of the United States in any district is afterward arrested in any other district and is committed to a jail, the use of which had been ceded to the United States for the custody of prisoners, the judge of the court wherein the suit in which the defendant has so procured bail is depending, shall, at the request of the bail, order that such defendant be held in said jail, in the custody of the marshal of the district in which it is. The said marshal, upon the delivery of such order, duly authenticated, shall receive such person into his custody, and thereupon be chargeable for an escape, and shall forthwith make a certificate, under his hand and seal, of such commitment, and transmit the same to the court from which the order issued, and, if required, shall make and deliver to such bail or to his attorney a duplicate thereof.

Upon the return of said certificate, the court which made the said order, or any judge thereof, may direct that an exoneretur be entered upon the bail-piece, where special bail shall have been found, or otherwise discharge such bail.

SEC. 944. When a defendant is committed by virtue of the order provided in the preceding section, he shall, unless sooner discharged by law, be holden in jail until final judgment is rendered in the suit in which he procured bail as aforesaid, and sixty days thereafter, if such judgment is rendered against him, in order that he may be charged in execution, which may, in such cases, be directed to and served by the marshal in whose custody he is.

SEC. 945. Bail and affidavits, when required or allowed in any civil cause in any circuit or district court, may be taken by a commissioner of the circuit court for the district; and such acknowledgments of bail and affidavits shall have the same effect as if taken before any judge of such courts.

SEC. 946. When a bail-bond is given for the appearance of any person to answer in the district or circuit court for the district of Kentucky, the clerk of such court shall call the party at the time he is bound to appear. If the party fails, the clerk shall enter such failure on his minutes, and on said entry judgment may afterward be made of record by the court; but if the party appears, the clerk shall take another bond, with sureties similar to the first, for further appearance at the next succeeding term of the court, and if the party fails to give such other bond and surety, he shall stand committed by order of the clerk until he complies.

SEC. 947. Recognizances of special bail may be taken de bene esse by the clerks of the circuit and district courts, in the absence or in case of the disability of the judges, in any action depending in either of the said courts, where special bail is demandable.

SEC. 948. Any circuit or district court may at any time, in its discretion and upon such terms as it may deem just, allow an amendment of any process returnable to or before it, where the defect has not prejudiced, and the amendment will not injure the party against whom such process issues.

SEC. 949. When a State is a party, or the execution of the revenue laws of a State is enjoined or stayed, in any suit in a court of the United States, such State or the party claiming under the revenue laws of a State, the execution whereof is enjoined or stayed, shall be entitled, on showing sufficient reason, to have the cause heard at any time after it is docketed, in preference to any civil cause pending in such court between private parties.

SEC. 950. In all civil actions in the courts of the United States either party may notice the same for trial.

SEC. 951. In suits brought by the United States against individuals, no claim for a credit shall be admitted, upon trial, except such as appear to have been presented to the accounting officers of the Treasury, for their examination, and to have been by them disallowed, in whole or in part, unless it is proved to the satisfaction of the court that the defendant is, at the time of the trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting a claim for such credit at the Treasury by absence from the United States or by some unavoidable accident.

Wilkins, 6 Wh., 143; Walton vs. U. S., 9 Wh., 650; Cox vs. U. S., 6 Pet., 202; U. S. vs. Reffley, 7 Pet., 25; U. S. vs. Fillebrown, 7 Pet., 48; U. S. vs. Robeson, 9 Pet., 319; U. S. vs. Hawkins, 10 Pet., 125; U. S. vs. Laub, 12 Pet., 1; U. S. vs. Bank of Metropolis, 15 Pet., 377; Gratiot vs. U. S., 4 How., 112; U. S. vs. Buchanan, 8 How., 105; DeGroot vs. U. S., 5 Wall., 431; U. S. vs. Eckford, 6 Wall., 484; U. S. vs. Gilmore, 7 Wall., 491; Halliburton vs. U. S., 13 Wall., 63.

Defendant held until judgment in the first suit.

2 Mar., 1799, c. 32, s. 3, v. 1, p. 727.

Bail and affidavits may be taken by commissioners of circuit courts.

20 Feb., 1812, c.

a. 30, v. 3, p. 350.

Calling of bail, in Kentucky.

15 May, 1862, c. 71, s. 10, v. 12, p. 387.

When clerks may take bail de bene esse.

8 May, 1792, c. 36, s. 10, v. 1, p. 278.

Amendment of process.

1 June, 1872, c. 255, s. 3, v. 17, p. 197.

Priority of cases in which a State is a party.

30 June, 1870, c. 181, v. 16, p. 176.

Notice of case for trial.

28 Feb., 1871, c. 99, s. 17, v. 16, p. 439.

Suits of United States against individuals, what credits allowed.

2 March, 1797, c. 20, s. 3, v. 1, p. 514.

U. S. vs. Giles, 9 Cr., 236; Theluson vs. Smith, 2 Wh., 396; U. S. vs.

In suits under postal laws, what credits allowed.

2 July, 1836, c. 270, s. 15, v. 5, p. 82.

U. S. vs. Roberts, 9 How., 501; *U. S. vs. Hodge*, 13 How., 478; *Ware vs. U. S.*, 4 Wall., 617.

Bill of exceptions.

1 June, 1872, c. 255, s. 4, v. 17, p. 197.

Defects of form; amendments.

24 Sept., 1789, c. 20, s. 32, v. 1, p. 91.

Brig Caroline vs. U. S., 7 Cr., 496; *The Marianna Flora*, 11 Wh., 1; *Bank of Kentucky vs. Wistar*, 3 Pet., 431; *Jackson vs. Ashton*, 10 Pet., 480; *Woodward vs. Brown*, 13 Pet., 1; *Houseman vs. Schooner North Carolina*, 15 Pet., 40; *Matheson's Adm'r vs. Grant's Adm'r*, 2 How., 263; *Garland vs. Davis*, 4 How., 131; *Stockton vs. Bishop*, 4 How., 155; *Kennedy vs. Georgia Bank*, 8 How., 586; *Conrad vs. Griffey*, 11 How., 460; *Parks vs. Turner*, 12 How., 39; *Hudgins vs. Kemp*, 18 How., 530; *Insurance Co. vs. Mordecai*, 21 How., 195; *Porter vs. Foley*, 21 How., 393; *Railroad Co. vs. Lindsay*, 4 Wall., 650; *McVeigh vs. U. S.*, 6 Wall., 640.

Death of parties.

24 Sept., 1789, c. 20, s. 31, v. 1, p. 90.

Wilson vs. Codman's Ex'r, 3 Cr., 193; *McConel vs. Lukamp's Adm'r*, 2 Wh., 111; *Green vs. Watkins*, 6 Wh., 260; *Macker's Heirs vs. Thomas*, 7 Wh., 530; *Clay vs. Smith*, 3 Pet., 411; *McNutt vs. Bland*, 2 How., 28; *Barribean vs. Brant*, 17 How., 43; *Griswold vs. Hill*, 1 Paine, 483; *Hatch vs. Eustace*, 1 Gall., 160.

When one of several plaintiffs or defendants dies.

24 Sept., 1789, c. 20, s. 31, v. 1, p. 90.

Delinquents for public money; judgment at return term, unless, &c.

3 March, 1797, c. 20, s. 3, v. 1, p. 514.

SEC. 952. No claim for a credit shall be allowed upon the trial of any suit for delinquency against a postmaster, contractor, or other officer, agent, or employé of the Post-Office Department, unless the same has been presented to the Sixth Auditor and by him disallowed, in whole or in part, or unless it is proved to the satisfaction of the court that the defendant is, at the time of trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting to the said Auditor a claim for such credit by some unavoidable accident.

SEC. 953. A bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, or by the presiding judge thereof, if more than one judge sat on the trial of the cause, without any seal of court or judge being annexed thereto.

SEC. 954. No summons, writ, declaration, return, process, judgment, or other proceedings in civil causes, in any court of the United States, shall be abated, arrested, quashed, or reversed for any defect or want of form; but such court shall proceed and give judgment according as the right of the cause and matter in law shall appear to it, without regarding any such defect, or want of form, except those which, in cases of demurrer, the party demurring specially sets down, together with his demurrer, as the cause thereof; and such court shall amend every such defect and want of form, other than those which the party demurring so expresses; and may at any time permit either of the parties to amend any defect in the process or pleadings, upon such conditions as it shall, in its discretion and by its rules, prescribe.

SEC. 955. When either of the parties, whether plaintiff, or petitioner, or defendant, in any suit in any court of the United States, dies before final judgment, the executor or administrator of such deceased party may, in case the cause of action survives by law, prosecute or defend any such suit to final judgment. The defendant shall answer accordingly; and the court shall hear and determine the cause and render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator, having been duly served with a scire facias from the office of the clerk of the court where the suit is depending, twenty days beforehand, neglects or refuses to become party to the suit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party. The executor or administrator who becomes a party as aforesaid, shall, upon motion to the court, be entitled to a continuance of the suit until the next term of said court.

SEC. 956. If there are two or more plaintiffs or defendants, in a suit where the cause of action survives to the surviving plaintiff or against the surviving defendant, and one or more of them dies, the writ or action shall not be thereby abated; but, such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff against the surviving defendant.

SEC. 957. When suit is brought by the United States against any revenue officer or other person accountable for public money, who neglects or refuses to pay into the Treasury the sum or balance reported to be due to the United States, upon the adjustment of his account it shall be the duty of the court to grant judgment at the return term, upon motion, unless the defendant, in open court, (the United States attorney being present,) makes and subscribes an oath that he is equitably entitled to credits which had been, previous to the commencement of the

suit, submitted to the accounting officers of the Treasury, and rejected; specifying in the affidavit each particular claim so rejected, and that he cannot then safely come to trial. If the court, when such oath is made, subscribed, and filed, is thereupon satisfied, a continuance until the next succeeding term may be granted. Such continuance may also be granted when the suit is brought upon a bond or other sealed instrument, and the defendant pleads non est factum, or makes a motion to the court, verifying such plea or motion by his oath, and the court thereupon requires the production of the original bond, contract, or other paper specified in the affidavit. And no continuance shall be granted except as herein provided.

SEC. 958. In suits arising under the postal laws the court shall proceed to trial, and render judgment at the return term; but whenever service of process is not made at least twenty days before the return day of such term, the defendant is entitled to one continuance, if, on his statement, the court deems it expedient; and if he makes affidavit that he has a claim against the Post-Office Department, which has been submitted to and disallowed by the Sixth Auditor, specifying such claim in his affidavit, and that he could not be prepared for trial at such term for want of evidence, the court, if satisfied thereof, may grant a continuance until the next term.

SEC. 959. In all suits for the recovery of money upon debentures issued by the collectors of customs, under any act for the collection of duties, it shall be the duty of the court to grant judgment at the return term, unless the defendant, in open court, exhibits some plea, on oath, by which the court is satisfied that a continuance is necessary to the attainment of justice; in which case, and not otherwise, a continuance until the next term may be granted.

SEC. 960. When suit is brought on any bond for the recovery of duties due to the United States, it shall be the duty of the court to grant judgment at the return term, upon motion, unless the defendant, in open court, (the United States attorney being present,) makes oath that an error has been committed in the liquidation of the duties demanded upon such bond, specifying the errors alleged to have been committed, and that the same have been notified in writing to the collector of the district before the said return term; whereupon a continuance may be granted until the next term, and no longer, if the court is satisfied that such continuance is necessary for the attainment of justice.

SEC. 961. In all suits brought to recover the forfeiture annexed to any articles of agreement, covenant, bond, or other specialty, where the forfeiture, breach, or non-performance appears by the default or confession of the defendant, or upon demurrer, the court shall render judgment for the plaintiff to recover so much as is due according to equity. And when the sum for which judgment should be rendered is uncertain, it shall, if either of the parties request it, be assessed by a jury.

SEC. 962. In all suits by the United States for the recovery of duties upon imports, or of penalties for the non-payment thereof, the judgment shall recite that it is rendered for duties, and such judgment, with interest thereon, and costs, shall be payable in the coin by law receivable for duties; and the execution issued thereon shall set forth that the recovery is for duties, and shall require the marshal to satisfy the same in the coin by law receivable for duties; and in case of levy upon and sale of the property of the judgment debtor, the marshal shall refuse payment from any purchaser at such sale in any other money than that specified in the execution. [Sec. § 2014.]

SEC. 963. Upon all bonds, on which suits are brought for the recovery of duties, interest shall be allowed, at the rate of six per centum a year, from the time when said bonds became due.

Suits under postal laws; judgment at return term, unless, &c.

3 March, 1825, c. 64, s. 38, v. 4, p. 113.
2 July, 1836, c. 270, s. 15, v. 5, p. 82.

Suits on debentures; judgment at return term unless, &c.

2 March, 1799, c. 22, s. 60, v. 1, pp. 688, 689.

Ex parte U. S., 8 Pet., 700.

Suits on bonds for recovery of duties; judgment at return term, unless, &c.

2 March, 1799, c. 22, s. 65, v. 1, p. 676.

Ex parte U. S., 8 Pet., 700.

Judgment for sum due in equity on bonds, &c.

24 Sept., 1789, c. 20, s. 26, v. 1, p. 87.

Farrar vs. U. S., 5 Pet., 373.

Judgment for duties, &c., to state that it is to be collected in coin.

3 March, 1865, c. 80, s. 12, v. 13, p. 494.

Interest on bonds for duties.

2 March, 1799, c. 22, s. 65, v. 1, p. 676.

Interest on balances due Post-Office Department.

SEC. 964. In all suits for balances due to the Post-Office Department, interest thereon shall be recovered, from the time of the default, at the rate of six per centum a year.

2 July, 1836, c. 270, s. 15, v. 5, p. 82.

Interests on debentures.

SEC. 965. In suits upon debentures, issued by the collectors of the customs under any act for the collection of duties, interest shall be allowed, at the rate of six per centum per annum, from the time when such debenture became due and payable.

2 March, 1799, c. 22, s. 80, v. 1, pp. 687, 689.

Interest on judgments.

SEC. 966. Interest shall be allowed on all judgments in civil causes, recovered in a circuit or district court, and may be levied by the marshal under process of execution issued thereon, in all cases where, by the law of the State in which such court is held, interest may be levied under process of execution on judgments recovered in the courts of such State; and it shall be calculated from the date of the judgment, at such rate as is allowed by law on judgments recovered in the courts of such State.

23 Aug., 1842, c. 118, s. 8, v. 5, p. 518.

Perkins vs. Fourniquet, 14 How., 328.

When judgments of United States courts cease to be liens.

SEC. 967. Judgments and decrees rendered in a circuit or district court, within any State, shall cease to be liens on real estate or chattels real, in the same manner and at like periods as judgments and decrees of the courts of such State cease, by law, to be liens thereon.

4 July, 1840, c. 43, s. 4, v. 5, p. 393.—Massingill vs. Downs, 7 How., 760.

When plaintiff or petitioner recovers in a circuit court less than certain amounts, he recovers no costs.

SEC. 968. When, in a circuit court, a plaintiff in an action at law originally brought there, or a petitioner in equity, other than the United States, recovers less than the sum or value of five hundred dollars, exclusive of costs, in a case which cannot be brought there unless the amount in dispute, exclusive of costs, exceeds said sum or value; or a libellant, upon his own appeal, recovers less than the sum or value of three hundred dollars, exclusive of costs, he shall not be allowed, but, at the discretion of the court, may be adjudged to pay, costs.

24 Sept., 1789, c. 20, s. 20, v. 1, p. 63.

3 March, 1803, c. 40, s. 2, v. 2, p. 244.

Leeds vs. Cameron, 3 Sum., 488; Kneass vs. Schuylkill Bank, 4 Wash. C. C., 106; Cattle vs. Payne, 3 Day, 289; Ellis vs. Jarvis, 3 Mas., 457; Field vs. Schell, 4 Blatchf., 435.

Costs in internal-revenue suits upon information.

SEC. 969. When a suit for the recovery of any penalty or forfeiture accruing under any law providing internal revenue is brought upon information received from any person other than a collector, deputy collector, or inspector of internal revenue, the United States shall not be subject to any costs of suit.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

Claimant not entitled to costs when reasonable cause of seizure.

SEC. 970. When, in any prosecution commenced on account of the seizure of any vessel, goods, wares, or merchandise, made by any collector or other officer, under any act of Congress authorizing such seizure, judgment is rendered for the claimant, but it appears to the court that there was reasonable cause of seizure, the court shall cause a proper certificate thereof to be entered, and the claimant shall not, in such case, be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such suit or prosecution: *Provided*, That the vessel, goods, wares, or merchandise be, after judgment, forthwith returned to such claimant or his agent.

24 Feb., 1807, c. 19, s. 1, v. 2, p. 422.

2 March, 1799, c. 22, s. 80, v. 1, pp. 695, 696.

Gelston vs. Hoyt, 3 Wh., 246, (314); The Apollon, 9 Wh., 362; U. S. vs. Riddle, 5 Cr., 311; Locke vs. U. S., 7 Cr., 339; Otis vs. Watkins, 9 Cr., 339; Averill vs. Smith, 17 Wall., 82, (93); Shattuck vs. Maley, 1 Wash. C. C., 249; Friendship and cargo, 1 Gallis., 111; The Friendship, 2 Gallis., 112; U. S. vs. Gay, 2 Gallis., 360; The ship Recorder, 2 Blatchf., 120; La Jeune Eugenie, 2 Mas., 436.

Double costs, when plaintiff is nonsuited in action against officer making seizure, &c.

SEC. 971. If, in any suit against an officer or other person executing or aiding or assisting in the seizure of goods, under any act providing for or regulating the collection of duties on imports or tonnage, the plaintiff is nonsuited, or judgment passed against him, the defendant shall recover double costs.

2 March, 1799, c. 22, s. 71, v. 1, p. 678.

SEC. 972. In all recoveries under the copyright laws, either for damages, forfeitures, or penalties, full costs shall be allowed thereon.

Copyright suits, full costs allowed.

8 July, 1870, c. 230, s. 108, v. 16, p. 215.

SEC. 973. When judgment or decree is rendered for the plaintiff or complainant, in any suit at law or in equity, for the infringement of a part of a patent, in which it appears that the patentee, in his specification, claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the original and first inventor, no costs shall be recovered, unless the proper disclaimer, as provided by the patent-laws, has been entered at the Patent-Office before the suit was brought.

Costs not recoverable in certain suits for infringement of patent, unless disclaimer entered, &c.

8 July, 1870, c. 230, s. 60, v. 16, p. 207.

SEC. 974. When judgment is rendered against the defendant in a prosecution for any fine or forfeiture incurred under a statute of the United States, he shall be subject to the payment of costs; and on every conviction for any other offense not capital, the court may, in its discretion, award that the defendant shall pay the costs of the prosecution.

When costs of prosecution to be paid by defendant.

8 May, 1792, c. 36, s. 5, v. 1, p. 277.

SEC. 975. If any informer or plaintiff on a penal statute, to whom the penalty or any part thereof, if recovered, is directed to accrue, discontinues his suit or prosecution, or is nonsuited therein, or if upon trial judgment is rendered in favor of the defendant, the court shall award to the defendant his costs, unless such informer or plaintiff is an officer of the United States specially authorized to commence such prosecution, and the court, at the trial in open court, certifies upon the record that there was reasonable cause for commencing the same; in which case no costs shall be adjudged to the defendant.

When costs are recovered by defendant in a prosecution.

8 May, 1792, c. 36, s. 5, v. 1, p. 277.

SEC. 976. If any informer on a penal statute, to whom the penalty or any part thereof, if recovered, is directed to accrue, discontinues his suit or prosecution, or is nonsuited therein, or if upon trial judgment is rendered in favor of the defendant, such informer shall be alone liable to the clerk, marshal, and attorney for the fees of such prosecution, unless he is an officer of the United States whose duty it is to commence such prosecution, and the court certifies that there was reasonable cause for commencing the same; in which case the United States shall be responsible for such fees.

Fees of clerk, marshal, &c.; when payable by informer; when by United States.

28 Feb., 1790, c. 19, s. 8, v. 1, p. 696.

SEC. 977. If several actions or processes are instituted, in a court of the United States or one of the Territories, against persons who might legally be joined in one action or process touching the matter in dispute, the party pursuing the same shall not recover, on all of the judgments therein which may be rendered in his favor, the costs of more than one action or process, unless special cause for said several actions or processes is satisfactorily shown on motion in open court.

Costs, when several actions are brought against parties who might be joined in one.

22 July, 1813, c. 14, s. 1, v. 3, p. 19.

SEC. 978. When proceedings are had before a court of the United States or of the Territories, on several libels against any vessel and cargo, which might legally be joined in one libel, there shall not be allowed thereon more costs than on one libel, unless special cause for libeling the vessel and cargo separately is satisfactorily shown on motion in open court. And in proceedings on several libels or informations against any cargo, or parts of cargo, or merchandise seized as forfeited for the same cause, there shall not be allowed more costs than would be lawful on one libel or information, whatever may be the number of owners or consignees therein concerned. But allowance may be made on one libel or information for the costs incidental to several claims.

Allowance of costs in libels against vessel and cargo.

22 July, 1813, c. 14, s. 2, v. 3, p. 20.

SEC. 979. When judgment is rendered in favor of the claimant of any vessel or other property seized on behalf of the United States, and libeled or informed against as forfeited under any law thereof, he shall be entitled to possession of the same when his own costs are paid.

Claimant's costs to be paid before possession, when, &c.

22 July, 1813, c. 14, s. 2, v. 3, p. 21.

When district attorney is entitled to but one bill of costs for several prosecutions.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 162.

Taxation of fees of witness before a commissioner.

16 Aug., 1856, c. 124, s. 3, v. 11, p. 49.

Attorney liable for costs vexatiously increased by him.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 162. 29 July, 1813, c. 14, s. 3, v. 3, p. 21.

Bill of costs, how taxed.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 168.

The Liverpool Packet, 2 Spr., 37; Lyell vs. Miller, 6 McLean, 422.

Bill of costs to be sworn to before taxed or allowed.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 169.

Executions to run in all the districts of a State.

20 May, 1828, c. 124, v. 4, p. 184.

Executions in favor of United States to run in every State and Territory.

3 March, 1797, c. 90, s. 6, v. 1, p. 515.

Execution stayed on conditions.

24 Sept., 1789, c. 20, s. 18, v. 1, p. 83.

3 March, 1865, c. 86, s. 4, v. 13, p. 501.

When judgment-d debtor entitled to a continuance of one term.

19 May, 1828, c. 68, s. 2, v. 4, p. 281.

SEC. 980. When a district attorney prosecutes two or more indictments, suits, or proceedings which should be joined, he shall be paid but one bill of costs for all of them.

SEC. 981. In no case shall the fees of more than four witnesses be taxed against the United States, in the examination of any criminal case before a commissioner of a circuit court, unless their materiality and importance are first approved and certified to by the district attorney for the district in which the examination is had; and such taxation shall be subject to revision, as in other cases.

SEC. 982. If any attorney, proctor, or other person admitted to conduct causes in any court of the United States, or of any Territory, appears to have multiplied the proceedings in any case before such court, so as to increase costs unreasonably and vexatiously, he shall be required, by order of the court, to satisfy any excess of costs so increased.

SEC. 983. The bill of fees of the clerk, marshal, and attorney, and the amount paid printers and witnesses, and lawful fees for exemplifications and copies of papers necessarily obtained for use on trials in cases where by law costs are recoverable in favor of the prevailing party, shall be taxed by a judge or clerk of the court, and be included in and form a portion of a judgment or decree against the losing party. Such taxed bills shall be filed with the papers in the cause.

SEC. 984. Before any bill of costs shall be taxed by any judge or other officer, or allowed by any officer of the Treasury, in favor of clerks, marshals, commissioners, or district attorneys, the party claiming such bill shall prove by his own oath, or that of some other person having a knowledge of the facts, to be attached to such bill, and filed therewith, that the services charged therein have been actually and necessarily performed, as therein stated.

SEC. 985. All writs of execution upon judgments or decrees obtained in a circuit or district court, in any State which is divided into two or more districts, may run and be executed in any part of such State; but shall be issued from, and made returnable to, the court wherein the judgment was obtained.

SEC. 986. All writs of execution upon judgments obtained for the use of the United States, in any court thereof, in one State, may run and be executed in any other State, or in any Territory, but shall be issued from, and made returnable to, the court wherein the judgment was obtained.

SEC. 987. When a circuit court enters judgment in a civil action, either upon a verdict or on a finding of the court upon the facts, in cases where such finding is allowed, execution may, on motion of either party, at the discretion of the court, and on such conditions for the security of the adverse party as it may judge proper, be stayed forty-two days from the time of entering judgment, to give time to file in the clerk's office of said court a petition for a new trial. If such petition is filed within said term of forty-two days, with a certificate thereon from any judge of such court that he allows it to be filed, which certificate he may make or refuse at his discretion, execution shall, of course, be further stayed to the next session of said court. If a new trial be granted, the former judgment shall be thereby rendered void.

SEC. 988. In any State where judgments are liens upon the property of the defendant, and where, by the laws of such State, defendants are entitled, in the courts thereof, to a stay of execution for one term or more, defendants in actions in the courts of the United States, held therein, shall be entitled to a stay of execution for one term.

SEC. 989. When a recovery is had in any suit or proceeding against a collector or other officer of the revenue for any act done by him, or for the recovery of any money exacted by or paid to him and by him paid into the Treasury, in the performance of his official duty, and the court certifies that there was probable cause for the act done by the collector or other officer, or that he acted under the directions of the Secretary of the Treasury, or other proper officer of the Government, no execution shall issue against such collector or other officer, but the amount so recovered shall, upon final judgment, be provided for and paid out of the proper appropriation from the Treasury.

SEC. 990. No person shall be imprisoned for debt in any State, on process issuing from a court of the United States, where, by the laws of such State, imprisonment for debt has been or shall be abolished. And all modifications, conditions, and restrictions upon imprisonment for debt, provided by the laws of any State, shall be applicable to the process issuing from the courts of the United States to be executed therein; and the same course of proceedings shall be adopted therein as may be adopted in the courts of such State.

Execution not to issue against officers of revenue in cases of probable cause, &c.
3 Mar., 1803, c. 76, s. 12, v. 12, p. 741.

Imprisonment for debt.

28 Feb., 1839, c. 36, v. 5, p. 391.
14 Jan., 1841, c. 2, v. 5, p. 410.
2 March, 1867, c. 180, v. 14, p. 543.

Randolph vs. Donaldson, 9 Cr., 76; Marshall vs. Bazin, 7 N. Y. Leg. Obs., 342; Hodge vs. Bemis, 12 Law Rep., 470, S. C., 2 Am. L. J., 337; Gardner vs. Isaacson, 1 Ab., 141; Gaines vs. Travis, 1 Ab., 422

SEC. 991. When any person is arrested or imprisoned in any State, on mesne process or execution issued from any court of the United States, in any civil action, he shall be entitled to discharge from such arrest or imprisonment in the same manner as if he were so arrested and imprisoned on like process from the courts of such State. The same oath may be taken, and the same notice thereof shall be required, as may be provided by the laws of such State, and the same course of proceedings shall be adopted as may be adopted in the courts thereof. But all such proceedings shall be had before one of the commissioners of the circuit court for the district where the defendant is so held.

Discharge from arrest or imprisonment on mesne or final process.

2 March, 1867, c. 180, v. 14, p. 543.
6 Jan., 1800, c. 4, s. 2, v. 2, p. 5.
7 Jan., 1824, c. 3, v. 4, p. 1.
22 April, 1824, c. 39, ss. 1, 2, v. 4, pp. McNutt vs. Eland, 2

19, 20.—King vs. Biddle, 7 Cr., 168; Duncan vs. Durst, 1 How., 301; How., 9; Snead vs. McCull, 12 How., 407.

SEC. 992. Persons imprisoned on process issuing from any court of the United States in civil actions, as well at the suit of the United States as at the suit of any person, shall be entitled to the same privileges of the yards of the respective jails as persons confined in like cases on process from the courts of the respective States are entitled to, and under the like regulations and restrictions.

Privileges of jail limits.

6 Jan., 1800, c. 4, s. 1, v. 2, p. 4.
19 May, 1823, c. 63, s. 1, v. 4, p. 278.
1 Aug., 1842, c. 109, v. 5, p. 499.—*Ex parte Wilson*, 6 Cr., 59; U. S. vs. Knight, 14 Pet., 314.

SEC. 993. When it is required by the laws of any State that goods taken in execution on a writ of fieri facias shall be appraised, before the sale thereof, the appraisers appointed under the authority of the State may appraise goods taken in execution on a fieri facias issued out of any court of the United States, in the same manner as if such writ had issued out of a court of such State. And the marshal, in whose custody such goods may be, shall summon the appraisers, in the same manner as the sheriff is, by the laws of such State, required to summon them; and if the appraisers, being duly summoned, fail to attend and perform the duties required of them, the marshal may proceed to sell such goods without an appraisal. When such appraisers attend they shall be entitled to the like fees as in cases of appraisements under the laws of the State.

Goods taken on a fieri facias, how appraised.

2 March, 1793, c. 22, s. 8, v. 1, p. 335.

Bronson vs. Kinzie, 1 How., 323.

SEC. 994. When a marshal dies, or is removed from office, or the term of his commission expires, after he has taken in execution, under process from a court of the United States, any lands, tenements, or hereditaments, and before sale or other final disposition thereof, the like process shall issue to the succeeding marshal, and the same proceeding shall be had as if such marshal had not died or been removed, or the term of his commission had not expired. And when a marshal dies or is removed from office, or the term of his commission expires, after he has sold any lands, tenements, or hereditaments, under process from a court of the

Death of marshal after levy or after sale.

7 May, 1800, c. 45, s. 3, v. 2, p. 61.

Doolittle vs. Bryan, 14 How., 563.

United States, and before a deed for the same is executed by him to the purchaser, such court may, on application by the purchaser, or by the plaintiff at whose suit the sale was made, setting forth the case and the reason why the title was not perfected by said marshal, order the marshal for the time being to perfect the title and execute a deed to the purchaser, upon his paying the purchase-money and costs remaining unpaid.

Moneys paid into court, where and how deposited.

24 March, 1871, c. 2, s. 1, v. 17, p. 1.

How moneys deposited to be withdrawn.

24 March, 1871, c. 2, s. 2, v. 17, p. 1.

Removal of causes by writ of error.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.
5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

The writ : *Wood vs. Lyde*, 4 Cr., 180; *U. S. vs. Hodge*, 3 How., 534; *U. S. vs. Villabolo*, 6 How., 81; *U. S. vs. Curry*, 6 How., 112; *Brooks vs. Norris*, 11 How., 204; *Steamer Virginia vs. West*, 19 How., 182; *Insurance Com. vs. Mordecai*, 21 How., 200; *Overton vs. Cheek*, 22 How., 46; *Castro vs. U. S.*, 3 Wall., 46; *Mussina vs. Cavazos*, 6 Wall., 355; *Bartemeyer vs. Iowa*, 14 Wall., 26.

Transcript : *Owens vs. Hanney*, 9 Cr., 180; *Williams vs. Norris*, 12 Wh., 117; *Stockton vs. Bishop*, 4 How., 155; *Innerarity vs. Byrne*, 5 How., 295; *Villabolo vs. U. S.*, 6 How., 81; *Steamer Virginia vs. West*, 19 How., 182; *U. S. vs. Gomez*, 1 Wall., 690; *Sparrow vs. Strong*, 3 Wall., 103; *Stearns vs. U. S.*, 4 Wall., 1; *Edmonson vs. Bloomshire*, 7 Wall., 306; *Blitz vs. Brown*, 7 Wall., 693; *Avendano vs. Gay*, 8 Wall., 376; *The Lucy*, 8 Wall., 307; *Hoe vs. Wilson*, 9 Wall., 501; *U. S. vs. Vigil*, 10 Wall., 423.

Citation : *Lloyd vs. Alexander*, 1 Cr., 365; *Yeaton vs. Lenox*, 7 Pet., 220; *U. S. vs. Hodge*, 3 How., 534; *McDonogh vs. Millandon*, 3 How., 693; *Sheppard vs. Wilson*, 5 How., 210; *Innerarity vs. Byrne*, 5 How., 295; *Villabolo vs. U. S.*, 6 How., 81; *U. S. vs. Curry*, 6 How., 108; *Peale vs. Phipps*, 8 How., 256; *Buckingham vs. McLean*, 13 How., 150; *Davenport vs. Fletcher*, 16 How., 142; *Poydras de la Lande vs. Treasurer of Louisiana*, 17 How., 1; *Carrol vs. Dorsey*, 20 How., 207; *Bacon vs. Hart*, 1 Bl., 38; *U. S. vs. Gomez*, 1 Wall., 690; *Castro vs. U. S.*, 3 Wall., 46; *Sparrow vs. Strong*, 3 Wall., 103; *McClane vs. Boon*, 6 Wall., 244; *Alviso vs. U. S.*, 6 Wall., 457; *City of Washington vs. Jennison*, 6 Wall., 495; *Pierce vs. Cox*, 9 Wall., 787; *Bigler vs. Waller*, 12 Wall., 142; *Bartemeyer vs. Iowa*, 14 Wall., 26.

Citation.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.
5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

Citation, Supreme Court.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.
5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

U. S. vs. Hodge, 3 How., 534; *Sheppard vs. Wilson*, 5 How., 210; *Villabolo vs. U. S.*, 6 How., 81; *Davidson vs. Lanier*, 4 Wall., 453; *Palmer vs. Downer*, 7 Wall., 541; *Bartemeyer vs. Iowa*, 14 Wall., 26.

PROCEDURE ON ERROR AND APPEAL.

SEC. 997. There shall be annexed to and returned with any writ of error for the removal of a cause, at the day and place therein mentioned, an authenticated transcript of the record, an assignment of errors, and a prayer for reversal, with a citation to the adverse party.

SEC. 998. When the writ is issued by a circuit court to a district court, the citation shall be signed by the judge of such district court, or by the circuit judge of such circuit court, or by a justice of the Supreme Court, and the adverse party shall have at least twenty days' notice.

SEC. 999. When the writ is issued by the Supreme Court to a circuit court, the citation shall be signed by a judge of such circuit court, or by a justice of the Supreme Court, and the adverse party shall have at least thirty days' notice; and when it is issued by the Supreme Court to a State court, the citation shall be signed by the Chief Justice, or judge, or chancellor of such court, rendering the judgment or passing the decree complained of, or by a justice of the Supreme Court of the United States, and the adverse party shall have at least thirty days' notice.

SEC. 1000. Every justice or judge signing a citation on any writ of error, shall, except in cases brought up by the United States or by direction of any Department of the Government, take good and sufficient security that the plaintiff in error or the appellant shall prosecute his writ or appeal to effect, and, if he fail to make his plea good, shall answer all damages and costs, where the writ is a supersedeas and stays execution, or all costs only where it is not a supersedeas as aforesaid.

Bond in error and on appeal.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.
19 Dec., 1794, c. 3, v. 1, p. 404.
21 Feb., 1863, c. 50, v. 12, p. 657.
27 July, 1868, c. 255, s. 1, v. 15, p. 236.

Brockett vs. Brockett, 2 How., 238; *Davenport vs. Fletcher*, 16 How., 149; *Hudgins vs. Kemp*, 18 How., 530; *Roberts vs. Cooper*, 19 How., 373; *Anson vs. Blue Ridge R. R.*, 23 How., 1; *Orchard vs. Hughes*, 1 Wall., 76; *Brobot vs. Brobet*, 2 Wall., 96; *Davidson vs. Lanier*, 4 Wall., 447; *Ex parte The Milwaukee R. R.*, 5 Wall., 189; *Seymour vs. Freer*, 5 Wall., 822; *Rubber Co. vs. Goodyear*, 6 Wall., 153; *Silver vs. Ladd*, 6 Wall., 440; *Edmonson vs. Bloomshire*, 7 Wall., 306; *French vs. Shoemaker*, 12 Wall., 86; *Bigler vs. Waller*, 12 Wall., 142.

SEC. 1001. Whenever a writ of error, appeal, or other process in law, admiralty, or equity, issues from or is brought up to the Supreme Court, or a circuit court, either by the United States or by direction of any Department of the Government, no bond, obligation, or security shall be required from the United States, or from any party acting under the direction aforesaid, either to prosecute said suit, or to answer in damages or costs. In case of an adverse decision, such costs as by law are taxable against the United States, or against the party acting by direction as aforesaid, shall be paid out of the contingent fund of the Department under whose directions the proceedings were instituted.

No bond required of United States, &c.

21 Feb., 1863, c. 50, v. 12, p. 657.
27 July, 1868, c. 255, s. 1, v. 15, p. 236.

SEC. 1002. Writs of error shall be prosecuted from the final judgments of district courts acting as circuit courts to the Supreme Court in the same manner as from the final judgments of circuit courts.

Writs of error to district courts acting as circuit courts.

24 Sept., 1789, c. 20, s. 10, v. 1, p. 77. Ala., 4 Aug., 1842, c. 123, s. 1, v. 5, p. 504; 8 Aug., 1846, c. 104, s. 1, v. 9, p. 78. Ark., 3 March, 1851, c. 24, s. 3, v. 9, p. 596. Ga., 11 Aug., 1848, c. 151, s. 9, v. 9, p. 291. Miss., 16 Feb., 1839, c. 27, s. 3, v. 5, p. 317. W. Va., 4 Feb., 1819, c. 12, s. 2, v. 3, p. 479; 3 March, 1837, c. 34, s. 3, v. 5, p. 177; 28 March, 1838, c. 46, s. 1, v. 5, p. 215; 11 June, 1864, c. 120, s. 1, v. 13, p. 124.

SEC. 1003. Writs of error from the Supreme Court to a State court, in cases authorized by law, shall be issued in the same manner, and under the same regulations, and shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States.

Writs of error to State courts, manner of issue.

24 Sept., 1789, c. 20, s. 25, v. 1, p. 85-6.
5 Feb., 1867, c.

28, s. 2, v. 14, p. 386.—*Gelston vs. Hoyt*, 3 Wh., 246; *Buell vs. Van Ness*, 8 Wh., 312; *McGuire vs. The Commonwealth*, 3 Wall., 382; *Aldrich vs. Aetna Co.*, 8 Wall., 495; *Gleason vs. Florida*, 9 Wall., 779; *Bartemeyer vs. Iowa*, 14 Wall., 26.

SEC. 1004. Writs of error returnable to the Supreme Court may be issued as well by the clerks of the circuit courts, under the seals thereof, as by the clerk of the Supreme Court. When so issued they shall be, as nearly as each case may admit, agreeable to the form of a writ of error transmitted to the clerks of the several circuit courts by the clerk of the Supreme Court, in pursuance of section nine of the act of May eight, seventeen hundred and ninety-two, chapter thirty-six.

Writs of error returnable to the Supreme Court, how issued.

8 May, 1792, c. 38, s. 9, v. 1, p. 278.

Buell vs. Van Ness, 8 Wh., 312; *Cavazos*, 6 Wall., 355.

SEC. 1005. The Supreme Court may, at any time, in its discretion and upon such terms as it may deem just, allow an amendment of a writ of error, when there is a mistake in the teste of the writ, or a seal to the writ is wanting, or when the writ is made returnable on a day other than the day of the commencement of the term next ensuing the issue of the writ, or when the statement of the title of the action or parties thereto in the writ is defective, if the defect can be remedied by reference to the accompanying record, and in all other particulars of form: *Provided*, The defect has not prejudiced, and the amendment will not injure, the defendant in error.

Amendment of writ of error.

1 June, 1872, c. 255, s. 3, v. 17, p. 196.

Carroll vs. Dorsey, 20 How., 206; *Mussina vs. Cavazos*, 6 Wall., 355; *Hampton vs. Rouse*, 15 Wall., 684.

SEC. 1006. The Supreme Court may, if, in its judgment, the purposes of justice require it, allow any amendment, either in form or substance, of any appeal in prize causes. (See § 4638.)

Amendments in prize appeals.

3 March, 1873, c. 230, s. 2, v. 17, p. 556.

Supersedeas.

24 Sept., 1789, c. 20, s. 23, v. 1, p. 85.
1 June, 1872, c. 255, s. 11, v. 17, p. 198.

Hogan vs. Ross, 11 How., 294; *Stafford vs. Union Bank*, 16 How., 135; *Adams vs. Law*, 16 How., 144; *Green vs. Van Buskirk*, 3 Wall., 448; *City of Washington vs. Dennison*, 6 Wall., 495; *Railroad vs. Harris*, 7 Wall., 574.

Writs of error and appeals to Supreme Court, time for taking.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.

Thomas vs. Brockenbrough, 10 Wh., 146; *Brooks vs. Norris*, 11 How., 204; *Hanger vs. Abbott*, 6 Wall., 532; *The Protector*, 9 Wall., 687.

Appeals in prize causes, within what time.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

3 March, 1873, c. 230, s. 2, v. 17, p. 556.

The Neutra Señora de Regla., 16 Wall., 29.

Damages and costs on affirmance in error.

24 Sept., 1789, c. 20, ss. 23, 25, v. 1, p. 85. 2 March, 1803, c. 40, s. 2, v. 2, p. 244. 5 Feb., 1867, c. 28, s. 2, v. 14, p. 396.—*Rules 23, 24, 30, Supreme Court. Winchester vs. Jackson*, 3 Cr., 514; *Himley vs. Rose*, 5 Cr., 313; *Melver vs. Wattles*, 9 Wh., 650; *Boyce's Ex'rs vs. Grundy*, 9 Pet., 275; *Kilbourne vs. Savings Institution*, 22 How., 503; *Hennessy vs. Sheldon*, 12 Wall., 440.

Reversal on error limited.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.

2 March, 1803, c. 40, s. 2, v. 2, p. 244.—*Stafford vs. Union Bank*, 16 How., 135.

Appeals from circuit courts to Supreme Court.

3 March, 1803, c. 40, s. 2, v. 2, p. 244.

220; *Villabolo vs. Bank*, 16 How., 139; *Steamer Virginia vs. West*, 19 How., 182; *U. S. vs. Gomes*, 3 Wall., 763; *The Protector*, 11 Wall., 82.

Where both parties appeal to the Supreme Court, one record sufficient.

6 Aug., 1861, c. 61, s. 1, v. 12, p. 319.

SEC. 1007. In any case where a writ of error may be a supersedeas, the defendant may obtain such supersedeas by serving the writ of error, by lodging a copy thereof for the adverse party in the clerk's office where the record remains, within sixty days, Sundays exclusive, after the rendering of the judgment complained of, and giving the security required by law on the issuing of the citation. But if he desires to stay process on the judgment, he may, having served his writ of error as aforesaid, give the security required by law within sixty days after the rendition of such judgment, or afterward with the permission of a justice or judge of the appellate court. And in such cases where a writ of error may be a supersedeas, executions shall not issue until the expiration of the said term of sixty days.

SEC. 1008. No judgment, decree, or order of a circuit or district court, in any civil action, at law or in equity, shall be reviewed in the Supreme Court, on writ of error or appeal, unless the writ of error is brought, or the appeal is taken, within two years after the entry of such judgment, decree, or order: *Provided*, That where a party entitled to prosecute a writ of error or to take an appeal is an infant, insane person, or imprisoned, such writ of error may be prosecuted, or such appeal may be taken, within two years after the judgment, decree, or order, exclusive of the term of such disability. [See § 635.]

SEC. 1009. Appeals in prize causes shall be made within thirty days after the rendering of the decree appealed from, unless the court previously extends the time, for cause shown in the particular case: *Provided*, That the Supreme Court may, if in its judgment the purposes of justice require it, allow an appeal in any prize cause, if it appears that any notice of appeal, or of intention to appeal, was filed with the clerk of the district court within thirty days next after the rendition of the final decree therein. [See §§ 605, 463A.]

SEC. 1010. Where, upon a writ of error, judgment is affirmed in the Supreme Court or a circuit court, the court shall adjudge to the respondents in error just damages for his delay, and single or double costs, at its discretion.

SEC. 1011. There shall be no reversal in the Supreme Court or in a circuit court upon a writ of error, for error in ruling and^(*) plea in abatement, other than a plea to the jurisdiction of the court, or for any error in fact.

SEC. 1012. Appeals from the circuit courts and district courts acting as circuit courts, and from district courts in prize causes, shall be subject to the same rules, regulations, and restrictions as are or may be prescribed in law in cases of writs of error.

SEC. 1013. Where appeal is duly taken by both parties from the judgment or decree of a circuit or district court to the Supreme Court, a transcript of the record filed in the Supreme Court by either appellant may be used on both appeals, and both shall be heard thereon in the same manner as if records had been filed by the appellants in both cases.

(*) Error in the Roll. The word "and" should be "any."

CRIMINAL PROCEDURE.

SEC. 1014. For any crime or offense against the United States, the offender may, by any justice or judge of the United States, or by any commissioner of a circuit court to take bail, or by any chancellor, judge of a supreme or superior court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate, of any State where he may be found, and agreeably to the usual mode of process against offenders in such State, and at the expense of the United States, be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case. And where any offender or witness is committed in any district other than that where the offense is to be tried, it shall be the duty of the judge of the district where such offender or witness is imprisoned, seasonably to issue, and of the marshal to execute, a warrant for his removal to the district where the trial is to be had. [See § 87a.]

SEC. 1015. Bail shall be admitted upon all arrests in criminal cases where the offense is not punishable by death; and in such cases it may be taken by any of the persons authorized by the preceding section to arrest and imprison offenders.

20, a. 33, v. 1, p. 91. 2 March, 1793, c. 22, s. 4, v. 1, p. 334. 10 April, 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 1016. Bail may be admitted upon all arrests in criminal cases where the punishment may be death; but in such cases it shall be taken only by the Supreme Court or a circuit court, or by a justice of the Supreme Court, a circuit judge, or a judge of a district court, who shall exercise their discretion therein, having regard to the nature and circumstance of the offense, and of the evidence, and to the usages of law.

SEC. 1017. When a writ of error is issued for the revision of the judgment of a State court, in any criminal proceeding where is drawn in question the validity of a statute of, or an authority exercised under, the United States, or where any title, right, privilege, or immunity is claimed under the Constitution, or any statute of, or commission held or authority exercised under, the United States, the defendant, if charged with an offense that is bailable by the laws of such State, shall not be released from custody until a final judgment upon such writ, or until a bond, with sufficient sureties, in a reasonable sum, as ordered and approved by the State court, is given; and if the offense is not so bailable, until a final judgment upon the writ of error. [See § 709.]

SEC. 1018. Any party charged with a criminal offense and admitted to bail, may, in vacation, be arrested by his bail, and delivered to the marshal or his deputy, before any judge or other officer having power to commit for such offense; and at the request of such bail, the judge or other officer shall recommit the party so arrested to the custody of the marshal, and indorse on the recognizance, or certified copy thereof, the discharge and exoneratur of such bail; and the party so committed shall therefrom be held in custody until discharged by due course of law.

SEC. 1019. When proof is made to any judge of the United States, or other magistrate having authority to commit on criminal charges as aforesaid, that a person previously admitted to bail on any such charge is about to abscond, and that his bail is insufficient, the judge or magistrate shall require such person to give better security, or, for default thereof, cause him to be committed to prison; and an order for his arrest may be indorsed on the former commitment, or a new warrant therefor may be issued, by such judge or magistrate, setting forth the cause thereof.

Offenders against the United States, how arrested and removed for trial.

24 Sept., 1789, c. 20, s. 33, v. 1, p. 91.
2 March, 1793, c. 22, s. 4, v. 1, p. 334.
22 Aug., 1842, c. 188, s. 1, v. 5, p. 616.

Bail shall be admitted in cases not capital, by whom.

24 Sept., 1789, c. 20, s. 33, v. 1, p. 91.

Bail may be admitted in capital cases; by whom.

24 Sept., 1789, c. 20, s. 33, v. 1, p. 91.
2 March, 1793, c. 22, s. 4, v. 1, p. 334.
10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Bail in criminal cases removed by writ of error from State courts.

13 July, 1866, c. 184, s. 69, v. 14, p. 172.

24 Sept., 1789, c. 20, s. 25, v. 1, p. 85.
5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

Surrender of criminals by their bail.

8 Aug., 1846, c. 98, s. 4, v. 9, p. 73.

New bail to be given in certain cases.

8 Aug., 1846, c. 98, s. 6, v. 9, p. 73.

When penalty of recognizances may be remitted.

28 Feb., 1839, c. 36, s. 6, v. 5, p. 322.

Indictments and presentments to be by at least twelve grand jurors.

3 March, 1865, c. 86, s. 1, v. 13, p. 500.

Offenses against the elective franchise, how prosecuted.

31 May, 1870, c. 114, s. 8, v. 16, p. 142.

Matters set forth in prosecutions for perjury before a naval court-martial.

17 July, 1862, c. 204, s. 1, art. 13, v. 12, p. 604.

Charges which may be joined in one indictment shall be so joined.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 162.

Indictments, defects of form.

1 June, 1872, c. 255, s. 8, v. 17, p. 198.

Judgment on demurrer to an indictment.

23 May, 1872, c. 202, v. 17, p. 162.

When several indictments against the same person, one writ sufficient.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 162.

Copy of writ to be jailer's authority; original returned.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 163.

Writ for removal of a prisoner from one district to another.

26 Feb., 1853, c. 80, s. 1, v. 10, pp. 162, 163.

SEC. 1020. When any recognizance in a criminal cause, taken for, or in, or returnable to, any court of the United States, is forfeited by a breach of the condition thereof, such court may, in its discretion, remit the whole or a part of the penalty, whenever it appears to the court that there has been no willful default of the party, and that a trial can, notwithstanding, be had in the cause, and that public justice does not otherwise require the same penalty to be enforced.

SEC. 1021. No indictment shall be found, nor shall any presentment be made, without the concurrence of at least twelve grand jurors.

SEC. 1022. All crimes and offenses committed against the provisions of chapter seven, Title "CRIMES," which are not infamous, may be prosecuted either by indictment or by information filed by a district attorney.

SEC. 1023. In prosecutions for perjury committed on examination before a naval general court-martial, or for the subornation thereof, it shall be sufficient to set forth the offense charged on the defendant, without setting forth the authority by which the court was held, or the particular matters brought before, or intended to be brought before, said court.

SEC. 1024. When there are several charges against any person for the same act or transaction, or for two or more acts or transactions connected together, or for two or more acts or transactions of the same class of crimes or offenses, which may be properly joined, instead of having several indictments the whole may be joined in one indictment in separate counts; and if two or more indictments are found in such cases, the court may order them to be consolidated.

SEC. 1025. No indictment found and presented by a grand jury in any district or circuit or other court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant.

SEC. 1026. In every case in any court of the United States, where a demurrer is interposed to an indictment, or to any count or counts thereof, or to any information, and the demurrer is overruled, the judgment shall be respondeat ouster; and thereupon a trial may be ordered at the same term, or a continuance may be ordered, as justice may require.

SEC. 1027. When two or more charges are made, or two or more indictments are found against any person, only one writ or warrant shall be necessary to commit him for trial; and it shall be sufficient to state in the writ the name or general character of the offenses, or to refer to them only in very general terms.

SEC. 1028. Whenever a prisoner is committed to a sheriff or jailer by virtue of a writ, warrant, or mittimus, a copy thereof shall be delivered to such sheriff or jailer, as his authority to hold the prisoner, and the original writ, warrant, or mittimus shall be returned to the proper court or officer, with the officer's return thereon.

SEC. 1029. Only one writ or warrant is necessary to remove a prisoner from one district to another. One copy thereof may be delivered to the sheriff or jailer from whose custody the prisoner is taken, and another to the sheriff or jailer to whose custody he is committed, and the original writ, with the marshal's return thereon, shall be returned to the clerk of the district to which he is removed.

SEC. 1030. No writ is necessary to bring into court any prisoner or person in custody, or for remanding him from the court into custody; but the same shall be done on the order of the court or district attorney, for which no fees shall be charged by the clerk or marshal.

No writ necessary to bring into court a person in custody.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 169.

SEC. 1031. If, in the trial of a capital offense, the party indicted peremptorily challenges jurors above the number allowed him by law, such excess of challenges shall be disallowed by the court, and the cause shall proceed for trial in the same manner as if they had not been made. [See § 819.]

When peremptory challenges exceed the number allowed by law.

3 March, 1835, c. 40, s. 4, v. 4, p. 777.
26, s. 2, v. 13, p. 500.

SEC. 1032. When any person indicted for any offense against the United States, whether capital or otherwise, upon his arraignment stands mute, or refuses to plead or answer thereto, it shall be the duty of the court to enter the plea of not guilty on his behalf, in the same manner as if he had pleaded not guilty thereto. And when the party pleads not guilty, or such plea is entered as aforesaid, the cause shall be deemed at issue, and shall, without further form or ceremony, be tried by a jury.

Prisoner standing mute, &c.

3 March, 1835, c. 40, s. 4, v. 4, p. 777.
30 April, 1790, c. 9, s. 30, v. 1, p. 119.
3 March, 1825, c. 65, s. 14, v. 4, p. 118.

SEC. 1033. When any person is indicted of treason, a copy of the indictment and a list of the jury, and of the witnesses to be produced on the trial for proving the indictment, stating the place of abode of each juror and witness, shall be delivered to him at least three entire days before he is tried for the same. When any person is indicted of any other capital offense, such copy of the indictment and list of the jurors and witnesses shall be delivered to him at least two entire days before the trial.

Copy of indictment and list of jurors and witnesses to be delivered to prisoner in capital cases.

30 April, 1790, c. 9, s. 29, v. 1, p. 118.

SEC. 1034. Every person who is indicted of treason, or other capital crime, shall be allowed to make his full defense by counsel learned in the law; and the court before which he is tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, and they shall have free access to him at all seasonable hours. He shall be allowed, in his defense, to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial, as is usually granted to compel witnesses to appear on behalf of the prosecution.

Persons indicted for capital crimes entitled to counsel and to compel witnesses.

30 April, 1790, c. 9, s. 29, v. 1, p. 118.

SEC. 1035. In all criminal causes the defendant may be found guilty of any offense the commission of which is necessarily included in that with which he is charged in the indictment, or may be found guilty of an attempt to commit the offense so charged: *Provided*, That such attempt be itself a separate offense.

Verdict of less offense than charged.

1 June, 1872, c. 255, s. 9, v. 17, p. 193.

SEC. 1036. On an indictment against several, if the jury cannot agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment shall be entered accordingly; and the cause as to the other defendants may be tried by another jury.

Verdict against part of several joint defendants.

1 June, 1872, c. 255, s. 10, v. 17, p. 193.

SEC. 1037. Whenever the district attorney deems it necessary, any circuit court may, by order entered on its minutes, remit any indictment pending therein to the next session of the district court of the same district, where the offense charged in the indictment is cognizable by the said district court. And in like manner any district court may remit to the next session of the circuit court of the same district any indictment pending in the said district court. And such remission shall carry with it all recognizances, processes, and proceedings pending in the case in the court from which the remission is made; and the court to which such remission is made shall, after the order of remission is filed therein, act in the case as if the indictment, and all other proceedings in the same, had been originated in said court.

Indictments remitted by circuit and district courts to each other.

8 Aug., 1846, c. 98, s. 2, v. 9, p. 72.

U. S. vs. Murphy, 3 Wall. 649; U. S. vs. Morris, 1 Curt. C. C., 23.

Remission from district to circuit court of difficult cases.

8 Aug., 1846, c. 98, s. 3, v. 9, p. 72.

All capital cases remitted from district to circuit courts.

8 Aug., 1846, c. 98, s. 3, v. 9, p. 72.

When a capital case is carried to the Supreme Court execution postponed.

3 March, 1869, c. 142, v. 15, p. 338.

Judgments for fines, how collected.

1 June, 1872, c. 255, s. 12, v. 17, p. 198.

Poor convicts sentenced and imprisoned for fines.

1 June, 1872, c. 255, s. 14, v. 17, p. 198.

SEC. 1038. Any district court may, by order entered on its minutes, remit any indictment pending therein to the next session of the circuit court for the same district, when, in the opinion of such district court, difficult and important questions of law are involved in the case; and thereupon the proceedings in such case shall be the same in the circuit court as if such indictment had been originally found and presented therein.

SEC. 1039. Every indictment of a capital offense, presented to a district court, together with the recognizances taken therein, shall, by order entered on its minutes, be remitted to the next session of the circuit court for the same district; and, on the filing of such order and indictment with the clerk of such circuit court, that court shall proceed thereon, in the same manner as if said indictment had been originally found and presented therein.

SEC. 1040. Whenever a judgment of death is rendered in any court of the United States, and the case is carried to the Supreme Court in pursuance of law, the court rendering such judgment shall, by its order, postpone the execution thereof from time to time and from term to term, until the mandate of the Supreme Court in the case is received and entered upon the records of such lower court. In case of affirmance by the Supreme Court, the court rendering the original judgment shall appoint a day for the execution thereof; and in case of reversal, such further proceedings shall be had in the lower court as the Supreme Court may direct.

SEC. 1041. In all criminal or penal causes in which judgment or sentence has been or shall be rendered, imposing the payment of a fine or penalty, whether alone or with any other kind of punishment, the said judgment, so far as the fine or penalty is concerned, may be enforced by execution against the property of the defendant in like manner as judgments in civil cases are enforced: *Provided*, That where the judgment directs that the defendant shall be imprisoned until the fine or penalty imposed is paid, the issue of execution on the judgment shall not operate to discharge the defendant from imprisonment until the amount of the judgment is collected or otherwise paid.

SEC. 1042. When a poor convict, sentenced by any court of the United States to pay a fine, or fine and cost, whether with or without imprisonment, has been confined in prison thirty days, solely for the non-payment of such fine, or fine and cost, he may make application in writing to any commissioner of the United States court in the district where he is imprisoned, setting forth his inability to pay such fine, or fine and cost, and after notice to the district attorney of the United States, who may appear, offer evidence, and be heard, the commissioner shall proceed to hear and determine the matter; and if on examination it shall appear to him that such convict is unable to pay such fine, or fine and cost, and that he has not any property exceeding twenty dollars in value, except such as is by law exempt from being taken on execution for debt, the commissioner shall administer to him the following oath: "I do solemnly swear that I have not any property, real or personal, to the amount of twenty dollars, except such as is by law exempt from being taken on civil precept for debt by the laws of [State where oath is administered]; and that I have no property in any way conveyed or concealed, or in any way disposed of, for my future use or benefit. So help me God." And thereupon such convict shall be discharged, the commissioner giving to the jailer or keeper of the jail a certificate setting forth the facts. [See §§ 547, 5296.]

CHAPTER NINETEEN.

LIMITATIONS.

Sec.

1043. Capital offenses.
 1044. Offenses not capital.
 1045. Fleeing from justice.
 1046. Crimes under the revenue laws.

Sec.

1047. Penalties and forfeitures under laws of the United States.
 1048. Parties beyond reach of process during the rebellion.

SEC. 1043. No person shall be prosecuted, tried, or punished for treason or other capital offense, willful murder excepted, unless the indictment is found within three years next after such treason or capital offense is done or committed.

Capital offenses.
 30 April, 1790, c. 9, s. 32, v. 1, p. 119.

SEC. 1044. No person shall be prosecuted, tried, or punished for any offense not capital, except as provided in section one thousand and forty-six, unless the indictment is found or the information is instituted within two years next after such offense is committed.

Offenses not capital.
 30 April, 1790, c. 9, s. 32, v. 1, p. 119.

Adams, *qui tam*, vs. Woods, 2 Cr., 336; U. S. vs. Cook, 17 Wall., 168; Johnson vs. U. S., 3 McLean, 89; U. S. vs. Slocum, 1 Cr., C. C., 485; U. S. vs. Watkins, 3 Cr., C. C., 442; U. S. vs. White, 5 Cr., C. C., 38; U. S. vs. White, 5 Cr., C. C., 73, 116.

SEC. 1045. Nothing in the two preceding sections shall extend to any person fleeing from justice.

Fleeing from justice.

30 April, 1790, c. 9, s. 32, v. 1, p. 119.

SEC. 1046. No person shall be prosecuted, tried, or punished for any crime arising under the revenue laws, or the slave-trade laws of the United States, unless the indictment is found or the information is instituted within five years next after the committing of such crime.

Crimes under the revenue laws.

20 April, 1818, c. 91, s. 9, v. 3, p. 452.—U. S. vs.

26 March, 1804, c. 40, s. 3, v. 2, p. 290; Cook, 17 Wall., 168.

SEC. 1047. No suit or prosecution for any penalty or forfeiture, pecuniary or otherwise, accruing under the laws of the United States, shall be maintained, except in cases where it is otherwise specially provided, unless the same is commenced within five years from the time when the penalty or forfeiture accrued: *Provided*, That the person of the offender, or the property liable for such penalty or forfeiture, shall, within the same period, be found within the United States; so that the proper process therefor may be instituted and served against such person or property.

Penalties and forfeitures under laws of United States.

3 Mar., 1863, c. 76, s. 14, v. 12, p. 741. 25 July, 1863, c. 236, s. 1, v. 15, p. 183.—Stimpson vs. Pond, 2 Curt. C. C., 502.

28 Feb., 1839, c. 36, s. 4, v. p. 322.
 2 Mar., 1799, c. 22, s. 89, v. 1, p. 695.
 26 Mar., 1804, c. 40, s. 3, v. 2, p. 290.
 20 April, 1818, c. 91, s. 9, v. 3, p. 452.

SEC. 1048. In all cases where, during the late rebellion, any person could not, by reason of resistance to the execution of the laws of the United States, or of the interruption of the ordinary course of judicial proceedings, be served with process for the commencement of any action, civil or criminal, which had accrued against him, the time during which such person was beyond the reach of legal process shall not be taken as any part of the time limited by law for the commencement of such action.

Parties beyond reach of process during the rebellion.

11 June, 1864, c. 118, v. 13, p. 123.

U. S. vs. Wiley, 11 Wall., 508.

CHAPTER TWENTY.

THE COURT OF CLAIMS.

ORGANIZATION AND SESSIONS.

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- 24 Feb., 1855, c. 122, s. 10, v. 10, p. 614.

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- 24 Feb., 1855, c. 122, s. 10, v. 10, p. 614.
6 Aug., 1856, c. 81, s. 1, v. 11, p. 30.
17 Mar., 1866, c. 19, s. 2, v. 14, p. 9.

Officers of the court.

- 24 Feb., 1855, c. 122, s. 11, v. 10, p. 614.
3 Mar., 1863, c. 92, s. 4, v. 12, p. 765.

Salaries of clerks, bailiff, and messenger.

- 24 Feb., 1855, c. 122, s. 11, v. 10, p. 614.
148. 12 July, 1870, c. 251, s. 3, v. 16, p. 250.

Clerk's bond.

- 6 Aug., 1856, c. 81, s. 3, v. 11, p. 30.

Contingent fund.

- 6 Aug., 1856, c. 81, s. 3, v. 11, p. 30.

SEC. 1049. The Court of Claims, established by the act of February twenty-four, eighteen hundred and fifty-five, shall be continued. It shall consist of a chief justice and four judges, who shall be appointed by the President, by and with the advice and consent of the Senate, and hold their offices during good behavior. Each of them shall take an oath to support the Constitution of the United States, and to discharge faithfully the duties of his office, and shall be entitled to receive an annual salary of four thousand five hundred dollars, payable quarterly from the Treasury.

SEC. 1050. The Court of Claims shall have a seal, with such device as it may order.

SEC. 1051. It shall be the duty of the Speaker of the House of Representatives to appropriate such rooms in the Capitol, at Washington, for the use of the Court of Claims, as may be necessary for their accommodation, unless it appears to him that such rooms cannot be so appropriated without interfering with the business of Congress. In that case, the court shall procure, at the city of Washington, such rooms as may be necessary for the transaction of their business.

SEC. 1052. The Court of Claims shall hold one annual session, at the city of Washington, beginning on the first Monday in December, and continuing as long as may be necessary for the prompt disposition of the business of the court. And any two of the judges of said court shall constitute a quorum, and may hold a court for the transaction of business.

3 Mar., 1863, c. 92, s. 13, v. 12, p. 768.

SEC. 1053. The said court shall appoint a chief clerk, an assistant clerk, if deemed necessary, a bailiff, and a messenger. The clerks shall take an oath for the faithful discharge of their duties, and shall be under the direction of the court in the performance thereof; and for misconduct or incapacity they may be removed by it from office; but the court shall report such removals, with the cause thereof, to Congress, in session, or, if not, at the next session. The bailiff shall hold his office for a term of four years, unless sooner removed by the court for cause.

SEC. 1054. The salary of the chief clerk shall be three thousand dollars a year, of the assistant clerk two thousand dollars a year, of the bailiff fifteen hundred dollars a year, and of the messenger eight hundred and forty dollars a year, payable quarterly from the Treasury.

- 7 June, 1870, c. 124, v. 16, p. 148.
3 March, 1863, c. 92, s. 4, v. 12, p. 765.
8 May, 1872, c. 140, s. 1, v. 17, p. 82.

SEC. 1055. The chief clerk shall give bond to the United States in such amount, in such form, and with such security as shall be approved by the Secretary of the Treasury.

SEC. 1056. The said clerk shall have authority, when he has given bond as provided in the preceding section, to disburse, under the direction of the court, the contingent fund which may from time to time be appropriated for its use; and his accounts shall be settled by the proper

accounting officers of the Treasury in the same way as the accounts of other disbursing agents of the Government are settled.

SEC. 1057. On the first day of every December session of Congress, the clerk of the Court of Claims shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year, stating the amounts thereof and the parties in whose favor they were rendered, together with a brief synopsis of the nature of the claims upon which they were rendered. And at the end of every term of the court he shall transmit a copy of its decisions to the heads of Departments; to the Solicitor, the Comptrollers, and the Auditors of the Treasury; to the Commissioners of the General Land-Office and of Indian Affairs; to the chiefs of bureaus, and to other officers charged with the adjustment of claims against the United States.

SEC. 1058. Members of either House of Congress shall not practice in the Court of Claims.

Reports to Congress, copies for Departments, &c.

25 June, 1868, c. 71, s. 9, v. 15, p. 77.
17 March, 1866, c. 19, s. 3, v. 14, p. 9.

Members of Congress not to practice in the court.

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

CHAPTER TWENTY-ONE.

THE COURT OF CLAIMS.

JURISDICTION, POWERS, AND PROCEDURE.

Sec.	Sec.
1059. Jurisdiction.	1075. Commissioner to take testimony.
1060. Private claims in Congress, when transmitted to Court of Claims.	1076. Power to call upon Departments for information.
1061. Judgment for set-off or counter-claim, how enforced.	1077. When testimony not to be taken.
1062. Decree on account of paymasters, &c.	1078. Witnesses not excluded on account of color.
1063. Claims referred by Departments.	1079. Parties and persons interested excluded as witnesses.
1064. Procedure in cases transmitted by Departments.	1080. Examination of claimant.
1065. Judgments in cases transmitted by Departments, how paid.	1081. Testimony taken where deponent resides.
1066. Claims growing out of treaties not cognizable therein.	1082. Witnesses, how compelled to attend before commissioners.
1067. Claims pending in other courts not to be prosecuted in Court of Claims.	1083. Cross-examination.
1068. Aliens.	1084. Witnesses, how sworn.
1069. Limitation.	1085. Fees of commissioner, by whom paid.
1070. Rules of practice; contempts.	1086. Claims forfeited for fraud.
1071. Oaths and acknowledgments.	1087. New trial on motion of claimant.
1072. Petition.	1088. New trial on motion of United States.
1073. Petition dismissed if issue found against claimant as to allegation, &c.	1089. Payment of judgments.
1074. Burden of proof and evidence as to loyalty.	1090. Interest.
	1091. Interest on claims.
	1092. Payment of judgment a full discharge, &c.
	1093. Final judgments a bar.

SEC. 1059. The Court of Claims shall have jurisdiction to hear and determine the following matters:

First. All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress.

122, s. 1, v. 10, p. 612.—Nichols vs. U. S., 7 Wall., 129; Dorsheimer vs. U. S., 7 Wall., 166; Bonner vs. U. S., 9 Wall., 156.

Second. All set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever, on the part of the Government of the United States against any person making claim against the Government in said court.

Jurisdiction.

Claims founded on statutes or contracts, or referred by Congress.

24 Feb., 1855, c. U. S., 7 Wall., 166;

Set-offs and counter-claims of United States.

3 March, 1863, c.

92, s. 3, v. 12, p. 765.—Clyde vs. U. S., 13 Wall., 38; U. S. vs. Russell, 13 Wall., 623.

Disbursing officers.

9 May, 1866, c. 75,
s. 1, v. 14, p. 44.

Claims for captured and abandoned property.

12 March, 1863, c. 120, s. 3, v. 12, p. 820.

2 July, 1864, c. 225, ss. 2, 3, v. 13, pp. 375, 376.

27 July, 1868, c. 276, s. 3, v. 15, p. 243.

U. S. vs. Anderson, 9 Wall., 56; *Pugh vs. U. S.*, 13 Wall., 633; *U. S. vs. Kimball*, 13 Wall., 636; *U. S. vs. Crussell*, 14 Wall., 1; *Slawson vs. U. S.*, 16 Wall., 310.

Private claims in Congress, when transmitted to Court of Claims.

3 March, 1863, c. 92, s. 2, v. 12, p. 765.

Judgments for set-off or counterclaim, how enforced.

3 March, 1863, c. 92, s. 3, v. 12, p. 765.

Allen vs. U. S., 17 Wall., 207.

Decree on accounts of paymasters, &c.

9 May, 1866, c. 75, s. 2, v. 14, p. 44.

Claims referred by Departments.

25 June, 1868, c. 71, s. 7, v. 15, p. 76.

Third. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible.

Fourth. Of all claims for the proceeds of captured or abandoned property, as provided by the act of March 12, eighteen hundred and sixty-three, chapter one hundred and twenty, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," or by the act of July two, eighteen hundred and sixty-four, chapter two hundred and twenty-five, being an act in addition thereto: *Provided*, That the remedy given in cases of seizure under the said acts, by preferring claim in the Court of Claims, shall be exclusive, precluding the owner of any property taken by agents of the Treasury Department as abandoned or captured property in virtue or under color of said acts from suit at common law, or any other mode of redress whatever, before any court other than said Court of Claims.

SEC. 1060. All petitions and bills praying or providing for the satisfaction of private claims against the Government, founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, shall, unless otherwise ordered by resolution of the House in which they are introduced, be transmitted by the Secretary of the Senate or the Clerk of the House of Representatives, with all the accompanying documents, to the Court of Claims.

SEC. 1061. Upon the trial of any cause in which any set-off, counterclaim, claim for damages, or other demand is set up on the part of the Government against any person making claim against the Government in said court, the court shall hear and determine such claim or demand both for and against the Government and claimant; and if upon the whole case it finds that the claimant is indebted to the Government, it shall render judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases provided for by law. Any transcript of such judgment, filed in the clerk's office of any district or circuit court, shall be entered upon the records thereof, and shall thereby become and be a judgment of such court and be enforced as other judgments in such courts are enforced.

SEC. 1062. Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the proper accounting officers of the Treasury shall allow to such officer the amount so decreed, as a credit in the settlement of his accounts.

SEC. 1063. Whenever any claim is made against any Executive Department, involving disputed facts or controverted questions of law, where the amount in controversy exceeds three thousand dollars, or where the decision will affect a class of cases, or furnish a precedent for the future action of any Executive Department in the adjustment of a class of cases, without regard to the amount involved in the particular case, or where any authority, right, privilege, or exemption is claimed or denied under the Constitution of the United States, the head of such Department may cause such claim, with all the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims, and the same shall be there proceeded in as if originally commenced by the voluntary action of the claimant; and the Secretary of the Treasury may, upon the certificate of any Auditor or Comptroller of the Treasury, direct any account, matter, or claim, of the

character, amount, or class described in this section, to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to the said court, for trial and adjudication: *Provided*, That no case shall be referred by any head of a Department unless it belongs to one of the several classes of cases which, by reason of the subject-matter and character, the said court might, under existing laws, take jurisdiction of on such voluntary action of the claimant.

SEC. 1064. All cases transmitted by the head of any Department, or upon the certificate of any Auditor or Comptroller, according to the provisions of the preceding section, shall be proceeded in as other cases pending in the Court of Claims, and shall, in all respects, be subject to the same rules and regulations.

Procedure in cases transmitted by Departments.

25 June, 1868, c. 71, s. 7, v. 15, p. 76.

Clyde *vs.* U. S., 13 Wall., 38.

SEC. 1065. The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under the two preceding sections, shall be paid out of any specific appropriation applicable to the case, if any such there be; and where no such appropriation exists, the judgment or decree shall be paid in the same manner as other judgments of the said court.

Judgments in cases transmitted by Departments, how paid.

25 June, 1868, c. 71, s. 7, v. 15, p. 76.

SEC. 1066. The jurisdiction of the said court shall not extend to any claim against the Government not pending therein on December one, eighteen hundred and sixty-two, growing out of or dependent on any treaty stipulation entered into with foreign nations or with the Indian tribes.

Claims growing out of treaties not cognizable therein.

3 March, 1863, c. 92, s. 9, v. 12, p. 767.

Ex parte Atocha, 17 Wall., 439.

SEC. 1067. No person shall file or prosecute in the Court of Claims, or in the Supreme Court on appeal therefrom, any claim for or in respect to which he or any assignee of his has pending in any other court any suit or process against any person who, at the time when the cause of action alleged in such suit or process arose, was, in respect thereto, acting or professing to act, mediately or immediately, under the authority of the United States.

Claims pending in other courts not to be prosecuted in Court of Claims.

25 June, 1868, c. 71, s. 8, v. 15, p. 77.

SEC. 1068. Aliens, who are citizens or subjects of any government which accords to citizens of the United States the right to prosecute claims against such government in its courts, shall have the privilege of prosecuting claims against the United States in the Court of Claims, whereof such court, by reason of their subject-matter and character, might take jurisdiction.

Aliens.

27 July, 1868, c. 276, s. 2, v. 15, p. 243.

U. S. *vs.* O'Keefe, 11 Wall., 178; *Cur- lisle vs.* U. S., 16 Wall., 147.

SEC. 1069. Every claim against the United States, cognizable by the Court of Claims, shall be forever barred unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives as provided by law, within six years after the claim first accrues: *Provided*, That the claims of married women first accrued during marriage, of persons under the age of twenty-one years first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the petition be filed in the court or transmitted, as aforesaid, within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively.

Limitation.

3 March, 1863, c. 92, s. 10, v. 12, p. 767.

SEC. 1070. The said court shall have power to establish rules for its government and for the regulation of practice therein, and it may punish for contempt in the manner prescribed by the common law, may appoint commissioners, and may exercise such powers as are necessary to carry into effect the powers granted to it by law.

Rules of practice; contempts.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

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

Oaths and acknowledgments.

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

Petition.

24 Feb., 1855, c. 122, s. 1, v. 10, p. 612.

3 Mar., 1863, c. 92, s. 12, v. 12, p. 767.

Petition dismissed, if issue found against claimant as to allegiance, &c.

3 March, 1863, c. 92, s. 12, v. 12, p. 767.

Burden of proof and evidence as to loyalty.

25 June, 1868, c. 71, s. 3, v. 15, p. 75.

Commissioners to take testimony.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

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

Power to call upon Departments for information.

24 Feb., 1855, c. 122, s. 11, v. 10, p. 614.

When testimony not to be taken.

24 Feb., 1855, c. 122, s. 4, v. 10, p. 613.

Witnesses not excluded on account of color.

2 July, 1864, c. 210, s. 3, v. 13, p. 351. 2 March, 1867, c. 166, s. 2, v. 14, p. 457. 25 June, 1868, c. 71, s. 4, v. 15, p. 75.

SEC. 1071. The judges and clerks of said court may administer oaths and affirmations, take acknowledgments of instruments in writing, and give certificates of the same.

SEC. 1072. The claimant shall, in all cases, fully set forth in his petition the claim, the action thereon in Congress, or by any of the Departments, if such action has been had; what persons are owners thereof or interested therein, when and upon what consideration such persons became so interested; that no assignment or transfer of said claim, or of any part thereof or interest therein, has been made, except as stated in the petition; that said claimant is justly entitled to the amount therein claimed from the United States, after allowing all just credits and off-sets; that the claimant, and, where the claim has been assigned, the original and every prior owner thereof, if a citizen, has at all times borne true allegiance to the Government of the United States, and, whether a citizen or not, has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government, and that he believes the facts as stated in the said petition to be true. And the said petition shall be verified by the affidavit of the claimant, his agent, or attorney.

SEC. 1073. The said allegations as to true allegiance and voluntary aiding, abetting, or giving encouragement to rebellion against the Government may be traversed by the Government, and if on the trial such issues shall be decided against the claimant, his petition shall be dismissed.

SEC. 1074. Whenever it is material in any claim to ascertain whether any person did or did not give any aid or comfort to the late rebellion, the claimant asserting the loyalty of any such person to the United States during such rebellion shall be required to prove affirmatively that such person did, during said rebellion, consistently adhere to the United States, and did give no aid or comfort to persons engaged in said rebellion; and the voluntary residence of any such person in any place where, at any time during such residence, the rebel force or organization held sway, shall be prima-facie evidence that such person did give aid and comfort to said rebellion and to the persons engaged therein.

SEC. 1075. The Court of Claims shall have power to appoint commissioners to take testimony to be used in the investigation of claims which come before it; to prescribe the fees which they shall receive for their services, and to issue commissions for the taking of such testimony, whether taken at the instance of the claimant or of the United States.

SEC. 1076. The said court shall have power to call upon any of the Departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress, when deemed necessary in the prosecution of its business. But the head of any Department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest.

SEC. 1077. When it appears to the court in any case that the facts set forth in the petition of the claimant do not furnish any ground for relief, it shall not be the duty of the court to authorize the taking of any testimony therein.

SEC. 1078. No witness shall be excluded in any suit in the Court of Claims on account of color.

SEC. 1079. No claimant, nor any person from or through whom any such claimant derives his alleged title, claim, or right against the United States, nor any person interested in any such title, claim, or right, shall be a competent witness in the Court of Claims in supporting the same, and no testimony given by such claimant or person shall be used except as provided in the next section.

Parties and persons interested excluded as witnesses.

25 June, 1868, c. 71, s. 4, v. 15, p. 75.
3 March, 1863, c. 92, s. 8, v. 12, p. 766.

SEC. 1080. The court may, at the instance of the attorney or solicitor appearing in behalf of the United States, make an order in any case pending therein, directing any claimant in such case to appear, upon reasonable notice, before any commissioner of the court, and be examined on oath touching any or all matters pertaining to said claim. Such examination shall be reduced to writing by the said commissioner, and be returned to and filed in the court, and may, at the discretion of the attorney or solicitor of the United States appearing in the case, be read and used as evidence on the trial thereof. And if any claimant, after such order is made, and due and reasonable notice thereof is given to him, fails to appear, or refuses to testify or answer fully as to all matters within his knowledge material to the issue, the court may, in its discretion, order that the said cause shall not be brought forward for trial until he shall have fully complied with the order of the court in the premises.

Examination of claimant.

3 March, 1863, c. 92, s. 8, v. 12, p. 766.
25 June, 1868, c. 71, s. 4, v. 15, p. 75.

SEC. 1081. The testimony in cases pending before the Court of Claims shall be taken in the county where the witness resides, when the same can be conveniently done.

Testimony taken where deponent resides.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

SEC. 1082. The Court of Claims may issue subpoenas to require the attendance of witnesses in order to be examined before any person commissioned to take testimony therein, and such subpoenas shall have the same force as if issued from a district court, and compliance therewith shall be compelled under such rules and orders as the court shall establish.

Witnesses, how compelled to attend before commissioners.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

SEC. 1083. In taking testimony to be used in support of any claim, opportunity shall be given to the United States to file interrogatories, or by attorney to examine witnesses, under such regulations as said court shall prescribe; and like opportunity shall be afforded the claimant, in cases where testimony is taken on behalf of the United States, under like regulations.

Cross-examination.

24 Feb., 1855, c. 122, s. 5, v. 10, p. 613.

SEC. 1084. The commissioner taking testimony to be used in the Court of Claims shall administer an oath or affirmation to the witnesses brought before him for examination.

Witnesses, how sworn.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

SEC. 1085. When testimony is taken for the claimant, the fees of the commissioner before whom it is taken, and the cost of the commission and notice, shall be paid by such claimant; and when it is taken at the instance of the Government, such fees, together with all postage incurred by the Assistant Attorney-General, shall be paid out of the contingent fund provided for the Court of Claims, or other appropriation made by Congress for that purpose.

Fees of commissioner, by whom paid.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

SEC. 1086. Any person who corruptly practices or attempts to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim, or of any part of any claim against the United States, shall ipso facto forfeit the same to the Government; and it shall be the duty of the Court of Claims, in such cases, to find specifically that such fraud was practiced or attempted to be practiced, and thereupon to give judgment that such claim is forfeited to the Government, and that the claimant be forever barred from prosecuting the same.

Claims forfeited for fraud.

3 March, 1863, c. 92, s. 11, v. 12, p. 767.

SEC. 1087. When judgment is rendered against any claimant, the court may grant a new trial for any reason which, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial.

New trial on motion of claimant.

24 Feb., 1855, c. 122, s. 9, v. 10, p. 614.

New trial on motion of United States.

25 June, 1868, c. 71, s. 2, v. 15, p. 75.

Ex parte Russell, 13 Wall., 664; *Ex parte*, in matter of U. S., 16 Wall., 699.

Payment of judgments.

3 March, 1863, c. 92, s. 7, v. 12, p. 766.

Interest.

3 March, 1863, c. 92, s. 7, v. 12, p. 766.

Interest on claims.

3 March, 1863, c. 92, s. 7, v. 12, p. 766.

Payment of judgment a full discharge, &c.

3 March, 1863, c. 92, s. 7, v. 12, p. 766.

Final judgments a bar.

3 March, 1863, c. 92, s. 7, v. 12, p. 766.

SEC. 1088. The Court of Claims, at any time while any claim is pending before it, or on appeal from it, or within two years next after the final disposition of such claim, may, on motion on behalf of the United States, grant a new trial and stay the payment of any judgment therein, upon such evidence, cumulative or otherwise, as shall satisfy the court that any fraud, wrong, or injustice in the premises has been done to the United States; but until an order is made staying the payment of a judgment, the same shall be payable and paid as now provided by law.

SEC. 1089. In all cases of final judgments by the Court of Claims, or, on appeal, by the Supreme Court, where the same are affirmed in favor of the claimant, the sum due thereby shall be paid out of any general appropriation made by law for the payment and satisfaction of private claims, on presentation to the Secretary of the Treasury of a copy of said judgment, certified by the clerk of the Court of Claims, and signed by the chief justice, or, in his absence, by the presiding judge of said court.

SEC. 1090. In cases where the judgment appealed from is in favor of the claimant, and the same is affirmed by the Supreme Court, interest thereon at the rate of five per centum shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid, but no interest shall be allowed subsequent to the affirmance, unless presented for payment to the Secretary of the Treasury as aforesaid.

SEC. 1091. No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest.

SEC. 1092. The payment of the amount due by any judgment of the Court of Claims and of any interest thereon allowed by law, as hereinbefore provided, shall be a full discharge to the United States of all claim and demand touching any of the matters involved in the controversy.

SEC. 1093. Any final judgment against the claimant on any claim prosecuted as provided in this chapter shall forever bar any further claim or demand against the United States arising out of the matters involved in the controversy.

TITLE XIV.

THE ARMY.

CHAPTER ONE.

ORGANIZATION.

- | Sec. | Sec. |
|--|---|
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Composition of the Army.

28 July, 1866, c. 209, v. 14, p. 332.
25 July, 1866, c. 232, s. 1, v. 14, p. 221.
3 March, 1799, c. 48, s. 9, v. 1, p. 752.
3 March, 1869, c. 124, ss. 2, 5, v. 15, p. 318.
15 July, 1870, c. 294, ss. 6, 7, 8, v. 16, p. 318.

SEC. 1094. The Army of the United States shall consist of—

One General.
One Lieutenant-General.
Three major-generals.
Six brigadier-generals.
Five regiments of artillery.
Ten regiments of cavalry.
Twenty-five regiments of infantry.
An Adjutant-General's Department.
An Inspector-General's Department.
A Quartermaster's Department.
A Subsistence Department.
A Corps of Engineers.
A battalion of engineer soldiers.
An Ordnance Department.
The enlisted men of the Ordnance Department.
The Medical Department.
The hospital-stewards of the Medical Department.
A Pay Department.
A Chief Signal-Officer.
A Bureau of Military Justice.
Eight judge-advocates.
Thirty post-chaplains.
Four regimental chaplains.
A post ordnance-sergeant and a hospital-steward for each military post.
One band, stationed at the Military Academy.
A force of Indian scouts not exceeding one thousand.
The officers of the Army on the retired list.
And the professors and corps of cadets of the United States Military Academy.

Provided, That when a vacancy occurs in the office of General or Lieutenant-General such office shall cease, and all enactments creating or regulating such offices shall, respectively, be held to be repealed.

SEC. 1095. The General shall have the title of General of the Army of the United States.

Title of General.

25 July, 1866, c. 232 s. 1, v. 14, p. 223

SEC. 1096. The General may select from the Army such number of aids, not exceeding six, as he may deem necessary, who shall have, while serving on his staff, the rank of colonel of cavalry.

Staff.

25 July, 1866, c. 232, s. 2, v. 14, p. 223. 3 April, 1869, c. 9, s. 1, v. 16, p. 6.

SEC. 1097. The Lieutenant-General may select from the Army two aids and one military secretary, who(*) have the rank of lieutenant-colonel of cavalry while serving on his staff.

Lieutenant-General's aids and secretary.

26 July, 1866, c. 299, s. 9, v. 14, p. 333. 25 July, 1866, c. 232, s. 2, v. 14, p. 223.

SEC. 1098. Each major-general shall have three aids, who may be selected by him from captains or lieutenants of the Army, and each brigadier-general shall have two aids, who may be selected by him from lieutenants of the Army.

Aids of major and brigadier generals.

26 July, 1866, c. 299, s. 9, v. 14, p. 333. 29 July, 1861, c. 24, s. 3, v. 12, p. 260.

SEC. 1099. Each regiment of artillery shall consist of twelve batteries, one colonel, one lieutenant-colonel, one major for every four batteries, one adjutant, one quartermaster and commissary, one sergeant-major, one quartermaster-sergeant, one chief musician, who shall be instructor of music, and two principal musicians. The adjutant and quartermaster and commissary shall be extra lieutenants, selected from the first or second lieutenants of the regiment.

26 July, 1866, c. 299, s. 9, v. 14, p. 333. Artillery regiment.

26 July, 1866, c. 299, s. 2, v. 14, p. 332.

29 July, 1861, c. 24, ss. 1, 2, v. 12, p. 260.

3 March, 1869, c. 124, s. 5, v. 15, p. 318. 15 July, 1870, c. 294, s. 10, v. 16, p. 318.

SEC. 1100. Each battery of artillery shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, four corporals, two musicians, two artificers, one wagoner, and as many privates, not exceeding one hundred and twenty-two, as the President may direct. One first lieutenant, one second lieutenant, two sergeants and four corporals may be added to this battery organization at the discretion of the President.

Artillery battery.

29 July, 1861, c. 24, s. 1, v. 12, p. 279.

26 July, 1866, c. 299, s. 2, v. 14, p. 332.

15 July, 1870, c. 294, s. 10, v. 16, p. 318.

SEC. 1101. One battery in each regiment of artillery, to be designated by the President, shall be equipped as light artillery, and one other battery may be so designated and equipped, when the President may deem it necessary.

Light battery.

2 March, 1821, c. 13, s. 2, v. 3, p. 615.

3 March, 1847, c. 61, s. 18, v. 9, p. 186.

SEC. 1102. Each regiment of cavalry shall consist of twelve troops, one colonel, one lieutenant-colonel, three majors, one surgeon, one assistant surgeon, one adjutant, one quartermaster, one veterinary surgeon, with the rank of regimental sergeant-major, one sergeant-major, one quartermaster-sergeant, one saddler-sergeant, one chief musician, who shall be instructor of music, and one chief trumpeter. Two assistant surgeons may be allowed to each regiment, and the ninth and tenth regiments shall have an additional veterinary surgeon. The adjutant and the quartermaster of each regiment shall be extra lieutenants, selected from the first or second lieutenants of the regiment.

Cavalry regiment.

26 July, 1866, c. 299, s. 3, v. 14, p. 332.

17 July, 1862, c. 201, s. 11, v. 12, p. 599.

6 Jan., 1863, c. 7, v. 12, p. 634.

3 March, 1863, c. 75, s. 37, v. 12, p. 737.

3 Aug., 1861, c. 42, s. 12, v. 12, p. 260. 3 March, 1869, c. 124, s. 5, v. 15, p. 318. 15 July, 1870, c. 294, ss. 9, 10, v. 16, p. 318.

SEC. 1103. Each troop of cavalry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, five sergeants, four corporals, two trumpeters, two farriers, one saddler, one wagoner, and such number of privates, not exceeding seventy-eight, as the President may direct.

Troop.

26 July, 1866, c. 299, s. 3, v. 14, p. 332.

17 July, 1862, c. 201, s. 11, v. 12, p. 599.

6 Jan., 1863, c. 7, v. 12, p. 634. 3 March, 1863, c. 75, s. 37, v. 12, p. 737. 15 July, 1870, c. 294, s. 10, v. 16, p. 318.

SEC. 1104. The enlisted men of two regiments of cavalry shall be colored men.

Colored cavalry regiments.

29 July, 1866, c. 299, s. 3, v. 14, p. 332.

SEC. 1105. Any portion of the cavalry force may be armed and drilled as infantry or dismounted cavalry, at the discretion of the President.

Dismounted.

26 July, 1866, c. 299, s. 3, v. 14, p. 332.

(*) The word *shall* omitted from the Roll.

**Infantry regi-
ment.**

28 July, 1866, c. 299, a. 6, v. 14, p. 333.

3 March, 1869, c. 124, a. 5, v. 15, p. 318.

15 July, 1870, c. 294, a. 10, v. 16, p. 318.

**Infantry com-
pany.**

28 July, 1866, c. 299, a. 6, v. 14, p. 333.

15 July, 1870, c. 294, a. 2, 10, v. 16, pp. 317, 318.

**Colored infantry
regiments.**

28 July, 1866, c. 299, a. 4, v. 14, p. 332. 3 March, 1869, c. 124, a. 2, v. 15, p. 318.

**Post ordnance-
sergeants; number
and duty.**

28 July, 1866, c. 299, a. 7, v. 14, p. 333. 5 April, 1832, c. 67, a. 2, v. 4, p. 504.

How selected.

5 April, 1832, c. 67, a. 2, v. 4, p. 504.

Bands.

29 July, 1861, c. 24, a. 2, v. 12, p. 290.

20 June, 1864, c. 145, a. 1, v. 13, p. 144. 2 July, 1864, Res. 68, v. 13, p. 416. 28 July, 1866, c. 299, a. 7, v. 14, p. 333. 3 March, 1869, c. 124, a. 5, v. 15, p. 318.

Indian scouts.

28 July, 1866, c. 299, a. 6, v. 14, p. 333.

**Trading estab-
lishments.**

15 July, 1870, c. 294, a. 2, v. 16, p. 319.

**Brigades and di-
visions.**

3 March, 1799, c. 48, a. 8, v. 1, p. 752.

**Number of enlist-
ed men.**

15 July, 1870, c. 294, a. 2, v. 16, p. 317.

**General qualifica-
tions.**

16 March, 1802, c. 9, a. 11, v. 2, p. 134.

3 March, 1815, c. 79, a. 7, v. 3, p. 224. 5 July, 1832, c. 162, a. 30, v. 5, p. 260. 13 Feb., 1862, c. 25, a. 2, v. 12, p. 339. 21 June, 1862, Res. 37, v. 12, p. 620. 17 July, 1862, c. 200, a. 21, v. 12, p. 597.

SEC. 1106. Each infantry regiment shall consist of ten companies, one colonel, one lieutenant-colonel, one major, one adjutant, one quartermaster, one sergeant-major, one quartermaster-sergeant, and one chief musician, who shall be instructor of music, and two principal musicians. The adjutant and the quartermaster shall be extra lieutenants selected from the first or second lieutenants of the regiment.

SEC. 1107. Each company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, four corporals, two artificers, two musicians, one waggoner, and fifty privates, and the number of privates may be increased at the discretion of the President not to exceed one hundred, whenever the exigencies of the service require such increase.

SEC. 1108. The enlisted men of two regiments of infantry shall be colored men.

SEC. 1109. There shall be an ordnance-sergeant for each military post, whose duty it shall be to take care of the ordnance, arms, ammunition, and other military stores at such post, under the direction of the commanding officer, and according to regulations prescribed by the Secretary of War.

SEC. 1110. Post ordnance-sergeants shall be selected by the Secretary of War from the sergeants of the line who shall have served faithfully for eight years, including four years in the grade of non-commissioned officer, and shall be assigned to their stations by him.

SEC. 1111. There shall be retained or enlisted in the Army one band, which shall consist of one band-leader, and not more than twenty-four musicians, and shall ordinarily be stationed at the Military Academy.

SEC. 1112. The President is authorized to enlist a force of Indians, not exceeding one thousand, who shall act as scouts in the Territories and Indian country. They shall be discharged when the necessity for their service shall cease, or at the discretion of the department commander.

SEC. 1113. The Secretary of War is authorized to permit one or more trading establishments to be maintained at any military post on the frontier not in the vicinity of any city or town, when he believes such an establishment is needed for the accommodation of emigrants, freighters, or other citizens. The persons to maintain such establishments shall be appointed by him, and shall be under protection and control as camp-followers.

SEC. 1114. In the ordinary arrangement of the Army two regiments of infantry or of cavalry shall constitute a brigade, and shall be the command of a brigadier-general, and two brigades shall constitute a division, and shall be the command of a major-general; but it shall be in the discretion of the commanding general to vary this disposition whenever he may deem it proper to do so.

SEC. 1115. There shall not be in the Army at one time more than thirty thousand enlisted men.

SEC. 1116. Recruits enlisting in the Army must be effective and able-bodied men, and between the ages of sixteen and thirty-five years, at the time of their enlistment. This limitation as to age shall not apply to soldiers re-enlisting.

SEC. 1117. No person under the age of twenty-one years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians: *Provided*, That such minor has such parents or guardians entitled to his custody and control.

Enlistment of minors.

15 May, 1872, c. 162, s. 1, v. 17, p. 117.

SEC. 1118. No minor under the age of sixteen years, no insane or intoxicated person, no deserter from the military service of the United States, and no person who has been convicted of any criminal offense, shall be enlisted or mustered into the military service.

Shorner's Case, 1 Car. L. Rep., 55.

Persons not to be enlisted.

4 July, 1864, c. 27, s. 5, v. 13, p. 380.
2 March, 1833, c. 68, s. 6, v. 4, p. 647.

SEC. 1119. All enlistments in the Army shall be for the term of five years.

Term of enlistment.

3 March, 1869, c. 124, s. 4, v. 15, p. 318.—U. S. vs. Travers, 2 Wh., Cr. Cas., 490.

SEC. 1120. A premium of two dollars shall be paid to any citizen, non-commissioned officer, or soldier for each accepted recruit he may bring to a recruiting rendezvous.

Premium for bringing.

21 June, 1862, Res. 37, v. 12, p. 620.

SEC. 1121. The President may, by and with the advice and consent of the Senate, appoint a chaplain for each regiment of colored troops, and thirty post-chaplains: *Provided*, That no appointment of regimental or post chaplains shall be made until those on waiting orders are assigned.

Chaplains, number of.

28 July, 1866, c. 299, ss. 7, 30, v. 14, pp. 333, 337.
7 July, 1838, c. 194, v. 5, p. 308. 2 March, 1849, c. 83, s. 3, v. 9, p. 351. 9 April, 1864, c. 53, s. 1, v. 13, p. 46. 2 March, 1867, c. 145, s. 7, v. 14, p. 423. 15 July, 1870, c. 294, s. 12, v. 16, p. 318.

SEC. 1122. Chaplains shall have the rank of captain of infantry, without command, and shall be on the same footing with other officers of the Army, as to tenure of office, retirement, and pensions.

Rank, &c., of chaplains.

28 July, 1866, c. 299, ss. 7, 30, v. 14, pp. 333, 337. 9 April, 1864, c. 53, s. 1, v. 13, p. 46. 2 March, 1867, c. 145, s. 7, v. 14, p. 423. 15 July, 1870, c. 294, s. 12, v. 16, p. 318.

SEC. 1123. No person shall be appointed as regimental or post chaplain until he shall furnish proof that he is a regularly-ordained minister of some religious denomination, in good standing at the time of his appointment, together with a recommendation for such appointment from some authorized ecclesiastical body, or from not less than five accredited ministers of said denomination.

Qualifications of

17 July, 1862, c. 200, s. 8, v. 12, p. 595.

SEC. 1124. The duty of chaplains of regiments of colored troops and of post-chaplains shall include the instruction of the enlisted men in the common English branches of education.

Duties as school-teachers.

5 July, 1838, c. 162, s. 18, v. 5, p. 259. 28 July, 1866, c. 299, s. 30, v. 14, p. 337.

SEC. 1125. All regimental chaplains and post-chaplains shall, when it may be practicable, hold appropriate religious services, for the benefit of the commands to which they may be assigned to duty, at least once on each Sunday, and shall perform appropriate religious burial services at the burial of officers and soldiers who may die in such commands.

Duties as clergymen.

9 April, 1864, c. 53, s. 4, v. 13, p. 46.

SEC. 1126. Post hospital and regimental chaplains shall make monthly reports to the Adjutant-General of the Army, through the usual military channels, of the moral condition and general history of the regiments or posts to which they may be attached.

Monthly reports.

9 April, 1864, c. 53, s. 3, v. 13, p. 46.

SEC. 1127. It shall be the duty of commanders of regiments, hospitals, and posts to afford to chaplains, assigned to the same for duty, such facilities as may aid them in the performance of their duties.

Facilities to.

9 April, 1864, c. 53, s. 3, v. 13, p. 46.

SEC. 1128. The Adjutant-General's Department of the Army shall consist of one Adjutant-General, with the rank of brigadier-general; two assistant adjutants-general, with the rank of colonel of cavalry; four assistant adjutants-general, with the rank of lieutenant-colonel of cavalry; and thirteen assistant adjutants-general, with the rank of major of cavalry.

Corps of adjutants-general, organization.

28 July, 1866, c. 299, s. 10, v. 14, p. 333.

3 March, 1869, c. 124, s. 6, v. 15, p. 318.

Vacancy to be filled from the line.

17 July, 1862, c. 200, a. 22, v. 12, p. 597.
v. 16, p. 53.

When to be inspectors.

5 July, 1838, c. 162, a. 7, v. 5, p. 257.
p. 184. 19 July, 1848, c. 104, a. 3, v. 9, p. 247.

Corps of inspectors-general, organization.

28 July, 1866, c. 299, a. 11, v. 14, p. 334.

Quartermaster's Corps, organization.

28 July, 1866, c. 299, ss. 13, 14, v. 14, p. 334.

2 March, 1867, c. 145, a. 7, v. 14, p. 423.

3 June, 1872, c. 279, v. 17, p. 214.

Duties.

28 March, 1812, c. 46, ss. 3, 5, v. 2, pp. 696, 697.

23 Aug., 1842, c. 186, a. 3, v. 5, p. 513.

18 May, 1826, c. 74, a. 1, v. 4, p. 173.

Commissary's duty.

2 March, 1821, c. 13, a. 8, v. 3, p. 615.

Supplies to naval and marine detachments.

15 Dec., 1814, c. 13, ss. 1, 2, v. 3, p. 151.

Permanent barracks.

3 March, 1859, c. 83, a. 1, v. 11, p. 432.

Forge and wagon masters.

5 July, 1838, c. 162, a. 10, v. 5, p. 257.

SEC. 1129. All vacancies in the grade of major, in the Adjutant-General's Department, shall, when filled, be filled by selections from captains of the Army.

3 March, 1869, c. 124, a. 6, v. 15, p. 318. 10 April, 1869, Res. 11,

SEC. 1130. Assistant adjutants-general shall, in addition to their own duties, perform those of assistant inspectors-general, when the convenience of the service requires them to do so.

18 June, 1846, c. 29, a. 6, v. 9, p. 18. 3 March, 1847, c. 61, a. 2, v. 9, p. 247. 2 March, 1849, c. 83, a. 4, v. 9, p. 351.

SEC. 1131. There shall be five inspectors-general of the Army, with the rank of colonel of cavalry; one assistant inspector-general, with the rank of lieutenant-colonel of cavalry; and two assistant inspectors-general, with the rank of major of cavalry.

SEC. 1132. The Quartermaster's Department of the Army shall consist of one Quartermaster-General, with the rank of brigadier-general; six assistant quartermasters-general, with the rank of colonel of cavalry; ten deputy quartermasters-general, with the rank of lieutenant-colonel of cavalry; twelve quartermasters, with the rank of major of cavalry; thirty assistant quartermasters, with the rank of captain of cavalry; and such number of military store-keepers, not exceeding sixteen, as may be required, with the rank of captain of cavalry. Nothing herein shall deprive of his office any person now holding the office of quartermaster with the rank of major.

SEC. 1133. It shall be the duty of the officers of the Quartermaster's Department, under the direction of the Secretary of War, to purchase and distribute to the Army all military stores and supplies, requisite for its use, which other corps are not directed by law to provide; to furnish means of transportation for the Army, its military stores and supplies, and to provide for and pay all incidental expenses of the military service which other corps are not directed to provide for and pay.

SEC. 1134. Assistant quartermasters shall do duty as assistant commissaries of subsistence when so ordered by the Secretary of War.

SEC. 1135. The officers of the Quartermaster's Department shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in co-operation with land troops, and during the time such detachment is so acting or proceeding to act, furnish the officers and seamen with camp-equipment, together with transportation for said officers, seamen, and marines, their baggage, provisions, and cannon, and shall furnish the naval officer commanding any such detachment, and his necessary aids, with horses, accouterments, and forage.

SEC. 1136. Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress, and approved by a special appropriation for the same, except when constructed by the troops; and no such structures, the cost of which shall exceed twenty thousand dollars, shall be erected unless by special authority of Congress.

SEC. 1137. The Quartermaster-General may employ as many forage-masters and wagon-masters, not exceeding twenty in the whole, as he may deem necessary for the service. No forage-master or wagon-master shall be concerned, directly or indirectly, in any means of transport employed by the United States, or in the purchase or sale of any property procured for or belonging to the United States, except as agent for the United States.

SEC. 1138. No officer belonging to the Quartermaster's Department, or doing the duty of a quartermaster or assistant quartermaster, shall be concerned, directly or indirectly, in the purchase or sale of any article intended for or appertaining to said department of service, except on account of the United States; nor shall any such officer take or apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office, other than that which may be allowed by law.

SEC. 1139. The Quartermaster-General, under the direction of the Secretary of War, shall prescribe and enforce a system of accountability for all quartermaster's supplies to the Army or to officers, seamen, and marines.

SEC. 1140. The Subsistence Department of the Army shall consist of one Commissary-General of Subsistence, with the rank of brigadier-general; two assistant commissaries-general of subsistence, with the rank of colonel of cavalry; two assistant commissaries-general of subsistence, with the rank of lieutenant-colonel of cavalry; eight commissaries of subsistence, with the rank of major of cavalry; and sixteen commissaries of subsistence, with the rank of captain of cavalry.

SEC. 1141. It shall be the duty of the officers of the Subsistence Department, under the direction of the Secretary of War, to purchase and issue to the Army such supplies as enter into the composition of the ration.

SEC. 1142. The Secretary of War is authorized to select from the sergeants of the line of the Army who shall have faithfully served therein five years, three years of which in the grade of non-commissioned officers, as many commissary-sergeants as the service may require, not to exceed one for each military post or place of deposit of subsistence supplies, whose duty it shall be to receive and preserve the subsistence supplies at the posts, under the direction of the proper officers of the Subsistence Department, and under such regulations as shall be prescribed by the Secretary of War. The commissary-sergeants hereby authorized shall be subject to the rules and articles of war, and shall receive for their services the same pay and allowances as ordnance-sergeants.

SEC. 1143. The officers of the Subsistence Department shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in co-operation with the land troops, and during the time such detachment is so acting or proceeding to act, furnish rations to the officers, seamen, and marines of the same.

SEC. 1144. The officers of the Subsistence Department shall procure, and keep for sale to officers and enlisted men at cost prices, for cash or on credit, such articles as may, from time to time, be designated by the inspectors-general of the Army. An account of all sales on credit shall be kept, and the amounts due for the same shall be reported monthly to the Paymaster-General. (See §§ 1299, 1300.)

SEC. 1145. Commissioned officers of the Army, serving in the field, may purchase rations for their own use, from any commissary of subsistence, on credit, at cost prices; and the amounts due for such purchases shall be reported monthly to the Paymaster-General. (See §§ 1299, 1300.)

SEC. 1146. Each ration shall consist of one pound and a quarter of beef or three-quarters of a pound of pork, eighteen ounces of bread or flour, and at the rate of ten pounds of coffee, fifteen pounds of sugar, two quarts of salt, four quarts of vinegar, four ounces of pepper, four pounds of soap, and one pound and a half of candles to every hundred rations. The President may make such alterations in the component parts of the ration as a due regard to the health and comfort of the Army and economy may require.

SEC. 1147. The Secretary of War may commute the ration of coffee and sugar for the extract of coffee combined with milk and sugar, if he shall believe such commutation to be conducive to the health and comfort of the Army, and not to be more expensive to the Government

Officers not to trade.

22 May, 1812, c. 92, s. 1, v. 2, p. 742.

System of accountability.

18 May, 1826, c. 74, s. 1, v. 4, p. 173.

Subsistence Corps, organization.

28 July, 1866, c. 299, s. 16, v. 14, p. 334.

Duties.

14 April, 1818, c. 61, s. 7, v. 3, p. 427.

3 March, 1835, c. 49, s. 1, v. 4, p. 780.

Post commissary-sergeants.

3 March, 1873, c. 224, v. 17, p. 466.

Rations to naval detachments.

15 Dec., 1814, c. 13, s. 1, v. 3, p. 151.

Credit sales.

28 July, 1866, c. 299, s. 25, v. 14, p. 336.

Sales of rations.

3 March, 1865, c. 81, s. 5, v. 13, p. 497.

The ration.

16 March, 1802, c. 9, s. 6, v. 2, p. 134.

5 July, 1838, c. 162, s. 17, v. 5, p. 258.

21 June, 1860, c. 163, s. 4, v. 12, p. 68.

3 March, 1863, c. 78, s. 11, v. 12, p. 744.

Coffee and sugar commuted.

5 July 1862, c. 133, s. 10, v. 12, p. 510

than the present ration; provided, the same shall be acceptable to the men. (See § 1294.)

Sugar and coffee in kind.

SEC. 1148. The ration of sugar and coffee, when issued in kind, shall, when the convenience of the service permits, be issued weekly.

5 July, 1838, c. 162, a. 17, v. 5, p. 258.

Sales of tobacco.

SEC. 1149. Tobacco shall be furnished to the enlisted men by the commissaries of subsistence, at cost prices, exclusive of the cost of transportation, in such quantities as they may require, not exceeding sixteen ounces per month. (See § 1291.)

3 March, 1865, c. 81, a. 6, v. 13, p. 497.

Officers not to trade.

SEC. 1150. No officer belonging to the Subsistence Department, or doing the duty of a subsistence officer, shall be concerned, directly or indirectly, in the purchase or sale of any article entering into the composition of the ration allowed to troops in the service of the United States, or of any article designated by the inspectors-general of the Army, and furnished for sale to officers and enlisted men at cost prices, or of tobacco furnished for sale to enlisted men, except on account of the United States; nor shall any such officer take or apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office, other than that which may be allowed by law.

14 April, 1818, c. 61, a. 9, v. 3, p. 427.

3 March, 1836, c. 49, a. 1, v. 4, p. 780.

28 July, 1866, c. 299, a. 26, v. 14, p. 336.

3 March, 1865, c. 81, a. 6, v. 13, p. 497.

Corps of Engineers, organization.

SEC. 1151. The Corps of Engineers shall consist of one Chief of Engineers, with the rank of brigadier-general, six colonels, twelve lieutenant-colonels, twenty-four majors, thirty captains, twenty-six first lieutenants, and ten second lieutenants, and the battalion: *Provided*, That no promotion shall be made to fill any vacancy in said corps above the rank of colonel.

28 July, 1866, c. 299, a. 19, v. 14, p. 335.

3 March, 1869, c. 124, a. 6, v. 15, p. 318;

10 June, 1872, c. 426, v. 17, p. 382.

Regulations of supplies.

SEC. 1152. The Chief of Engineers is authorized, with the approval of the Secretary of War, to regulate and determine the number, quality, form, and dimensions of the necessary vehicles, pontoons, tools, implements, arms, and other supplies for the use of the battalion of engineer soldiers.

15 May, 1846, c. 21, a. 5, v. 9, p. 13.

3 Aug., 1861, c. 42, a. 4, v. 12, p. 287.

6 Aug., 1861, c. 57, a. 2, v. 12, p. 317. 28 July, 1866, c. 299, a. 20, v. 14, p. 335.

Disbursements.

SEC. 1153. It shall be the duty of the engineer superintending the construction of a fortification, or engaged about the execution of any other public work, to disburse the moneys applicable to the same; but no compensation shall be allowed him for such disbursement.

5 July, 1838, c. 162, a. 27, v. 5, p. 260.

7 July, 1838, c. 194, v. 5, p. 308.

Engineer battalion.

SEC. 1154. The battalion of engineers shall consist of the five companies of engineers now existing, one sergeant-major, and one quartermaster-sergeant, who shall also be commissary-sergeant.

28 July, 1866, c. 299, a. 20, v. 14, p. 335.

30 June, 1864, c. 145, a. 4, v. 13, p. 144.

3 Aug., 1861, c. 42, a. 4, v. 12, p. 287.

15 July, 1870, c. 294, a. 2, v. 16, p. 317.

6 Aug., 1861, c. 57, a. 2, v. 12, p. 318. 15 May, 1846, c. 21, a. 1, v. 9, p. 12.

Engineer company.

SEC. 1155. Each company of engineer soldiers shall consist of ten sergeants, ten corporals, two musicians, and as many privates of the first class, not exceeding sixty-four, and as many privates of the second class, not exceeding sixty-four, as the President may direct, and shall be recruited in the same manner, and with the same limitation, and shall be entitled to the same provisions, allowances, and benefits, in every respect, as are allowed to other troops constituting the present military peace establishment.

Engineer officers.

SEC. 1156. A battalion-adjutant, a battalion-quartermaster, and appropriate officers to command the companies and battalion of engineer soldiers, shall be detailed from the Corps of Engineers.

28 July, 1866, c. 299, a. 20, v. 14, p. 335.

15 May, 1846, c. 21, a. 4, v. 9, p. 13.

3 Aug., 1861, c. 42, a. 4, v. 12, p. 287.

6 Aug., 1861, c. 57, a. 2, v. 12, p. 317.

SEC. 1157. The enlisted men of the engineer battalion shall be instructed in and perform the duties of sappers, miners, and pontoniers, and shall aid in giving practical instruction in those branches at the Military Academy. They may be detailed by the Chief of Engineers to oversee and aid laborers upon fortifications and other works in charge of the Engineer Corps, and, as fort-keepers, to protect and repair finished fortifications.

Duties of engineer soldiers.

15 May, 1846, c. 21, s. 4, v. 9, p. 13.

3 Aug., 1861, c. 42, s. 4, v. 12, p. 287.

6 Aug., 1861, c. 57, s. 2, v. 12, p. 317.

3 March, 1863, c. 78, s. 1, v. 12, p. 743.

Engineers, limits of duty.

10 April, 1866, c. 20, art. 63, v. 2, p. 367.

Ordnance Corps, organization.

28 July, 1866, c. 299, s. 21, v. 14, p. 335.

3 March, 1869, c. 124, s. 6, v. 15, p. 318.

2 March, 1867, c. 145, s. 7, v. 14, p. 423.

Appointment in.

3 March, 1863, c. 78, s. 4, v. 12, p. 743.

SEC. 1158. Engineers shall not assume nor be ordered on any duty beyond the line of their immediate profession, except by the special order of the President. They may, at the discretion of the President, be transferred from one corps to another, regard being paid to rank.

SEC. 1159. The Ordnance Department of the Army shall consist of one Chief of Ordnance, with the rank of brigadier-general, three colonels, four lieutenant-colonels, ten majors, twenty captains, sixteen first lieutenants, ten second lieutenants, and thirteen ordnance store-keepers. The ordnance store-keeper at Springfield armory shall have the rank of major of cavalry. All other ordnance store-keepers shall have the rank of captain of cavalry.

SEC. 1160. No officer of the Army shall be commissioned as an ordnance officer until he shall have been examined and approved by a board of not less than three ordnance officers, senior to him in rank. If an officer of the Army fail on such examination he shall be suspended from appointment for one year, when he may be re-examined before a like board. In case of failure on such re-examination he shall not be commissioned as an ordnance officer.

SEC. 1161. Any number, not exceeding six, of the ordnance store-keepers may be authorized to act as paymasters at armories and arsenals.

Store-keepers.

28 July, 1866, c. 299, s. 21, v. 14, p. 335.

335. 2 March, 1867, c. 145, s. 7, v. 14, p. 423.

Enlisted men.

28 July, 1866, c. 299, s. 21, v. 14, p. 335.

18 June, 1846, c. 29, s. 11, v. 9, p. 18.

5 July, 1862, c. 133, s. 3, v. 12, p. 508.

SEC. 1162. The Chief of Ordnance may enlist as many master armorers, master carriage-makers, master blacksmiths, artificers, armorers, carriage-makers, blacksmiths, and laborers as the Secretary of War may direct. Master armorers, master carriage-makers, and master blacksmiths shall be designated and mustered as sergeants; armorers, carriage-makers, and blacksmiths shall be designated and mustered as corporals; artificers shall be designated and mustered as privates of the first class, and laborers as privates of the second class.

Detail of artificers.

8 Feb., 1815, c. 38, s. 4, v. 3, p. 203.

SEC. 1163. The Chief of Ordnance, subject to the approval of the Secretary of War, shall organize and detail to regiments, corps, or garrisons, such numbers of privates of the first class, furnished with proper tools, carriages, and apparatus, as may be necessary, and shall make regulations for their government.

Supplies.

8 Feb., 1815, c. 38, s. 8, v. 3, p. 203.

SEC. 1164. It shall be the duty of the Chief of Ordnance to furnish estimates, and, under the direction of the Secretary of War, to make contracts and purchases, for procuring the necessary supplies of ordnance and ordnance stores, for the use of the armies of the United States; to direct the inspection and proving of the same, and to direct the construction of all cannon and carriages, ammunition-wagons, traveling forges, artificers' wagons, and of every implement and apparatus for ordnance, and the preparation of all kinds of ammunition and ordnance stores constructed or prepared for said service.

SEC. 1165. The Chief of Ordnance, under the direction of the Secretary of War, may establish depots of ordnance and ordnance stores in such parts of the United States, and in such numbers, as may be deemed necessary.

Depots.

8 Feb., 1815, c. 38, s. 9, v. 3, p. 204.

SEC. 1166. The Chief of Ordnance, or the senior officer of that corps for any district, shall execute all orders of the Secretary of War, and, in time of war, the orders of any general or field officer commanding

Orders for supplies.

8 Feb., 1815, c. 38, s. 5, v. 3, p. 203.

- an army, garrison, or detachment, for the supply of all ordnance and ordnance stores for garrison, field, or siege service.
- Semi-annual reports.**
 8 Feb., 1815, c. 38, s. 8, v. 3, p. 204.
- Medical Department, organization.**
 28 July, 1866, c. 269, s. 17, v. 14, p. 334.
 3 March, 1869, c. 124, s. 6, v. 15, p. 318.
 17 March, 1872, c. 47, v. 17, p. 40.
- Right of command.**
 11 Feb., 1847 c. 8, s. 8, v. 9, p. 125.
- Volunteer service of assistant surgeons.**
 2 March, 1867, c. 145, s. 5, v. 14, p. 423.
- Purveyors to be assignable as surgeons.**
 28 July, 1866, c. 299, s. 17, v. 14, p. 334.
- Examinations.**
 30 June, 1834, c. 133, s. 1, v. 4, p. 714.
- Duties of chief medical purveyor.**
 3 March, 1873, c. 229, s. 1, v. 17, p. 546.
- Supervision of cooking.**
 3 March, 1863, c. 78, s. 8, v. 12, p. 744.
- Sick-diet in hospital.**
 3 Aug., 1861, c. 42, s. 14, v. 12, p. 269.
- Trusses, to whom furnished.**
 28 May, 1872, c. 223, s. 1, v. 17, p. 164.
- Application for.**
 28 May, 1872, c. 223, s. 2, v. 17, p. 164.
- SEC. 1167.** The Chief of Ordnance shall, half-yearly, or oftener if so directed, make a report to the Secretary of War of all the officers and enlisted men in his department of the service, and of all ordnance and ordnance stores under his control.
- SEC. 1168.** The Medical Department of the Army shall consist of one Surgeon-General, with the rank of brigadier-general; one assistant surgeon-general, with the rank of colonel of cavalry; one chief medical purveyor, and four assistant medical purveyors, with the rank of lieutenant-colonel of cavalry; sixty surgeons, with the rank of major of cavalry; one hundred and fifty assistant surgeons, with the rank of lieutenant of cavalry, for the first three years of service, and the rank of captain of cavalry after three years of service; and five medical store-keepers, with the rank of captain of cavalry. All the original vacancies in the grade of assistant surgeon shall be filled by selection, by examination, from among the persons who have served as staff or regimental surgeons or assistant surgeons of volunteers in the Army of the United States during the late war.
- SEC. 1169.** Officers of the Medical Department of the Army shall not be entitled, in virtue of their rank, to command in the line or in other staff corps.
- SEC. 1170.** Assistant surgeons who have served three years as surgeons or assistant surgeons in the volunteer forces (*) be eligible to promotion to the grade of captain.
- SEC. 1171.** The chief medical purveyor and the assistant medical purveyors may be assigned by the President to duty as surgeons, when not acting as purveyors.
- SEC. 1172.** No person shall receive the appointment of assistant surgeon unless he shall have been examined and approved by an Army medical board, consisting of not less than three surgeons or assistant surgeons, designated by the Secretary of War; and no person shall receive the appointment of surgeon unless he shall have served at least five years as an assistant surgeon in the Regular Army, and shall have been examined and approved by an Army medical board, consisting of not less than three surgeons, designated as aforesaid.
- SEC. 1173.** The chief medical purveyor shall have, under the direction of the Surgeon-General, supervision of the purchase and distribution of the hospital and medical supplies.
- SEC. 1174.** The officers of the Medical Department of the Army shall unite with the officers of the line in superintending the cooking done by the enlisted men; and the Surgeon-General shall promulgate to the officers of said corps such regulations and instructions as may tend to insure the proper preparation of the ration of the soldier. [See § 1284.]
- SEC. 1175.** Such quantities of fresh or preserved fruits, milk, butter, and eggs as may be necessary for the proper diet of the sick, may be allowed in hospitals. They shall be provided under such rules as the Surgeon-General, with the approval of the Secretary of War, shall prescribe.
- SEC. 1176.** Every soldier of the Union Army who was ruptured while in the line of duty during the war for the suppression of the rebellion, is entitled to receive a single or double truss, of such style as may be designated by the Surgeon-General, as best suited for his disability.
- SEC. 1177.** Application for such truss shall be made by the ruptured soldier, to an examining surgeon for pensions, whose duty it shall be to examine the applicant, and when found to have a rupture or hernia, to prepare and forward to the Surgeon-General an application for such truss without charge to the soldier. [See § 4787.]

(*) The word *shall* is omitted from the Roll.

SEC. 1178. The Surgeon-General is authorized and directed to purchase the trusses required for such soldiers, at wholesale prices, and the cost of the same shall be paid upon the requisition of the Surgeon-General out of any moneys in the Treasury not otherwise appropriated.

SEC. 1179. There shall be one hospital-steward for each military post, who may be enlisted in that grade, or appointed by the Secretary of War from the enlisted men of the Army, and shall be permanently attached to the Medical Corps, under such regulations as he may prescribe.

SEC. 1180. The Secretary of War may appoint from the enlisted men of the Army, or cause to be enlisted, as many hospital-stewards as the service may require, to be permanently attached to the Medical Corps, under such regulations as he may prescribe.

SEC. 1181. Hospital-stewards shall be graded as hospital-stewards of the first class, hospital-stewards of the second class, and hospital-stewards of the third class.

SEC. 1182. The Pay Department of the Army shall consist of one Paymaster-General, with the rank of colonel; two assistant paymasters-general, with the rank of colonel of cavalry; two deputy paymasters-general, with the rank of lieutenant-colonel of cavalry; and sixty paymasters, with the rank of major of cavalry.

SEC. 1183. Officers of the Pay Department shall not be entitled, in virtue of their rank, to command in the line or in other staff corps.

SEC. 1184. When volunteers or militia are called into the service of the United States, and the officers of the Paymaster's Department are not deemed by the President sufficient for the punctual payment of the troops, he may appoint, by and with the advice and consent of the Senate, and add to said corps as many paymasters, to be called additional paymasters, with the rank of major, not exceeding one for every two regiments of volunteers or militia, as he may deem necessary.

SEC. 1185. Additional paymasters shall be retained in service only so long as they may be required for the payment of volunteers and militia, as provided herein.

SEC. 1186. The Paymaster-General shall perform the duties of his office under the direction of the President.

SEC. 1187. The deputy paymasters-general shall, in addition to paying troops, superintend the payment of armies in the field.

SEC. 1188. The paymasters and additional paymasters shall pay the regular troops, and shall pay all other troops in the service of the United States, when required to do so by order of the President.

SEC. 1189. The Army shall be paid in such manner that the arrears shall at no time exceed two months, unless circumstances shall render further arrears unavoidable.

SEC. 1190. Paymasters and additional paymasters shall be allowed a capable non-commissioned officer or private as clerk. When suitable non-commissioned officers or privates cannot be procured from the line of the Army, they are authorized, by and with the approbation of the

Trusses, purchase of.

28 May, 1872, c. 228, s. 3, v. 17, p. 164.

Post hospital-stewards.

28 July, 1866, c. 299, s. 7, v. 14, p. 333.

16 Aug., 1856, c. 125, s. 2, v. 11, p. 51.

Hospital-stewards.

28 July, 1866, c. 299, s. 17, v. 14, p. 335.

Classes of hospital-stewards.

20 June, 1864, c. 145, s. 1, v. 13, p. 144.

Pay Department, organization.

28 July, 1866, c. 299, s. 18, v. 14, p. 335.

4 June, 1872, c. 266, v. 17, p. 219.

Right of command.

3 March, 1847, c. 61, s. 13, v. 9, p. 185.

Additional paymasters.

5 July, 1838, c. 162, s. 25, v. 5, p. 259.

Additional paymasters, service temporary.

5 July, 1838, c. 162, s. 25, v. 5, p. 259.

Duties of paymaster-General.

16 March, 1802, c. 9, s. 16, v. 2, p. 135.

Duties of deputy paymasters-general.

3 March, 1847, c. 61, ss. 12, 22, v. 9, p. 185. 19 July, 1846, c. 104, s. 3, v. 9, p. 247. 2 March, 1849, c. 80, v. 9, p. 350. 28 July, 1866, c. 299, s. 18, v. 14, p. 335.

Duties of paymasters.

24 April, 1816, c. 69, s. 4, v. 3, p. 298. 14 July, 1832, c. 224, s. 4, v. 4, p. 582. 5 July, 1838, c. 162, s. 25, v. 5, p. 259.

Periods of payment.

16 March, 1802, c. 9, s. 13, v. 2, p. 135.

Paymasters' clerks.

24 April, 1816, c. 69, s. 3, v. 3, p. 297.

5 July, 1838, c. 162, s. 20, v. 5, p. 259. Secretary of War, to employ citizens as clerks, at a salary of twelve hundred dollars a year.

20 June, 1864, c. 145, s. 10, v. 13, p. 145.

Bonds of disbursing officers, by whom to be given.

24 April, 1816, c. 69, s. 6, v. 3, p. 296.

17 June, 1846, c. 28, s. 2, v. 9, p. 17.

3 March, 1857, c. 106, s. 2, v. 11, p. 203.

23 Aug., 1842, c. 186, s. 2, v. 5, p. 512.

28 July, 1866, c. 299, s. 17, v. 14, p. 334.

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

17 July, 1862, c. 201, s. 16, v. 12, p. 600.—*U. S. vs. Kirkpatrick*, 9 Wh., 720; *U. S. vs. Van Zandt*, 11 Wh., 184; *Dox vs. Postmaster-General*, 1 Pet., 325; *U. S. vs. Linn*, 15 Pet., 290.

Renewing bond of paymasters.

2 March, 1849, c. 80, v. 9, p. 350.

Chiefs of corps and departments, how selected.

28 July, 1866, c. 299, s. 23, v. 14, p. 336.

Appointments and promotions in staff corps and Departments.

3 March, 1869, c. 124, s. 6, v. 15, p. 318.

10 June, 1872, c. 426, v. 17, p. 392.

Signal service, rank of chief.

28 July, 1866, c. 299, s. 22, v. 14, p. 335.

21 June, 1860, c. 163, s. 1, v. 12, p. 66.

Details for signal-duty.

28 July, 1866, c. 299, s. 22, v. 14, p. 335.

21 June, 1860, c. 163, s. 1, v. 12, p. 66.

Signal-detail to be mounted.

28 July, 1866, c. 299, s. 22, v. 14, p. 335.

Bureau of Military Justice, organization.

28 July, 1866, c. 299, s. 12, v. 14, p. 334.

Duties of Judge-Advocate-General.

28 July, 1866, c. 299, s. 12, v. 14, p. 334.

28 July, 1866, c. 299, s. 12, v. 14, p. 334.

Judge-advocates.

28 July, 1866, c. 299, s. 12, v. 14, p. 334.

25 Feb., 1867, c. 79, s. 1, v. 14, p. 410.

17 July, 1862, c. 201, s. 6, v. 12, p. 608.

10 April, 1869, c. 20, v. 16, p. 44.

Duties of judge-advocates.

28 July, 1866, c. 299, s. 12, v. 14, p. 334.

SEC. 1191. All officers of the Quartermaster's, Subsistence, and Pay Departments, the chief medical purveyor and assistant medical purveyors, and all store-keepers shall, before entering upon the duties of their respective offices, give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for all public moneys and property which they may receive. The President may, at any time, increase the sums so prescribed.

SEC. 1192. All disbursing officers of the Pay Department shall renew their bonds, or furnish additional security, at least once in four years, and as much oftener as the President may direct.

SEC. 1193. The Adjutant-General, the Quartermaster-General, the Commissary-General of Subsistence, the Surgeon-General, the Chief of Engineers, the Chief of Ordnance, and the Paymaster-General shall be appointed by selection from the corps to which they belong.

SEC. 1194. Until otherwise directed by law there shall be no new appointments and no promotions in the departments of Adjutant-General, or of Inspector-General, or in the Pay, Quartermaster's, Subsistence, Ordnance, or Medical Departments.

SEC. 1195. There shall be one Chief Signal-Officer, with the rank of colonel of cavalry, who shall have charge, under the direction of the Secretary of War, of all signal-duty, and of all books, papers, and apparatus connected therewith.

SEC. 1196. The Secretary of War may detail six officers from the Corps of Engineers, and any number of non-commissioned officers and privates not exceeding one hundred, from the battalion of engineers, for the performance of signal-duty; but no officer or enlisted man shall be so detailed until he shall have been examined and approved by a military board convened by the Secretary of War.

SEC. 1197. Enlisted men detailed for signal-duty shall, when it is deemed necessary, be mounted on horses provided by the Government.

SEC. 1198. The Bureau of Military Justice shall consist of one Judge-Advocate-General, with the rank of brigadier-general, and one assistant judge-advocate-general, with the rank of colonel of cavalry.

SEC. 1199. The Judge-Advocate-General shall receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and perform such other duties as have been performed heretofore by the Judge-Advocate-General of the Army.

SEC. 1200. There shall be eight judge-advocates of the Army, with the rank of major of cavalry.

SEC. 1201. Judge-advocates shall perform their duties under the direction of the Judge-Advocate-General.

SEC. 1202. Every judge-advocate of a court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of criminal jurisdiction within the State, Territory, or District where such military courts shall be ordered to sit, may lawfully issue.

Witnesses compelled to attend.

3 March, 1863, c. 79, s. 25, v. 12, p. 754.
Reporter.

SEC. 1203. The judge-advocate of a military court shall have power to appoint a reporter, who shall record the proceedings of, and testimony taken before, such court, and may set down the same, in the first instance, in short-hand. The reporter shall, before entering upon his duty, be sworn, or affirmed, faithfully to perform the same.

3 March, 1863, c. 75, s. 28, v. 12, p. 736.

OF PROMOTIONS, BREVETS, AND CERTIFICATES OF MERIT.

SEC. 1204. Promotions in the line shall be made through the whole Army, in its several lines of artillery, cavalry, and infantry, respectively. Promotions in the staff of the Army shall be made in the several departments and corps, respectively.

Promotions, general rule.

30 March, 1814, c. 37, s. 12, v. 3, p. 114.
3 March, 1851, c. 33, s. 1, v. 9, p. 618.

SEC. 1205. Officers may be transferred from the line to the staff of the Army without prejudice to their rank or promotion in the line; but no officer shall hold, at the same time, an appointment in the line and an appointment in the staff which confer equal rank in the Army. When any officer so transferred has, in virtue of seniority, obtained or become entitled to a grade in his regiment equal to the grade of his commission in the staff, he shall vacate either his commission in the line or his commission in the staff.

In case of transfers from the line.

3 March, 1813, c. 52, s. 4, v. 2, p. 819.
24 April, 1816, c. 69, s. 9, v. 3, p. 298.
18 June, 1846, c. 29, s. 7, v. 9, p. 18.

SEC. 1206. No officer of the Corps of Engineers below the rank of field-officer shall be promoted to a higher grade, until he shall have been examined and approved by a board of three engineers, senior to him in rank. If an engineer officer fail on such examination he shall be suspended from promotion for one year, when he shall be re-examined before a like board. In case of failure on such re-examination, he shall be dismissed from the service.

In Engineer Corps.

3 March, 1863, c. 79, s. 3, v. 12, p. 743.

SEC. 1207. When any lieutenant of the Corps of Engineers has served fourteen years' continuous service as lieutenant, he shall be promoted to the rank of captain, on passing the examination provided by the preceding section, but such promotion shall not authorize an appointment to fill any vacancy, when such appointment would increase the whole number of officers in the corps beyond the number fixed by law; nor shall any officer be promoted before officers of the same grade who rank him in his corps.

After fourteen years' service.

3 March, 1853, c. 98, s. 9, v. 10, p. 219.
3 March, 1863, c. 79, ss. 3, 4, v. 12, p. 743.

SEC. 1208. When promotions in the Ordnance Department of the Army are allowed by law, no officer of the corps, below the rank of field-officer, shall be promoted to a higher grade until he shall have been examined and approved by a board of not less than three ordnance officers, senior to him in rank. If an ordnance officer fail on such examination he shall be suspended from promotion for one year, when he shall be re-examined before a like board. In case of failure on such re-examination, he shall be dismissed from the service.

In Ordnance Corps.

3 March, 1863, c. 78, s. 4, v. 12, p. 743.
3 March, 1869, c. 124, s. 6, v. 15, p. 318.

SEC. 1209. The President, by and with the advice and consent of the Senate, may, in time of war, confer commissions by brevet upon commissioned officers of the Army, for distinguished conduct and public service in presence of the enemy.

Brevets.

64, s. 2, v. 3, p. 427. 1 March, 1869, c. 52, s. 2, v. 15, p. 281.

SEC. 1210. Brevet commissions shall bear date from the particular action or service for which the officers were brevetted.

Date of brevet commission.

1 March, 1869, c. 52, s. 2, v. 15, p. 281.

SEC. 1211. Officers may be assigned to duty or command according to their brevet rank by special assignment of the President; and brevet rank shall not entitle an officer to precedence or command except when so assigned.

Assignment to duty according to brevet rank.

16 April, 1818, c. 64, s. 1, v. 3, p. 427. 3 March, 1869, c. 124, s. 7, v. 15, p. 318.

Uniform and title.

15 July, 1870, c. 294, s. 16, v. 16, p. 319.

Cadets to be attached by brevet rank.

29 April, 1812, c. 72, s. 4, v. 2, p. 721.

Non-commissioned officers to be attached by brevet rank.

4 Aug., 1854, c. 247, s. 5, v. 10, p. 575.

29 April, 1812, c. 72, s. 4, v. 2, p. 721.

3 March, 1847, c. 61, s. 17, v. 9, p. 186.

Number of attachments by brevet rank.

29 April, 1812, c. 72, s. 4, v. 2, p. 721.

Certificates of merit for privates.

3 March, 1847, c. 61, s. 17, v. 9, p. 186.

Commissions now held not vacated.

28 July, 1866, c. 299, s. 31, v. 14, p. 337.

Persons who served in the rebellion ineligible.

28 July, 1866, c. 299, s. 23, v. 14, p. 336.

Time of actual service considered in fixing rank.

2 March, 1867, c. 159, s. 1, v. 14, p. 434.

Returns of ordnance; damages.

8 Feb., 1815, c. 38, s. 7, v. 3, p. 204.

Returns of clothing and camp-equipage.

SEC. 1212. No officer shall be entitled, on account of having been brevetted, to wear, while on duty, any uniform other than that of his actual rank; and no officer shall be addressed in orders or official communications by any title other than that of his actual rank.

SEC. 1213. When any cadet of the United States Military Academy has gone through all its classes and received a regular degree from the academical staff, he shall be considered a candidate for a commission in any corps for whose duties he may be deemed competent. If there be no vacancy in such corps, he may, subject to the provisions of section twelve hundred and fifteen, be attached to it by the President, as a supernumerary officer, by brevet of second lieutenant until a vacancy shall happen.

SEC. 1214. Non-commissioned officers may, under regulations established by the Secretary of War, be examined by a board of four officers, as to their qualifications for the duties of commissioned officers in the line of the Army, and shall be eligible for appointment as second lieutenants in any corps of the line for which they may be found so qualified. If there be no vacancy in such corps, any non-commissioned officer so found qualified for a commission therein may be attached to it by the President as a supernumerary officer, by brevet of second lieutenant, subject to the provisions of section twelve hundred and fifteen.

SEC. 1215. Only one supernumerary officer shall be attached to any company at the same time under the provisions of the two preceding sections.

SEC. 1216. When any private soldier shall have distinguished himself in the service, the President may, on the recommendation of the commanding officer of the regiment to which such private soldier belongs, grant him a certificate of merit.

GENERAL PROVISIONS OF ORGANIZATION.

SEC. 1217. None of the provisions of this Title, relating to the organization of the Army, shall be construed to vacate the commission of any officer now properly in the service, or borne on the Army Register as an officer retired from active service, or to require new appointments to fill the grades mentioned herein, which are now properly filled according to said provisions.

SEC. 1218. No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States.

SEC. 1219. In fixing relative rank between officers of the same grade and date of appointment and commission, the time which each may have actually served as a commissioned officer of the United States, whether continuously or at different periods, shall be taken into account. And in computing such time, no distinction shall be made between service as a commissioned officer in the Regular Army and service since the 19th day of April, 1861, in the volunteer forces, whether under appointment or commission from the President or from the governor of a State.

SEC. 1220. Every officer commanding a regiment, corps, garrison, or detachment shall make, once every two months, or oftener if so directed, a report to the Chief of Ordnance, stating all damages to arms, equipments, and implements belonging to his command, noting those occasioned by negligence or abuse, and naming the officer or soldier by whose negligence or abuse the said damages were occasioned.

SEC. 1221. Every officer who receives clothing or camp-equipage for the use of his command, or for issue to the troops, shall render to the Quartermaster-General, at the expiration of each regular quarter of the

year, quarterly returns of such supplies, according to the forms which may be prescribed, accompanied by the requisite vouchers for any issues which shall have been made.

SEC. 1222. No officer of the Army on the active list shall hold any civil office, whether by election or appointment, and every such officer who accepts or exercises the functions of a civil office shall thereby cease to be an officer of the Army, and his commission shall be thereby vacated.

SEC. 1223. Any officer of the Army who accepts or holds any appointment in the diplomatic or consular service of the Government shall be considered as having resigned his place in the Army, and it shall be filled as a vacancy.

SEC. 1224. Officers of the Army on the active list shall not be separated from their regiments or corps for employment on civil works of internal improvement, nor be allowed to engage in the service of incorporated companies, or be employed as acting paymaster, or disbursing agent of the Indian department, if such extra employment require that he be separated from his regiment or company, or otherwise interfere with the performance of the military duties proper. (See § 2062.)

SEC. 1225. The President may, upon the application of any established college or university within the United States, having capacity to educate, at the same time, not less than one hundred and fifty male students, detail an officer of the Army to act as president, superintendent, or professor thereof; but the number of officers so detailed shall not exceed twenty at any time, and they shall be apportioned throughout the United States, as nearly as may be practicable, according to population. Officers so detailed shall be governed by general rules prescribed, from time to time, by the President. The Secretary of War is authorized to issue at his discretion and under proper regulations to be prescribed by him, out of any small arms or pieces of field artillery belonging to the Government and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice, by the students of any college or university under the provisions of this section; and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof, and for the return of the same when required. (See § 1667.)

SEC. 1226. All officers who have served during the rebellion as volunteers in the Army of the United States, and have been honorably mustered out of the volunteer service, shall be entitled to bear the official title, and, upon occasions of ceremony, to wear the uniform of the highest grade they have held, by brevet or other commissions, in the volunteer service. The highest volunteer rank which has been held by officers of the Regular Army shall be entered, with their names respectively, upon the Army Register. But these privileges shall not entitle any officer to command, pay, or emoluments.

SEC. 1227. All persons who have served as officers, non-commissioned officers, privates, or other enlisted men, in the Regular Army, volunteer or militia forces of the United States, during the war of the rebellion, and have been honorably discharged from the service, or still remain in the same, shall be entitled to wear, on occasions of ceremony, the distinctive Army badge ordered for or adopted by the Army corps and division, respectively, in which they served.

SEC. 1228. No officer of the Army who has been or may be dismissed from the service by the sentence of a general court-martial, formally approved by the proper reviewing authority, shall ever be restored to the military service, except by a re-appointment confirmed by the Senate.

SEC. 1229. The President is authorized to drop from the rolls of the Army for desertion any officer who is absent from duty three months without leave; and no officer so dropped shall be eligible for re-appointment. And no officer in the military, or naval service shall in time of peace be dismissed from service except upon and in pursuance of the sentence of a court-martial to that effect, or in commutation thereof.

18 May, 1826, c. 74, s. 2, v. 4, p. 174.

Accepting or holding civil office.

15 July, 1870, c. 294, s. 18, v. 16, p. 319.

Accepting or holding diplomatic or consular office.

30 March, 1868, c. 38, s. 2, v. 15, p. 58.

Civil employment prohibited.

5 July, 1838, c. 163, s. 31, v. 5, p. 300.

Officers and arms for colleges.

28 July, 1866, c. 229, s. 26, v. 14, p. 336.

4 May, 1870, Res. 40, v. 16, p. 373.

Privileges on account of volunteer service.

28 July, 1866, c. 299, s. 34, v. 14, p. 337.

Army corps badges.

25 July, 1868, Public Resolution, No. 73, v. 15, p. 261.

Restoration of dismissed officers.

20 July, 1868, c. 186, v. 15, p. 125.

Officers dropped for desertion.

Art. of war 99.
Art. of war 106.

15 July, 1870, c. 294, s. 17, v. 16, p. 319.

13 July, 1866, c. 176, s. 5, v. 14, p. 92.

Officer dismissed by President may demand trial.

3 March, 1865, c. 79, s. 12, v. 13, p. 450.

Post and garrison schools.

28 July, 1866, c. 299, s. 27, v. 14, p. 336.

Enlisted men not to be used as servants.

15 July, 1870, c. 294, s. 14, v. 16, p. 319.

Company cooks.

3 March, 1863, c. 78, s. 9, v. 12, p. 744.

Superintendence of cooking.

3 March 1863, c. 78, s. 8, v. 12, p. 744.

Labor detail.

13 July, 1866, c. 176, s. 7, v. 14, p. 93.

Details to special service from forces in the field.

3 March, 1863, c. 75, s. 35, v. 12, p. 736.

Exemption from arrest.

16 March, 1862, c. 9, s. 23, v. 2, p. 136.

12 April, 1868, c. 43, s. 5, v. 2, p. 483. 11 Jan., 1812, c. 14, s. 21, v. 2, p. 674. 3 March, 1815, c. 79, s. 7, v. 3, p. 225.

Female nurses.

3 Aug., 1861, c. 49, s. 6, v. 12, p. 268.

Matrons.

16 March, 1862, c. 9, s. 4, v. 2, p. 134.

Laundresses.

16 March, 1862, c. 9, s. 5, v. 2, p. 134.

Sales of stores.

3 March, 1825, c. 93, ss. 1, 2, v. 4, p. 127.

Arms and accouterments in possession of persons not soldiers.

3 March, 1863, c. 75, s. 23, v. 12, p. 725.

SEC. 1230. When any officer, dismissed by order of the President, makes, in writing, an application for trial, setting forth, under oath, that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court-martial, to try such officer on the charges on which he shall have been dismissed. And if a court-martial is not so convened within six months from the presentation of such application for trial, or if such court, being convened, does not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void.

SEC. 1231. Schools shall be established at all posts, garrisons, and permanent camps at which troops are stationed, in which the enlisted men may be instructed in the common English branches of education, and especially in the history of the United States; and the Secretary of War may detail such officers and enlisted men as may be necessary to carry out this provision. It shall be the duty of the post or garrison commander to set apart a suitable room or building for school and religious purposes.

SEC. 1232. No officer shall use an enlisted man as a servant in any case whatever.

SEC. 1233. Cooks shall be detailed, in turn, from the privates of each company of troops in the service of the United States, at the rate of one cook for each company numbering less than thirty men, and two cooks for each company numbering more than thirty men; and they shall serve on each detail ten days.

SEC. 1234. The line officers of the Army shall superintend the cooking done for the enlisted men. [See § 1174.]

SEC. 1235. Working parties of soldiers shall be detailed for employment as artificers or laborers, in the construction of permanent military works or public roads, or in other constant labor only upon the written order of a commanding officer, when such detail is for ten or more days.

SEC. 1236. Details to special service from forces in the field shall be made only with the consent of the commanding officer of the forces.

SEC. 1237. No enlisted man shall, during his term of service, be arrested on mesne process, or taken or charged in execution for any debt, unless it was contracted before his enlistment, and amounted to twenty dollars when first contracted.

SEC. 1238. Women may be employed, instead of soldiers, as nurses in general or permanent hospitals, at such times and in such numbers as the Surgeon-General, or the medical officer in charge of any such hospital, may deem proper.

SEC. 1239. Hospital matrons and nurses may be employed in post or regimental hospitals in such numbers as may be necessary.

SEC. 1240. Women may be allowed to accompany troops as laundresses, in numbers not exceeding four to a company.

SEC. 1241. The President may cause to be sold any military stores which, upon proper inspection or survey, appear to be damaged, or unsuitable for the public service. Such inspection or survey shall be made by officers designated by the Secretary of War, and the sales shall be made under regulations prescribed by him.

SEC. 1242. The clothing, arms, military outfits, and accouterments furnished by the United States to any soldier shall not be sold, bartered, exchanged, pledged, loaned, or given away; and the possession of any such property by any person not a soldier or officer of the United States shall be prima-facie evidence of such sale, barter, exchange, pledge, loan,

or gift. Such property may be seized and taken from any person, not a soldier or officer of the United States, by any officer, civil or military, of the United States, and shall, thereupon, be delivered to any quartermaster or other officer authorized to receive the same.

CHAPTER TWO.

RETIREMENT.

<p>Sec. 1243. Retirement upon officer's own application. 1244. After forty five years, or at the age of sixty-two. 1245. For disability. 1246. Composition of retiring board. 1247. Oath of members. 1248. Powers and duties. 1249. Findings. 1250. Revision by the President. 1251. Finding of disability by incident of service.</p>	<p>Sec. 1252. Disability not by an incident of service. 1253. Officers entitled to a hearing. 1254. Retired rank. 1255. Status of retired officers. 1256. Rights and liabilities. 1257. Vacancies by retirement. 1258. Number on the retired list. 1259. Assignment to duty. 1260. Detail as professor in a college.</p>
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SEC. 1243. When an officer has served forty consecutive years as a commissioned officer, he shall, if he makes application therefor to the President, be retired from active service and placed upon the retired list. When an officer has been thirty years in service, he may, upon his own application, in the discretion of the President, he so retired, and placed on the retired list.

Retirement upon officer's own application.

3 Aug., 1861, c. 42, s. 15, v. 12, p. 289.
15 July, 1870, c. 294, ss. 4, 5, v. 16, p. 317.

SEC. 1244. When any officer has served forty-five years as a commissioned officer, or is sixty-two years old, he may be retired from active service at the discretion of the President.

After 45 years, or at the age of 62.

17 July, 1862, c. 200, s. 12, v. 12, p. 596.

SEC. 1245. When any officer has become incapable of performing the duties of his office, he shall be either retired from active service, or wholly retired from the service, by the President, as hereinafter provided.

For disability.

3 Aug., 1861, c. 42, s. 16, v. 12, p. 289.

SEC. 1246. The Secretary of War, under the direction of the President, shall, from time to time, assemble an Army retiring board, consisting of not more than nine nor less than five officers, two-fifths of whom shall be selected from the Medical Corps. The board, excepting the officers selected from the Medical Corps, shall be composed, as far as may be, of seniors in rank to the officer whose disability is inquired of.

Composition of retiring board.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 289.

SEC. 1247. The members of said board shall be sworn in every case to discharge their duties honestly and impartially.

Oath of members.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1248. A retiring board may inquire into and determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office, and shall have such powers of a court-martial and of a court of inquiry as may be necessary for that purpose.

Powers and duties.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1249. When the board finds an officer incapacitated for active service, it shall also find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is an incident of service.

Findings.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1250. The proceedings and decision of the board shall be transmitted to the Secretary of War, and shall be laid by him before the President for his approval or disapproval and orders in the case.

Revision by the President.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Finding of disability by an incident of service.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Disability not by an incident of service.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Officers entitled to a hearing.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Retired rank.

10 June, 1872, c. 419, v. 17, p. 378.

Status of retired officers.

3 Aug., 1861, c. 42, s. 16, v. 12, p. 289.

Rights and liabilities.

3 Aug., 1861, c. 42, s. 18, v. 12, p. 290.

Vacancies by retirement.

3 Aug., 1861, c. 42, s. 16, v. 12, p. 289.

Number on the retired list.

15 July, 1870, c. 294, s. 5, v. 16, p. 317.

Assignment to duty.

6 April, 1870, Res. 32, v. 16, p. 372.

21 Jan., 1870, c. 9, s. 2, v. 16, p. 62.

Detail as professor in a college.

15 July, 1870, c. 294, s. 23, v. 16, p. 320.

SEC. 1251. When a retiring board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of service, and such decision is approved by the President, said officer shall be retired from active service and placed on the list of retired officers.

SEC. 1252. When the board finds that an officer is incapacitated for active service, and that his incapacity is not the result of any incident of service, and its decision is approved by the President, the officer shall be retired from active service, or wholly retired from the service, as the President may determine. The names of officers wholly retired from the service shall be omitted from the Army Register.

SEC. 1253. Except in cases where an officer may be retired by the President upon his own application, or by reason of his having served forty-five years, or of his being sixty-two years old, no officer shall be retired from active service, nor shall an officer, in any case, be wholly retired from the service, without a full and fair hearing before an Army retiring board, if, upon due summons, he demands it.

SEC. 1254. Officers hereafter retired from active service shall be retired upon the actual rank held by them at the date of retirement.

SEC. 1255. Officers retired from active service shall be withdrawn from command and from the line of promotion.

SEC. 1256. Officers retired from active service shall be entitled to wear the uniform of the rank on which they may be retired. They shall continue to be borne on the Army Register, and shall be subject to the rules and articles of war, and to trial by general court-martial for any breach thereof.

SEC. 1257. When any officer in the line of promotion is retired from active service, the next officer in rank shall be promoted to his place, according to the established rules of the service; and the same rule of promotion shall be applied, successively, to the vacancies consequent upon such retirement.

SEC. 1258. The whole number of officers of the Army on the retired list shall not at any time exceed three hundred, and any less number to be allowed thereon may be fixed by the President in his discretion.

3 Aug., 1861, c. 42, s. 16, v. 12, p. 289.

SEC. 1259. Retired officers of the Army may be assigned to duty at the Soldiers' Home, upon a selection by the commissioners of that institution, approved by the Secretary of War; and a retired officer shall not be assignable to any other duty. (See § 4316.)

SEC. 1260. Any retired officer may, on his own application, be detailed to serve as professor in any college.

CHAPTER THREE.

PAY AND ALLOWANCES.

<p>Sec. 1261. Rates of pay. 1262. Service pay. 1263. Not to exceed forty per centum on yearly pay. 1264. Brevets. 1265. Pay during absence. 1266. Forfeiture of pay. 1267. Maximum of colonel's and lieutenant-colonel's pay. 1268. To be paid monthly.</p>	<p>Sec. 1269. Allowances. 1270. Allowance of fuel, quarters, and forage. 1271. Forage, to whom furnished. 1272. Forage, when allowed. 1273. Mileage. 1274. Officers retired from active service. 1275. Wholly retired. 1276. Indian rations. 1277. Hospital matrons, female nurses.</p>
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<p>Sec. 1278. Leader of band. 1279. Chief musicians. 1280. Pay of enlisted men. 1281. Additional pay. 1282. Re-enlistment pay. 1283. Service pay of men already in service. 1284. Re-enlistment. 1285. Certificate of merit. 1286. Non-commissioned officers of Mexican war. 1287. Extra duty. 1288. During captivity. 1289. Travel-pay to officers. 1290. Travel-pay to soldiers. 1291. Soldiers' pay not assignable. 1292. Volunteers. 1293. Rations of enlisted men.</p>	<p>Sec. 1294. Sugar and coffee. 1295. Of laundresses, matrons, and nurses. 1296. Clothing prescribed by the President. 1297. None to ordnance-sergeants. 1298. Gratuitous clothing. 1299. Deductions for rations purchased. 1300. For articles purchased. 1301. For tobacco purchased. 1302. Clothing allowances and deductions. 1303. For damage to arms. 1304. For deficiencies. 1305. Deposits of soldiers' savings. 1306. Interest on deposits. 1307. Regulations for deposits. 1308. Deposits and clothing balances, how payable.</p>
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OFFICERS.

SEC. 1261. The officers of the Army shall be entitled to the pay herein stated after their respective designations:

The General: thirteen thousand five hundred dollars a year.

Lieutenant-General: eleven thousand dollars a year.

Major-general: seven thousand five hundred dollars a year.

Brigadier-general: five thousand five hundred dollars a year.

Colonel: three thousand five hundred dollars a year.

Lieutenant-colonel: three thousand dollars a year.

Major: two thousand five hundred dollars a year.

Captain, mounted: two thousand dollars a year.

Captain, not mounted: eighteen hundred dollars a year.

Adjutant: eighteen hundred dollars a year.

Regimental quartermaster: eighteen hundred dollars a year.

First lieutenant, mounted: sixteen hundred dollars a year.

First lieutenant, not mounted: fifteen hundred dollars a year.

Second lieutenant, mounted: fifteen hundred dollars a year.

Second lieutenant, not mounted: fourteen hundred dollars a year.

Chaplain: fifteen hundred dollars a year.

Aid to major-general: two hundred dollars a year, in addition to pay of his rank.

Aid to brigadier-general: one hundred and fifty dollars a year, in addition to pay of his rank.

Acting assistant commissary: one hundred dollars a year, in addition to pay of his rank.

Ordnance store-keeper at Springfield armory: two thousand five hundred dollars a year.

All other store-keepers: two thousand dollars a year.

SEC. 1262. There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, ten per centum of their current yearly pay for each term of five years of service.

SEC. 1263. The total amount of such increase for length of service shall in no case exceed forty per centum on the yearly pay of the grade as provided by law.

15 July, 1870, c. 294, s. 24, v. 16, p. 320.

SEC. 1264. Brevets conferred upon commissioned officers shall not entitle them to any increase of pay.

Rates of pay.

15 July, 1870, c. 294, s. 24, v. 16, p. 320.

3 March, 1867, c. 145, s. 7, v. 14, p. 423.

Service pay.

15 July, 1870, c. 294, s. 24, v. 16, p. 320.

Not to exceed forty per centum on yearly pay.

15 July, 1870, c. 294, s. 24, v. 16, p. 320.

Brevets.

3 March, 1863, c.

82, v. 12, p. 758. 3 March, 1865, c. 79, s. 9, v. 13, p. 488.

SEC. 1265. Officers when absent on account of sickness or wounds, or lawfully absent from duty and waiting orders, shall receive full pay; when absent with leave, for other causes, full pay during such absence not exceeding in the aggregate thirty days in one year, and half-pay during such absence exceeding thirty days in one year. When absent without leave, they shall forfeit all pay during such absence, unless the absence is excused as unavoidable.

Pay during absence.

3 Aug., 1861, c. 42, s. 20, v. 12, p. 290.

3 March, 1863, c. 75, s. 31, v. 12, p. 736.

20 June, 1864, c. 145, s. 11, v. 13, p. 145. 15 July, 1870, c. 294, s. 24, v. 16, p. 320.

- Forfeiture of pay.** SEC. 1266. Every officer who is dropped by the President from the rolls of the Army, for absence from duty three months without leave, shall forfeit all pay due or to become due.
 15 July, 1870, c. 294, a. 17, v. 16, p. 319.
- Maximum of colonel's and lieutenant-colonel's pay.** SEC. 1267. In no case shall the pay of a colonel exceed four thousand five hundred dollars a year, or the pay of a lieutenant-colonel exceed four thousand dollars a year.
 15 July, 1870, c. 294, a. 24, v. 16, p. 320.
- To be paid monthly.** SEC. 1268. The sums hereinbefore allowed shall be paid in monthly payments by the paymaster.
 15 July, 1870, c. 294, a. 24, v. 16, p. 320.
- Allowances.** SEC. 1269. No allowances shall be made to officers in addition to their pay except as hereinafter provided.
 15 July, 1870, c. 294, a. 24, v. 16, p. 320.
- Allowance of fuel, quarters, and forage.** SEC. 1270. Fuel, quarters, and forage may be furnished in kind to officers by the Quartermaster's Department according to law and regulations.
 15 July, 1870, c. 294, a. 24, v. 16, p. 320.
- Forage, to whom furnished.** SEC. 1271. Forage in kind may be furnished to officers by the Quartermaster's Department as follows:
 Major-general: for five horses.
 Brigadier-general: for four horses.
 Colonel: for two horses.
 Lieutenant-colonel: for two horses.
 Major: for two horses.
 Captains and lieutenants, mounted: for two horses.
 Adjutants and regimental quartermasters: for two horses.
 Chaplains: for two horses.
 Ordnance store-keeper and paymaster at Springfield armory: for two horses.
 All other store-keepers: for two horses.
- Forage, when allowed.** SEC. 1272. Forage shall be allowed to officers only for horses authorized by law, and actually kept by them in service when on duty and at the place where they are on duty.
 17 July, 1862, c. 200, a. 1, v. 12, p. 594.
 24 April, 1816, c. 69, a. 12, v. 3, p. 299.
- Mileage.** SEC. 1273. When any officer travels under orders, and is not furnished transportation by the Quartermaster's Department, or on a conveyance belonging to or chartered by the United States, he shall be allowed ten cents a mile, and no more, for each mile actually traveled under such order, distances to be calculated according to the nearest post-routes; and no payment shall be made to any officer except by a paymaster of the Army.
 15 July, 1870, c. 294, a. 24, v. 16, p. 320.
- Officers retired from active service.** SEC. 1274. Officers retired from active service shall receive seventy-five per centum of the pay of the rank upon which they are retired.
 15 July, 1870, c. 294, a. 24, v. 16, p. 320.
- Wholly retired.** SEC. 1275. Officers wholly retired from the service shall be entitled to receive, upon their retirement, one year's pay and allowances of the highest rank held by them, whether by staff or regimental commission, at the time of their retirement.
 3 Aug., 1861, c. 42, a. 17, v. 12, p. 290.
- Indian scouts.** SEC. 1276. Indians, enlisted or employed by order of the President as scouts, shall receive the pay and allowances of cavalry soldiers.
 28 July, 1866, c. 299, a. 6, v. 14, p. 333.
- Hospital matrons; female nurses.** SEC. 1277. Hospital matrons in post or regimental hospitals shall receive ten dollars a month, and female nurses in general hospitals shall receive forty cents a day. One ration in kind or by commutation shall be allowed to each.
 16 March, 1802, c. 9, a. 5, v. 2, p. 134.
 4 July, 1864, Res. 75, v. 13, p. 416. 3 Aug., 1861, c. 42, a. 6, v. 12, p. 298.
- Leader of band.** SEC. 1278. The leader of the band stationed at the Military Academy shall receive seventy-five dollars a month.
 20 June, 1864, c. 145, a. 1, v. 13, p. 144.

SEC. 1279. The chief musicians of regiments shall receive sixty dollars a month and the allowances of a quartermaster-sergeant. Chief musicians.

3 March, 1869, c.
124, s. 5, v. 15, p. 318.

SEC. 1280. The monthly pay of the following enlisted men of the Army shall, during their first term of enlistment, be as follows, with the contingent conditions thereto, hereinafter provided: Pay of enlisted men.

15 May, 1872, c.
160, s. 1, v. 17, p.
116.

Sergeant-majors of cavalry, artillery, and infantry, twenty-three dollars.
Quartermaster-sergeants of cavalry, artillery, and infantry, twenty-three dollars.

Chief trumpeters of cavalry, twenty-two dollars.

Principal musicians of artillery and infantry, twenty-two dollars.

Saddler-sergeants of cavalry, twenty-two dollars.

First sergeants of cavalry, artillery, and infantry, twenty-two dollars.

Sergeants of cavalry, artillery, and infantry, seventeen dollars.

Corporals of cavalry and light artillery, fifteen dollars.

Corporals of artillery and infantry, fifteen dollars.

Saddlers of cavalry, fifteen dollars.

Blacksmiths and farriers of cavalry, fifteen dollars.

Trumpeters of cavalry, thirteen dollars.

Musicians of artillery and infantry, thirteen dollars.

Privates of cavalry, artillery, and infantry, thirteen dollars.

Hospital-stewards, first class, thirty dollars.

Hospital-stewards, second class, twenty-two dollars.

Hospital-stewards, third class, twenty dollars.

Ordnance-sergeants of posts, thirty-four dollars.

Sergeant-majors of engineers, thirty-six dollars.

Quartermaster-sergeants of engineers, thirty-six dollars.

Sergeants of engineers and ordnance, thirty-four dollars.

Corporals of engineers and ordnance, twenty dollars.

Musicians of engineers, thirteen dollars.

Privates (first class) of engineers and ordnance, seventeen dollars.

Privates (second class) of engineers and ordnance, thirteen dollars.

SEC. 1281. To the rates of pay stated in the preceding section one dollar per month shall be added for the third year of enlistment, one dollar more per month for the fourth year, and one dollar more per month for the fifth year, making in all three dollars' increase per month for the last year of the first enlistment of each enlisted man named in said section. But this increase shall be considered as retained pay, and shall not be paid to the soldier until his discharge from the service, and shall be forfeited unless he serves honestly and faithfully to the date of discharge.

Additional pay.

15 May, 1872, c.
160, s. 2, v. 17, p.
116.

SEC. 1282. All enlisted men mentioned in section twelve hundred and eighty, who, having been honorably discharged, have re-enlisted or shall re-enlist within one month thereafter, shall, after five years' service, including their first enlistment, be paid at the rate allowed in said section to those serving in the fifth year of their first enlistment: *Provided*, That one dollar per month shall be retained from the pay of the re-enlisted men, of whatever grade, named in section twelve hundred and eighty-one during the whole period of their re-enlistment, to be paid to the soldier on his discharge, but to be forfeited unless he shall have served honestly and faithfully to the date of discharge.

Re-enlistment pay.

15 May, 1872, c.
160, s. 3, v. 17, p.
116.
4 Aug., 1854, c.
247, s. 2, v. 10, p.
575.

SEC. 1283. Enlisted men, now in the service, shall receive the rates of pay established in this chapter according to the length of their service.

Service pay of men already in service.

15 May, 1872, c. 160, s. 4, v. 17, p. 117.

SEC. 1284. Every soldier who, having been honorably discharged, re-enlists within one month thereafter, shall be further entitled, after five years' service, including his first enlistment, to receive, for the period of five years next thereafter, two dollars per month in addition to the ordinary pay of his grade; and for each successive period of five years of service, so long as he shall remain continuously in the Army, a further sum of one dollar per month. The past continuous service, of soldiers

Re-enlistment.

4 Aug., 1854, c.
247, s. 2, v. 10, p.
575.
15 May, 1872, c.
160, s. 4, v. 17, p.
117.

now in the Army, shall be taken into account, and shall entitle such soldier to additional pay according to this rule; but services rendered prior to August fourth, eighteen hundred and fifty-four, shall in no case be accounted as more than one enlistment.

Certificate of merit.

3 March, 1847, c. 61, s. 17, v. 9, p. 186.
4 Aug., 1854, c. 247, s. 3, v. 10, p. 575.

Non-commissioned officers of Mexican war.

4 Aug., 1854, c. 247, s. 3, v. 10, p. 575.
3 March, 1847, c. 61, s. 17, v. 9, p. 186.
Extra duty.

13 July, 1866, c. 176, s. 7, v. 14, p. 93.
1 Feb., 1873, c. 88, v. 17, p. 422.

During captivity.

30 March, 1814, c. 37, s. 14, v. 3, p. 115.

Travel-pay to officers.

20 June, 1864, c. 145, s. 8, v. 13, p. 145.
29 Jan., 1813, c. 16, s. 15, v. 2, p. 796.
11 Jan., 1812, c. 14, s. 22, v. 2, p. 674.

Travel-pay to soldiers.

20 June, 1864, c. 145, s. 8, v. 13, p. 145.
29 Jan., 1813, c. 16, s. 15, v. 2, p. 796.
11 Jan., 1812, c. 14, s. 22, v. 2, p. 674.

Soldiers' pay not assignable.

8 May, 1792, c. 37, s. 4, v. 1, p. 280.

Volunteers.

2 March, 1867, c. 159, s. 2, v. 14, p. 435.

SEC. 1285. A certificate of merit granted to a private soldier by the President for distinguished services shall entitle him to additional pay, at the rate of two dollars per month, while he remains continuously in the service; and such certificate of merit granted to a private soldier who served in the war with Mexico shall entitle him to such additional pay, although he may not have remained continuously in the service.

SEC. 1286. Non-commissioned officers who served in the war with Mexico, and have been recommended by the commanding officers of their regiments for promotion by brevet to the lowest grade of commissioned officer, but have not received such recommended promotion, shall be entitled to additional pay at the rate of two dollars per month, although they may not have remained continuously in the service.

SEC. 1287. When soldiers are detailed for employment as artificers or laborers in the construction of permanent military works, public roads, or other constant labor of not less than ten days' duration, they shall receive, in addition to their regular pay, the following compensation: Privates working as artificers, and non-commissioned officers employed as overseers of such work, not exceeding one overseer for twenty men, thirty-five cents per day, and privates employed as laborers, twenty cents per day. This allowance of extra pay shall not apply to the troops of the Ordnance Department.

SEC. 1288. Every non-commissioned officer and private of the Regular Army, and every officer, non-commissioned officer, and private of any militia or volunteer corps in the service of the United States who is captured by the enemy, shall be entitled to receive during his captivity, notwithstanding the expiration of his term of service, the same pay, subsistence, and allowance to which he may be entitled while in the actual service of the United States; but this provision shall not be construed to entitle any prisoner of war of such militia corps to any pay or compensation after the date of his parole, except the traveling expenses allowed by law.

SEC. 1289. When an officer is honorably discharged from the service, he shall be allowed transportation and subsistence from the place of his discharge to the place of his residence at the time of his appointment, or to the place of his original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel-pay and commutation of subsistence, according to his rank, for such time as may be sufficient for him to travel from the place of discharge to the place of his residence, or original muster into service, computed at the rate of one day for every twenty miles.

SEC. 1290. When a soldier is honorably discharged from the service, he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel-pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, computed at the rate of one day for every twenty miles.

SEC. 1291. No assignment of pay by a non-commissioned officer or private, previous to his discharge, shall be valid.

SEC. 1292. In all matters relating to the pay and allowances of officers and soldiers of the Army of the United States, the same rules and regulations shall apply to the Regular Army and to volunteer forces mustered into the service of the United States for a limited period.

SEC. 1293. Sergeants and corporals of ordnance shall be entitled to receive one ration and a half daily. Other enlisted men shall be entitled to receive one ration daily.

38, s. 11, v. 3, p. 204. 5 July, 1862, c. 133, s. 3, v. 12, p. 508. 2 March, 1821, c. 13, s. 11, p. 615.

SEC. 1294. For each ration of sugar and coffee not issued, nor commuted for the extract of coffee combined with milk and sugar, enlisted men shall be paid in money. [See § 1147.]

SEC. 1295. Laundresses allowed to accompany troops, hospital matrons, and the nurses employed in post or regimental hospitals, shall be entitled to receive one ration daily.

SEC. 1296. The President may prescribe the uniform of the Army and quantity and kind of clothing which shall be issued annually to the troops of the United States.

24 April, 1816, c. 69, s. 7, v. 3, p. 298.

SEC. 1297. No allowance of clothing shall be made to sergeants of ordnance.

8 Feb., 1815, c. 38, s. 11, v. 3, p. 204. 5 July 1862, c. 133, s. 3, v. 12, p. 508.

SEC. 1298. The Secretary of War may, on the recommendation of the Surgeon-General, order gratuitous issues of clothing to soldiers who have had contagious diseases, and to hospital attendants who have nursed them, to replace any articles of their clothing destroyed by order of the proper medical officers to prevent contagion.

SEC. 1299. The amount due from any officer for rations purchased on credit, or for any article designated by the inspectors-general of the Army and purchased on credit from commissaries of subsistence, shall be deducted from the payment made to such officer next after such purchase shall have been reported to the Paymaster-General. [See §§ 1144, 1145.]

28 July, 1866, c. 299, s. 25, v. 14, p. 336.

SEC. 1300. The amount due from any enlisted man for articles designated by the inspectors-general of the Army, and sold to him on credit by commissaries of subsistence, shall be deducted from the payment made to him next after such sale shall have been reported to the Paymaster-General. [See §§ 1144, 1145.]

SEC. 1301. The amount due from any enlisted man for tobacco sold to him at cost prices by the United States shall be deducted from his pay in the manner provided for the settlement of clothing accounts. [See § 1149.]

SEC. 1302. The money value of all clothing overdrawn by the soldier beyond his allowance shall be charged against him, every six months, on the muster-roll of his company, or on his final statements if sooner discharged, and he shall receive pay for such articles of clothing as have not been issued to him in any year, or which may be due to him at the time of his discharge, according to the annual estimated value thereof. The amount due him for clothing, when he draws less than his allowance, shall not be paid to him until his final discharge from the service.

SEC. 1303. The cost of repairs or damages done to arms, equipments, or implements, shall be deducted from the pay of any officer or soldier in whose care or use the same were when such damages occurred, if said damages were occasioned by the abuse or negligence of said officer or soldier.

SEC. 1304. In case of deficiency of any article of military supplies, on final settlements of the accounts of any officer charged with the issue of the same, the value thereof shall be charged against the delinquent and deducted from his monthly pay, unless he shall show to the satisfaction of the Secretary of War, by one or more depositions setting forth the circumstances of the case, that said deficiency was not occasioned by any fault on his part. And in case of damage to any military supplies,

Rations of enlisted men.

8 Feb., 1815, c. 38, s. 11, p. 615.

Sugar and coffee.

5 July, 1838, c. 162, s. 17, v. 5, p. 258.

Laundresses, matrons, and nurses.

16 March, 1802, c. 9, s. 5, v. 2, p. 134.

Clothing, prescribed by the President.

24 April, 1816, c. 69, s. 7, v. 3, p. 298.

None to ordnance sergeants.

8 Feb., 1815, c. 38, s. 11, v. 3, p. 204. 5 July 1862, c. 133, s. 3, v. 12, p. 508.

Gratuitous clothing.

12 March, 1866, Res. 19, v. 15, p. 250.

Deductions for rations purchased.

3 March, 1865, c. 81, s. 5, v. 13, p. 497.

28 July, 1866, c. 299, s. 25, v. 14, p. 336.

For articles purchased.

28 July, 1866, c. 299, s. 25, v. 14, p. 336.

For tobacco purchased.

3 March, 1865, c. 81, s. 6, v. 13, p. 497.

Clothing allowances and deductions.

15 May, 1872, c. 161, s. 3, v. 17, p. 117.

24 April, 1816, c. 69, ss. 7, 8, v. 4, p. 298.

For damage to arms.

8 Feb., 1815, c. 38, s. 7, v. 3, p. 204.

For deficiencies.

18 May, 1826, c. 74, s. 3, v. 4, p. 174.

the value of such damage shall be charged against such officer and deducted from his monthly pay, unless he shall, in like manner, show that such damage was not occasioned by any fault on his part. [See Art of war 15.]

Deposits of soldiers' savings.

15 May, 1872, c. 161, s. 1, v. 17, p. 117.

SEC. 1305. Any enlisted man of the Army may deposit his savings, in sums not less than five dollars, with any Army paymaster, who shall furnish him a deposit-book, in which shall be entered the name of the paymaster and of the soldier, and the amount, date, and place of such deposit. The money so deposited shall be accounted for in the same manner as other public funds, and shall pass to the credit of the appropriation for the pay of the Army, and shall not be subject to forfeiture by sentence of court-martial, but shall be forfeited by desertion, and shall not be permitted to be paid until final payment on discharge, or to the heirs or representatives of a deceased soldier, and that such deposit be exempt from liability for such soldier's debts: *Provided*, That the Government shall be liable for the amount deposited to the person so depositing the same.

Interest on deposits.

15 May, 1872, c. 161, s. 2, v. 17, p. 117.
Regulations for deposits.

SEC. 1306. For any sums not less than fifty dollars so deposited for the period of six months, or longer, the soldier, on his final discharge, shall be paid interest at the rate of four per centum per annum.

SEC. 1307. The system of deposits herein established shall be carried into execution under such regulations as may be established by the Secretary of War.

15 May, 1872, c. 161, s. 4, v. 17, p. 117.

Deposits and clothing balances, how payable.

15 May, 1872, c. 61, s. 5, v. 17, p. 117.

SEC. 1308. The amounts of deposits and clothing-balances accumulating to the soldier's credit under sections thirteen hundred and two and thirteen hundred and five, shall, when payable to him upon his discharge, be paid out of the appropriations for "pay of the Army" for the then current fiscal year.

CHAPTER FOUR.

THE MILITARY ACADEMY.

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Officers, professors, and instructors.

16 March, 1802, c. 9, s. 28, v. 2, p. 137.
12 June, 1858, c. 156, s. 1, v. 11, p. 333.
20 April, 1812, c. 72, s. 2, v. 2, p. 720.
14 April, 1818, c. 61, s. 2, v. 3, p. 426.

SEC. 1300. The United States Military Academy at West Point, in the State of New York, shall be constituted as follows: There shall be one superintendent; one commandant of cadets; one senior instructor in the tactics of artillery; one senior instructor in the tactics of cavalry; one senior instructor in the tactics of infantry; one professor and one assistant professor of civil and military engineering; one professor and one assistant professor of natural and experimental philosophy; one professor and one assistant professor of mathematics; one chaplain, who shall also be professor of history, geography, and ethics, and one assistant professor of the same; one professor and one assistant pro-

fessor of chemistry, mineralogy, and geology; one professor and one assistant professor of drawing; one professor and one assistant professor of the French language; one professor and one assistant professor of the Spanish language; one adjutant; one master of the sword; and one teacher of music.

20 July, 1840, c. 50, s. 3, v. 5, p. 396.
5 July, 1838, c. 102, s. 19, v. 5, p. 259.
8 Aug., 1846, c. 96, s. 3, v. 9, p. 71.
6 Aug., 1852, c. 81, v. 9, p. 594. 25 Feb., 1867, c. 100, s. 3, v. 14, p. 416. 16 Feb., 1857, c. 45, v. 11, p. 161. 3 March, 1851, c. 22, v. 9, p. 594. 25 Feb., 1867, c. 100, s. 3, v. 14, p. 416. 16 Feb., 1857, c. 45, v. 11, p. 161.

SEC. 1310. The superintendent and the commandant of cadets, while serving as such, shall have, respectively, the local rank of colonel and lieutenant-colonel of engineers.

Local rank of superintendent and commandant.

12 June, 1858, c. 156, s. 1, v. 11, p. 333.

SEC. 1311. The superintendent, and, in his absence, the next in rank, shall have the immediate government and military command of the Academy, and shall be commandant of the military post of West Point.

Superintendent.

16 March, 1802, c. 9, s. 28, v. 2, p. 137.
23 Aug., 1842, c. 186, s. 6, v. 5, p. 513.

SEC. 1312. The commandant of the cadets shall have the immediate command of the battalion of cadets, and shall be instructor in the tactics of artillery, cavalry, and infantry.

Commandant of cadets.

12 June, 1858, c. 156, s. 1, v. 11, p. 333.

SEC. 1313. The superintendent, the commandant of cadets, and the professors shall be appointed by the President. The assistant professors, acting assistant professors, and the adjutant shall be officers of the Army, detailed and assigned to such duties by the Secretary of War, or cadets, assigned by the superintendent, under the direction of the Secretary of War.

Appointment of officers and professors.

28 Feb., 1803, c. 13, s. 2, v. 2, p. 206.
12 June, 1858, c. 156, s. 1, v. 11, p. 333.
29 April, 1812, c. 72, s. 2, v. 2, p. 720. 13 July, 1866, c. 176, s. 6, v. 14, p. 92.

SEC. 1314. The superintendent and commandant of cadets may be selected, and all other officers on duty at the Academy may be detailed from any arm of the service; but the academic staff as such shall not be entitled to any command in the Army separate from the Academy.

Selection of officers.

13 July, 1866, c. 176, s. 6, v. 14, p. 92.

SEC. 1315. The corps of cadets shall consist of one from each congressional district, one from each Territory, one from the District of Columbia, and ten from the United States at large. They shall be appointed by the President, and shall, with the exception of the ten cadets appointed at large, be actual residents of the congressional or territorial districts, or of the District of Columbia, respectively, from which they purport to be appointed.

Cadets, number and appointment of.

1 March, 1843, c. 52, s. 2, v. 5, p. 606.

SEC. 1316. No person who has served in any capacity in the military or naval service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion shall be appointed a cadet.

Persons who have been in rebel service.

8 June, 1866, c. 110, s. 2, v. 14, p. 59.

SEC. 1317. Cadets shall be appointed one year in advance of the time of their admission to the Academy, except in cases where, by reason of death or other cause, a vacancy occurs which cannot be provided for by such appointment in advance; but no pay or other allowance shall be given to any appointee until he shall have been regularly admitted, as herein provided; and all appointments shall be conditional, until such provisions shall have been complied with.

Appointment in advance.

16 June, 1866, Res. 49, s. 1, v. 14, p. 359.

SEC. 1318. Appointees shall be admitted to the Academy only between the ages of seventeen and twenty-two years, except in the following case: Any person who has served honorably and faithfully not less than one year, in either the volunteer or regular service of the United States, in the late war for the suppression of the rebellion, and who possesses the other qualifications required by law, may be admitted between the ages of seventeen and twenty-four years.

Age of appointees.

16 June, 1866, Res. 49, s. 1, v. 14, p. 359.

SEC. 1319. Appointees shall be examined under regulations to be prescribed from time to time by the Secretary of War, before they shall be admitted to the Academy, and shall be required to be well versed in reading, writing, and arithmetic, and to have a knowledge of the ele-

Examination and qualification.

29 April, 1812, c. 72, s. 3, v. 2, p. 721.

16 June, 1866, Res.
49, v. 14, p. 359.

Oath.

3 Aug., 1861, c.
42, s. 8, v. 12, p. 288.
8 June, 1866, c.
110, s. 2, v. 14, p. 59.

Engagement for
service.

29 April, 1812, c.
72, s. 3, v. 2, p. 721.

Cadet battalion.

29 April, 1812, c.
72, s. 3, v. 2, p. 721.
13 July, 1866, c.
176, s. 6, v. 14, p. 92.

Where to do duty.

16 March, 1802, c.
9, s. 27, v. 2, p. 137.

No studies on
Sunday.

15 July, 1870, c.
294, s. 21, v. 16, p.
319.

Found deficient.

3 Aug., 1861, c. 42,
s. 8, v. 12, p. 288.

Courts-martial
for trial of cadets.

3 March, 1873, c.
270, v. 17, p. 604.

Board of visitors.

8 Aug., 1848, c. 96,
s. 2, v. 9, p. 71.
16 March, 1868, c.
30, s. 1, v. 15, p. 42.
21 Feb., 1870, c.
18, v. 16, p. 67.

Duties of visitors.

8 Aug., 1848, c. 96,
s. 2, v. 9, p. 71.
21 Feb., 1870, c.
18, v. 16, p. 67.

Compensation.

8 Aug., 1848, c. 96,
s. 2, v. 9, p. 71.

ments of English grammar, of descriptive geography, particularly that of the United States, and of the history of the United States.

SEC. 1320. Each cadet shall, previous to his admission to the Academy, take and subscribe an oath or affirmation in the following form :

“I, A B, do solemnly swear that I will support the Constitution of the United States, and bear true allegiance to the National Government; that I will maintain and defend the sovereignty of the United States, paramount to any and all allegiance, sovereignty, or fealty I may owe to any State, county, or country whatsoever; and that I will at all times obey the legal orders of my superior officers, and the rules and articles governing the armies of the United States.”

And any cadet or candidate for admission who shall refuse to take this oath shall be dismissed from the service.

SEC. 1321. Each cadet shall sign articles, with the consent of his parents or guardian if he be a minor, and if any he have, by which he shall engage to serve eight years unless sooner discharged.

5 July, 1833, c. 162, s. 28, v. 5, p. 260.

SEC. 1322. The corps of cadets shall be arranged into companies, according to the directions of the superintendent, each of which shall be commanded by an officer of the Army, for the purpose of military instruction. To each company shall be added four musicians. The corps shall be taught and trained in all the duties of a private soldier, non-commissioned officer, and officer, shall be encamped at least three months in each year, and shall be taught and trained in all the duties incident to a regular camp.

SEC. 1323. Cadets shall be subject at all times to do duty in such places and on such service as the President may direct.

SEC. 1324. The Secretary of War shall so arrange the course of studies at the Academy, that the cadets shall not be required to pursue their studies on Sunday.

SEC. 1325. No cadet who is reported as deficient, in either conduct or studies, and recommended to be discharged from the Academy, shall, unless upon recommendation of the academic board, be returned or re-appointed, or appointed to any place in the Army before his class shall have left the Academy and received their commissions.

SEC. 1326. The superintendent of the Military Academy shall have power to convene general courts-martial for the trial of cadets, and to execute the sentences of such courts, except the sentences of suspension and dismissal, subject to the same limitations and conditions now existing as to other general courts-martial.

SEC. 1327. There shall be appointed every year, in the following manner, a board of visitors, to attend the annual examination of the Academy: Seven persons shall be appointed by the President, and two Senators and three members of the House of Representatives shall be designated as visitors, by the Vice-President, or President pro tempore of the Senate, and the Speaker of the House of Representatives, respectively, at the session of Congress next preceding such examination.

SEC. 1328. It shall be the duty of the board of visitors to inquire into the actual state of the discipline, instruction, police administration, fiscal affairs, and other concerns of the Academy. The visitors appointed by the President shall report thereon to the Secretary of War, for the information of Congress, at the commencement of the session next succeeding such examination, and the Senators and Representatives designated as visitors shall report to Congress, within twenty days after the meeting of the session next succeeding the time of their appointment, their action as such visitors, with their views and recommendations concerning the Academy.

SEC. 1329. No compensation shall be made to the members of said board beyond the payment of their expenses for board and lodging while at the Academy, and an allowance, not exceeding eight cents a

mile, for traveling by the shortest mail-route from their respective homes to the Academy, and thence to their homes.

SEC. 1330. Leave of absence may be granted by the superintendent, under regulations prescribed by the Secretary of War, to the professors, assistant professors, instructors, and other officers of the Academy, for the entire period of the suspension of the ordinary academic studies, without deduction from pay or allowances.

SEC. 1331. The supervision and charge of the Academy shall be in the War Department, under such officer or officers as the Secretary of War may assign to that duty.

SEC. 1332. The Secretary of the Senate shall furnish annually to the library of the Academy one copy of each document published, during the preceding year, by the Senate.

SEC. 1333. The professors of the Military Academy at West Point are placed on the same footing, as to retirement from active service, as officers of the Army.

SEC. 1334. The superintendent of the Military Academy shall have the pay of a colonel, and the commandant of cadets shall have the pay of a lieutenant-colonel.

SEC. 1335. The adjutant of the Military Academy shall have the pay of an adjutant of a cavalry regiment.

SEC. 1336. Each of the professors of the Military Academy whose service at the Academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant-colonels; and the instructors of ordnance and science of gunnery and of practical engineering shall have the pay and allowances of major; and hereafter there shall be allowed and paid to the said professors ten per centum of their current yearly pay for each and every term of five years' service in the Army and at the Academy: *Provided*, That such addition shall in no case exceed forty per centum of said yearly pay; and said professors are hereby placed upon the same footing, as regards restrictions upon pay and retirement from active service, as officers of the Army.

SEC. 1337. Each assistant professor and each senior assistant instructor of cavalry, artillery, and infantry tactics, and the instructor of practical military engineering, shall receive the pay of a captain.

SEC. 1338. The master of the sword at the Military Academy shall receive pay at the rate of fifteen hundred dollars a year, with fuel and quarters.

SEC. 1339. Cadets of the Military Academy shall receive five hundred dollars a year and one ration a day.

SEC. 1340. The librarian and assistant librarian at the Military Academy shall each receive one hundred and twenty dollars a year additional pay.

SEC. 1341. The non-commissioned officer in charge of mechanics and other labor at the Military Academy, the soldier acting as clerk in the adjutant's office, and the four enlisted men in the philosophical and chemical departments and lithographic office, shall receive fifty dollars a year additional pay.

21 Feb., 1870, c. 18, v. 16, p. 67.

Leaves of absence.

2 July, 1864, Res. 67, v. 13, p. 416.

Supervision of Academy.

13 July, 1866, c. 176, s. 6, v. 14, p. 92.

Congressional documents to library.

23 April, 1856, c. 19, s. 3, v. 11, p. 5.
Professors of Military Academy, retirement.

15 July, 1870, c. 294, s. 13, v. 16, p. 319.

Superintendent and commandant at Military Academy, pay of.

12 June, 1858, c. 156, s. 1, v. 11, p. 333.

Adjutant, pay of.

3 March, 1861, c. 22, s. 1, v. 9, p. 594.

Pay of professors.

28 Feb., 1873, c. 210, v. 17, p. 479.

Assistant professors and instructors.

29 April, 1812, c. 72, s. 2, v. 2, p. 720. 5 July, 1838, c. 162, s. 19, v. 5, p. 259. 20 July, 1840, c. 50, s. 3, v. 5, p. 398. 6 Aug., 1852, c. 81, s. 2, v. 10, p. 29. 12 June, 1858, c. 156, s. 1, v. 11, p. 333. 28 Feb., 1867, c. 100, s. 3, v. 14, p. 416.

Master of sword.

16 Feb., 1857, c. 45, s. 3, v. 11, p. 161.
Cadets.

1 April, 1864, c. 45, s. 3, v. 13, p. 39. 28 Feb., 1867, c. 100, s. 3, v. 14, p. 416. 16 July, 1862, c. 183, s. 15, v. 12, p. 586.

Librarian and assistant.

23 April, 1856, c. 19, s. 2, v. 11, p. 5.

Non-commissioned officer, &c.

23 April, 1856, c. 19, s. 2, v. 11, p. 5.

CHAPTER FIVE.

ARTICLES OF WAR.

Section.

1342. Articles of war.

Article.

1. Officers shall subscribe these articles.
2. Articles to be read to recruits.
3. Officers making unlawful enlistments.
4. Discharges.
5. Mustering persons not soldiers.
6. Taking money on mustering.
7. Returns of regiments, &c.
8. False returns.
9. Captured stores secured for public service.
10. Accountability for arms, &c.
11. Furloughs.
12. Musters.
13. False certificates.
14. False muster.
15. Allowing military stores to be damaged.
16. Wasting ammunition.
17. Losing or spoiling horses, accouterments, &c.
18. Commanders not to be interested in sale of victuals, &c.
19. Disrespectful words against the President, &c.
20. Disrespect toward commanding officer.
21. Striking a superior officer.
22. Mutiny.
23. Failing to resist mutiny.
24. Quarrels and frays.
25. Reproachful or provoking speeches.
26. Challenges to fight duels.
27. Allowing persons to go out and fight; seconds and promoters.
28. Upbraiding another for refusing challenge.
29. Wrongs to officers, redress of.
30. Wrongs to soldiers, redress of.
31. Lying out of quarters.
32. Soldiers absent without leave.
33. Absence from parade without leave.
34. One mile from camp without leave.
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36. Hiring duty.
37. Conniving at hiring duty.
38. Drunk on duty.
39. Sentinel sleeping on post.
40. Quitting guard, &c., without leave.
41. False alarms.
42. Misbehavior before the enemy, cowardice, &c.
43. Compelling a surrender.
44. Disclosing watchword.
45. Relieving the enemy.
46. Corresponding with the enemy.
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48. Deserter shall serve full term.
49. Desertion by resignation.
50. Enlisting in other regiment without discharge.
51. Advising to desert.
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53. Profane oaths.

Article.

54. Officers to keep good order in their commands.
55. Waste or spoil and destruction of property without orders.
56. Violence to persons bringing provisions.
57. Forcing a safeguard.
58. Certain crimes during rebellion.
59. Offenders to be delivered up to civil magistrates.
60. Certain crimes of fraud against the United States.
61. Conduct unbecoming an officer and gentleman.
62. Crimes and disorders to prejudice of military discipline.
63. Retainers of camp.
64. All troops subject to articles of war.
65. Arrest of officers accused of crimes.
66. Soldiers accused of crimes.
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68. Report of prisoners.
69. Releasing prisoner without authority; escapes.
70. Duration of confinement.
71. Copy of charges and time of trial.
72. Who may appoint general courts-martial.
73. Commanders of divisions and separate brigades may appoint in time of war.
74. Judge-advocate.
75. Members of general courts-martial.
76. When requisite number not at a post.
77. Regular officers, on what courts may sit.
78. Marine and Regular Army officers associated on courts.
79. Officers triable by general courts-martial.
80. Field officers' courts.
81. Regimental courts.
82. Garrison courts.
83. Jurisdiction of field-officers', regimental, and garrison courts.
84. Oath of members of courts-martial.
85. Oath of judge-advocate.
86. Contempts of court.
87. Behavior of members.
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89. Prisoner standing mute.
90. Judge-advocate, prosecutor and counsel for prisoner.
91. Depositions.
92. Oath of witness.
93. Continuances.
94. Hours of sitting.
95. Order of voting.
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97. Penitentiaries.
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99. Discharge and dismissal of officers.
100. Publication of officers cashiered for cowardice or fraud.
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102. No person tried twice for same, &c.

Article.

103. Limitation of time of prosecution.
 104. Approval of sentence by officer ordering court.
 105. Confirmation of death sentence.
 106. Confirmation of dismissals in time of peace.
 107. Dismissal by division or brigade courts.
 108. General officers, sentences respecting.
 109. Confirmation by officer ordering court.
 110. Confirmation of field-officers' sentences.
 111. Suspension of sentence of death or dismissal.
 112. Pardon and mitigation of sentences.
 113. Proceedings forwarded to Judge-Advocate-General.
 114. Party entitled to a copy.
 115. Courts of inquiry, how ordered.
 116. Members of court of inquiry.
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Article.

118. Witnesses before courts of inquiry.
 119. Opinion; when given by.
 120. Authentication of proceedings of court of inquiry.
 121. Proceedings of court of inquiry used as evidence.
 122. Command when different corps happen to join.
 123. Regular and volunteer officers on same footing as to rank, &c.
 124. Rank of militia officers on duty with officer of regular or volunteer forces.
 125. Deceased officers' effects.
 126. Deceased soldiers' effects.
 127. Effects of deceased officers and soldiers to be accounted for.
 128. Articles of war to be published once in six months to every regiment, &c.

Section.

1343. Spies.

SECTION 1342. The armies of the United States shall be governed by the following rules and articles. The word officer, as used therein, shall be understood to designate commissioned officers; the word soldier shall be understood to include non-commissioned officers, musicians, artificers, and privates, and other enlisted men, and the convictions mentioned therein shall be understood to be convictions by court-martial. (See § 4824.)

ARTICLE 1. Every officer now in the Army of the United States shall, within six months from the passing of this act, and every officer hereafter appointed shall, before he enters upon the duties of his office, subscribe these rules and articles.

ART 2. These rules and articles shall be read to every enlisted man at the time of, or within six days after, his enlistment, and he shall thereupon take an oath or affirmation, in the following form: "I, A. B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war." This oath may be taken before any commissioned officer of the Army.

ART. 3. Every officer who knowingly enlists or musters into the military service any minor over the age of sixteen years without the written consent of his parents or guardians, or any minor under the age of sixteen years, or any insane or intoxicated persons, or any deserter from the military or naval service of the United States, or any person who has been convicted of any infamous criminal offense, shall, upon conviction, be dismissed from the service, or suffer such other punishment as a court-martial may direct.

15 May, 1872, c. 162, s. 2, v. 17, p. 117. 3 March, 1863, c. 75, s. 2, v. 12, p. 731.

ART. 4. No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field-officer of the regiment to which he belongs, or by the commanding officer, when no field-officer is present; and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

ART. 5. Any officer who knowingly musters as a soldier a person who is not a soldier shall be deemed guilty of knowingly making a false muster, and punished accordingly.

ART. 6. Any officer who takes money, or other thing, by way of gratification, on mustering any regiment, troop, battery, or company, or on signing muster-rolls, shall be dismissed from the service, and shall

Articles of war.

10 April, 1806, c. 20, v. 2, p. 359.

Officers shall subscribe these articles.

Art. of war 1.

Articles to be read to recruits.

Art. of war 10.

29 Jan., 1813, c. 16, s. 13, v. 2, p. 796.
 3 Aug., 1861, c. 42, s. 11, v. 12, p. 289.

Officers making unlawful enlistments.

5 March, 1833, c. 68, s. 6, v. 4, p. 647.
 4 July, 1864, c. 237, s. 5, v. 13, p. 380.
 3 March, 1865, c. 79, s. 18, v. 13, p. 490.
 75, s. 2, v. 12, p. 731.

Discharges.

Art. of war 11.

Mustering persons not soldiers.

Art. of war 17.

Taking money on mustering.

Art. of war 16.

thereby be disabled to hold any office or employment in the service of the United States.

Returns of regi-
ments, &c.

Art. of war 19.

ART. 7. Every officer commanding a regiment, an independent troop, battery, or company, or a garrison, shall, in the beginning of every month, transmit through the proper channels, to the Department of War, an exact return of the same, specifying the names of the officers then absent from their posts, with the reasons for and the time of their absence. And any officer who, through neglect or design, omits to send such returns, shall, on conviction thereof, be punished as a court-martial may direct.

False returns.

Art. of war 18.

ART. 8. Every officer who knowingly makes a false return to the Department of War, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop or company, or garrison under his command; or of the arms, ammunition, clothing or other stores thereunto belonging, shall, on conviction thereof before a court-martial, be cashiered.

Captured stores
secured for public
service.

Art. of war 58.

ART. 9. All public stores taken from the enemy shall be secured for the service of the United States; and for neglect thereof the commanding officer shall be answerable.

Accountability
for arms, &c.

Art. 40.

ART. 10. Every officer commanding a troop, battery, or company, is charged with the arms, accouterments, ammunition, clothing, or other military stores belonging to his command, and is accountable to his colonel in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, or on actual service.

Furloughs.

Art. of war 12.
3 March, 1863, c.
75, s. 32, v. 12, p.
736.

ART. 11. Every officer commanding a regiment or an independent troop, battery, or company, not in the field, may, when actually quartered with such command, grant furloughs to the enlisted men, in such numbers and for such time as he shall deem consistent with the good of the service. Every officer commanding a regiment, or an independent troop, battery, or company, in the field, may grant furloughs not exceeding thirty days at one time, to five per centum of the enlisted men, for good conduct in the line of duty, but subject to the approval of the commander of the forces of which said enlisted men form a part. Every company officer of a regiment, commanding any troop, battery, or company not in the field, or commanding in any garrison, fort, post, or barrack, may, in the absence of his field-officer, grant furloughs to the enlisted men, for a time not exceeding twenty days in six months, and not to more than two persons to be absent at the same time.

Musters.

Art. of war 13.

ART. 12. At every muster of a regiment, troop, battery, or company, the commanding officer thereof shall give to the mustering officer certificates, signed by himself, stating how long absent officers have been absent and the reasons of their absence. And the commanding officer of every troop, battery, or company shall give like certificates, stating how long absent non-commissioned officers and private soldiers have been absent and the reasons of their absence. Such reasons and time of absence shall be inserted in the muster-rolls opposite the names of the respective absent officers and soldiers, and the certificates, together with the muster-rolls, shall be transmitted by the mustering officer to the Department of War, as speedily as the distance of the place and muster will admit.

False certificates.

Art. of war 14.

ART. 13. Every officer who signs a false certificate, relating to the absence or pay of an officer or soldier, shall be dismissed from the service.

False muster.

Art. of war 15.

ART. 14. Any officer who knowingly makes a false muster of man or horse, or who signs, or directs, or allows the signing of any muster-roll, knowing the same to contain a false muster, shall, upon proof thereof by two witnesses, before a court-martial, be dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the United States.

ART. 15. Any officer who, willfully or through neglect, suffers to be lost, spoiled, or damaged, any military stores belonging to the United States, shall make good the loss or damage, and be dismissed from the service.

Allowing military stores to be damaged.

Art. of war 36.
2 March, 1863, c. 67, s. 1, v. 12, p. 696.
Wasting ammunition.

ART. 16. Any enlisted man who sells, or willfully or through neglect wastes the ammunition delivered out to him, shall be punished as a court-martial may direct.

Art. of war 37.
Losing or spoiling accouterments, &c.

ART. 17. Any soldier who sells or, through neglect, loses or spoils his horse, arms, clothing, or accouterments, shall suffer such stoppages, not exceeding one-half of his current pay, as a court-martial may deem sufficient for repairing the loss or damage, and shall be punished by confinement or such other corporal punishment as the court may direct.

Art. of war 38.
8 Feb., 1815, c. 38, s. 7, v. 3, p. 204.

ART. 18. Any officer commanding in any garrison, fort, or barracks of the United States who, for his private advantage, lays any duty or imposition upon, or is interested in, the sale of any victuals, liquors, or other necessaries of life, brought into such garrison, fort, or barracks, for the use of the soldiers, shall be dismissed from the service.

Commanders not to be interested in sale of victuals, &c.

ART. 19. Any officer who uses contemptuous or disrespectful words against the President, the Vice-President, the Congress of the United States, or the chief magistrate or legislature of any of the United States in which he is quartered, shall be dismissed from the service, or otherwise punished, as a court-martial may direct. Any soldier who so offends shall be punished as a court-martial may direct.

Art. of war 31.

Disrespectful words against the President, &c.

ART. 20. Any officer or soldier who behaves himself with disrespect toward his commanding officer shall be punished as a court-martial may direct.

Art. of war 5.

Disrespect toward commanding officer.

ART. 21. Any officer or soldier who, on any pretense whatsoever, strikes his superior officer, or draws or lifts up any weapon, or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior officer, shall suffer death, or such other punishment as a court-martial may direct.

Art. of war 6.

Striking a superior officer.

ART. 22. Any officer or soldier who begins, excites, causes, or joins in any mutiny or sedition, in any troop, battery, company, party, post, detachment, or guard, shall suffer death, or such other punishment as a court-martial may direct.

Art. of war 9.

Mutiny.

ART. 23. Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or having knowledge of any intended mutiny or sedition, does not, without delay, give information thereof to his commanding officer, shall suffer death, or such other punishment as a court-martial may direct.

Art. of war 7.

Failing to resist mutiny.

ART. 24. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, whether among persons belonging to his own or to another corps, regiment, troop, battery, or company, and to order officers into arrest, and non-commissioned officers and soldiers into confinement, who take part in the same, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or non-commissioned officer, or draws a weapon upon him, shall be punished as a court-martial may direct.

Art. of war 8.

Quarrels and frays.

ART. 25. No officer or soldier shall use any reproachful or provoking speeches or gestures to another. Any officer who so offends shall be put in arrest. Any soldier who so offends shall be confined, and required to ask pardon of the party offended, in the presence of his commanding officer.

Art. of war 27.

Reproachful or provoking speeches.

Art. of war 24.

ART. 26. No officer or soldier shall send a challenge to another officer or soldier to fight a duel, or accept a challenge so sent. Any officer who so offends shall be dismissed from the service. Any soldier who so offends shall suffer such corporal punishment as a court-martial may direct.

Challenges to fight duels.

Art. of war 25.

Allowing persons to go out and fight; seconds and promoters.

Art. of war 26.

ART. 27. Any officer or non-commissioned officer, commanding a guard, who, knowingly and willingly, suffers any person to go forth to fight a duel, shall be punished as a challenger; and all seconds or promoters of duels, and carriers of challenges to fight duels, shall be deemed principals, and punished accordingly. It shall be the duty of any officer commanding an army, regiment, troop, battery, company, post, or detachment, who knows or has reason to believe that a challenge has been given or accepted by any officer or enlisted man under his command, immediately to arrest the offender and bring him to trial.

Upbraiding another for refusing challenge.

Art. of war 28.

ART. 28. Any officer or soldier who upbraids another officer or soldier for refusing a challenge shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage which might arise from their having refused to accept challenges, as they will only have acted in obedience to the law, and have done their duty as good soldiers, who subject themselves to discipline.

Wrongs to officers; redress of.

Art. of war 34.

ART. 29. Any officer who thinks himself wronged by the commanding officer of his regiment, and, upon due application to such commander, is refused redress, may complain to the general commanding in the State or Territory where such regiment is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon.

Wrongs to soldiers; redress of.

Art. of war 35.

ART. 30. Any soldier who thinks himself wronged by any officer may complain to the commanding officer of his regiment, who shall summon a regimental court-martial for the doing of justice to the complainant. Either party may appeal from such regimental court-martial to a general court-martial; but if, upon such second hearing, the appeal appears to be groundless and vexatious, the party appealing shall be punished at the discretion of said general court-martial.

Lying out of quarters.

Art. of war 42.

ART. 31. Any officer or soldier who lies out of his quarters, garrison, or camp, without leave from his superior officer, shall be punished as a court-martial may direct.

Soldier absent without leave.

Art. of war 21.

ART. 32. Any soldier who absents himself from his troop, battery, company, or detachment, without leave from his commanding officer, shall be punished as a court-martial may direct.

Absence from parade without leave.

Art. of war 44.

ART. 33. Any officer or soldier who fails, except when prevented by sickness or other necessity, to repair, at the fixed time, to the place of parade, exercise, or other rendezvous appointed by his commanding officer, or goes from the same, without leave from his commanding officer, before he is dismissed or relieved, shall be punished as a court-martial may direct.

One mile from camp without leave.

Art. of war 41.

ART. 34. Any soldier who is found one mile from camp, without leave in writing from his commanding officer, shall be punished as a court-martial may direct.

Failing to retire at retreat.

Art. of war 43.

ART. 35. Any soldier who fails to retire to his quarters or tent at the beating of retreat, shall be punished according to the nature of his offense.

Hiring duty.

Art. of war 47.

ART. 36. No soldier belonging to any regiment, troop, battery, or company shall hire another to do his duty for him, or be excused from duty, except in cases of sickness, disability, or leave of absence. Every such soldier found guilty of hiring his duty, and the person so hired to do another's duty, shall be punished as a court-martial may direct.

Conniving at hiring duty.

Art. of war 48.

ART. 37. Every non-commissioned officer who connives at such hiring of duty shall be reduced. Every officer who knows and allows such practices shall be punished as a court-martial may direct.

Drunk on duty.

Art. of war 45.

ART. 38. Any officer who is found drunk on his guard, party, or other duty, shall be dismissed from the service. Any soldier who so offends shall suffer such corporal punishment as a court-martial may direct.

- ART. 39.** Any sentinel who is found sleeping upon his post, or who leaves it before he is regularly relieved, shall suffer death, or such other punishment as a court-martial may direct. Sentinel sleeping on post.
- ART. 40.** Any officer or soldier who quits his guard, platoon, or division, without leave from his superior officer, except in a case of urgent necessity, shall be punished as a court-martial may direct. Art. of war 46.
Quitting guard, &c., without leave.
- ART. 41.** Any officer who, by any means whatsoever, occasions false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as a court-martial may direct. Art. of war 50.
False alarms.
- ART. 42.** Any officer or soldier who misbehaves himself before the enemy, runs away, or shamefully abandons any fort, post, or guard, which he is commanded to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, shall suffer death, or such other punishment as a court-martial may direct. Art. of war 49.

Misbehavior before the enemy, cowardice, &c.
- ART. 43.** If any commander of any garrison, fortress, or post is compelled, by the officers and soldiers under his command, to give up to the enemy or to abandon it, the officers or soldiers so offending shall suffer death, or such other punishment as a court-martial may direct. Art. of war 52.
- ART. 44.** Any person belonging to the armies of the United States who makes known the watchword to any person not entitled to receive it, according to the rules and discipline of war, or presumes to give a parole or watchword different from that which he received, shall suffer death, or such other punishment as a court-martial may direct. Compelling a surrender.
Art. of war 59.
- ART. 45.** Whosoever relieves the enemy with money, victuals, or ammunition, or knowingly harbors or protects an enemy, shall suffer death, or such other punishment as a court-martial may direct. Disclosing watchword.
Art. of war 53.
- ART. 46.** Whosoever holds correspondence with, or gives intelligence to, the enemy, either directly or indirectly, shall suffer death, or such other punishment as a court-martial may direct. Relieving the enemy.
Art. of war 56.
Corresponding with the enemy.
- ART. 47.** Any officer or soldier who, having received pay, or having been duly enlisted in the service of the United States, deserts the same, shall, in time of war, suffer death, or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, which a court-martial may direct. Art. of war 57.
Desertion.
Art. of war 20.
29 May, 1830, c. 183, v. 4, p. 418.
- ART. 48.** Every soldier who deserts the service of the United States shall be liable to serve for such period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall be tried by a court-martial and punished, although the term of his enlistment may have elapsed previous to his being apprehended and tried. Deserter shall serve full term.
11 Jan., 1812, c. 14, s. 16, v. 2, p. 673.
29 Jan., 1813, c. 16, s. 12, v. 2, p. 796.
- ART. 49.** Any officer who, having tendered his resignation, quits his post or proper duties, without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of the same, shall be deemed and punished as a deserter. Desertion by resignation.
5 Aug., 1861, c. 54, s. 2, v. 12, p. 316.
- ART. 50.** No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company in which he last served, on a penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court-martial, be cashiered. Enlisting in other regiment without discharge.
Art. 22.
- ART. 51.** Any officer or soldier who advises or persuades any other officer or soldier to desert the service of the United States, shall, in time of war, suffer death, or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, which a court-martial may direct. Advising to desert.
Art. of war 23.
29 May, 1830, c. 183, v. 4, p. 418.
- ART. 52.** It is earnestly recommended to all officers and soldiers diligently to attend divine service. Any officer who behaves indecently or irreverently at any place of divine worship shall be brought before a Misconduct at divine service.
Art. of war 2.

general court-martial, there to be publicly and severely reprimanded by the president thereof. Any soldier who so offends shall, for his first offense, forfeit one-sixth of a dollar; for each further offense he shall forfeit a like sum, and shall be confined twenty-four hours. The money so forfeited shall be deducted from his next pay, and shall be applied, by the captain or senior officer of his troop, battery, or company, to the use of the sick soldiers of the same.

Profane oaths.

Art. of war 3.

Officers to keep good order in their commands.

Art. of war 32.

Waste or spoil, and destruction of property without orders.

Art. of war 54.

Violence to persons bringing provisions.

Art. of war 51.

Forcing a safe-guard.

Art. of war 55.

13 Feb., 1862, c. 25, s. 5, v. 12, p. 340. 284.

Certain crimes during rebellion.

3 March, 1863, c. 75, s. 30, v. 12, p. 736.

13 July, 1861, c. 3, s. 5, v. 12, p. 257.

31 July, 1861, c. 32, v. 12, p. 284.

Officers to be delivered up to civil magistrate.

Art. of war 33.

3 Mar., 1863, c. 75, s. 30, v. 12, p. 736.

ART. 53. Any officer who uses any profane oath or execration shall, for each offense, forfeit and pay one dollar. Any soldier who so offends shall incur the penalties provided in the preceding article; and all moneys forfeited for such offenses shall be applied as therein provided.

ART. 54. Every officer commanding in quarters, garrison, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders which may be committed by any officer or soldier under his command; and if, upon complaint made to him of officers or soldiers beating or otherwise ill-treating any person, disturbing fairs or markets, or committing any kind of riot, to the disquieting of the citizens of the United States, he refuses or omits to see justice done to the offender, and reparation made to the party injured, so far as part of the offender's pay shall go toward such reparation, he shall be dismissed from the service, or otherwise punished, as a court-martial may direct.

ART. 55. All officers and soldiers are to behave themselves orderly in quarters and on the march; and whoever commits any waste or spoil, either in walks or trees, parks, warrens, fish-ponds, houses, gardens, grain-fields, inclosures, or meadows, or maliciously destroys any property whatsoever belonging to inhabitants of the United States, (unless by order of a general officer commanding a separate army in the field,) shall, besides such penalties as he may be liable to by law, be punished as a court-martial may direct.

ART. 56. Any officer or soldier who does violence to any person bringing provisions or other necessaries to the camp, garrison, or quarters of the forces of the United States in foreign parts, shall suffer death, or such other punishment as a court-martial may direct.

ART. 57. Whosoever, belonging to the armies of the United States in foreign parts, or at any place within the United States or their Territories during rebellion against the supreme authority of the United States, forces a safe-guard, shall suffer death.

13 July, 1861, c. 3, s. 5, v. 12, p. 257. 31 July, 1861, c. 32, v. 12, p.

ART. 58. In time of war, insurrection, or rebellion, larceny, robbery, burglary, arson, mayhem, manslaughter, murder, assault and battery with an intent to kill, wounding, by shooting or stabbing, with an intent to commit murder, rape, or assault and battery with an intent to commit rape, shall be punishable by the sentence of a general court-martial, when committed by persons in the military service of the United States, and the punishment in any such case shall not be less than the punishment provided, for the like offense, by the laws of the State, Territory, or district in which such offense may have been committed.

ART. 59. When any officer or soldier is accused of a capital crime, or of any offense against the person or property of any citizen of any of the United States, which is punishable by the laws of the land, the commanding officer, and the officers of the regiment, troop, battery, company, or detachment, to which the person so accused belongs, are required, except in time of war, upon application duly made by or in behalf of the party injured, to use their utmost endeavors to deliver him over to the civil magistrate, and to aid the officers of justice in apprehending and securing him, in order to bring him to trial. If, upon such application, any officer refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil magistrates, or to aid the officers of justice in apprehending him, he shall be dismissed from the service.

ART. 60. Any person in the military service of the United States who makes or causes to be made any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

Certain crimes of fraud against the United States.

2 Mar., 1863, c. 67, s. 1, v. 12, p. 606.

Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Making false claim.
Presenting false claim.

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Agreement to obtain payment of false claim.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing, or other paper, knowing the same to contain any false or fraudulent statement; or

False paper.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Perjury.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Forgery.

Who, having charge, possession, custody or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Delivering less property than receipt calls for.

Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States, furnished or intended for the military service thereof, makes, or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or

Giving receipts without knowing truth of.

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or intended for the military service thereof; or

Stealing, wrongfully selling, &c.

Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same,

Buying public military property.

Shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge. And if any person, being guilty of any of the offenses aforesaid, while in the military service of the United States, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

ART. 61. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

Conduct unbecoming an officer and gentleman.

Art. of war 83.

ART. 62. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general, or a regimental, gar-

Crimes and disorders to prejudice of military discipline.

Art. of war 99.

riason, or field-officers' court-marshal,*) according to the nature and degree of the offense, and punished at the discretion of such court.

Retainers of camp. ART. 63. All retainers to the camp, and all persons serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Art. of war 60. All troops subject to articles of war. ART. 64. The officers and soldiers of any troops, whether militia or others, mustered and in pay of the United States, shall, at all times and in all places, be governed by the articles of war, and shall be subject to be tried by courts-martial.

Art. of war 97. 29 July, 1861, c. 25, s. 3, v. 12, pp. 281, 284. 2 Mar., 1863, c. 67, s. 1, v. 12, p. 696. —Houston vs. Moore, 5 Wh., 20.

Arrest of officers accused of crimes. ART. 65. Officers charged with crime shall be arrested and confined in their barracks, quarters, or tents, and deprived of their swords by the commanding officer. And any officer who leaves his confinement before he is set at liberty by his commanding officer shall be dismissed from the service.

Art. of war 77. ART. 66. Soldiers charged with crimes shall be confined until tried by court-martial, or released by proper authority.

Soldiers accused of crimes. ART. 67. No provost-marshal, or officer commanding a guard, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime charged against the prisoner.

Art. of war 78. ART. 68. Every officer to whose charge a prisoner is committed shall, within twenty-four hours after such commitment, or as soon as he is relieved from his guard, report in writing, to the commanding officer, the name of such prisoner, the crime charged against him, and the name of the officer committing him; and if he fails to make such report, he shall be punished as a court-martial may direct.

Receiving prisoners. ART. 69. Any officer who presumes, without proper authority, to release any prisoner committed to his charge, or suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

Art. of war 80. ART. 70. No officer or soldier put in arrest shall be continued in confinement more than eight days, or until such time as a court-martial can be assembled.

Report of prisoners. ART. 71. When an officer is put in arrest for the purpose of trial, except at remote military posts or stations, the officer by whose order he is arrested shall see that a copy of the charges on which he is to be tried is served upon him within eight days after his arrest, and that he is brought to trial within ten days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within thirty days after the expiration of said ten days. If a copy of the charges be not served, or the arrested officer be not brought to trial, as herein required, the arrest shall cease. But officers released from arrest, under the provisions of this article, may be tried, whenever the exigencies of the service shall permit, within twelve months after such release from arrest.

Art. of war 81. ART. 72. Any general officer, commanding the Army of the United States, a separate Army, or a separate department, shall be competent to appoint a general court-martial, either in time of peace or in time of war. But when any such commander is the accuser or prosecutor of any officer under his command, the court shall be appointed by the President, and its proceedings and sentence shall be sent directly to the Secretary of War, by whom they shall be laid before the President, for his approval or orders in the case.

Duration of confinement. ART. 73. In time of war the commander of a division, or of a separate brigade of troops, shall be competent to appoint a general court-martial. But when such commander is the accuser or prosecutor of any person under his command, the court shall be appointed by the next higher commander.

Art. of war 78. 24 Dec., 1861, c. 5, v. 12, p. 330.

Copy of charges and time of trial. 17 July, 1862, c. 200, s. 11, v. 12, p. 595.

Who may appoint general courts-martial. ART. 74. Any general officer, commanding the Army of the United States, a separate Army, or a separate department, shall be competent to appoint a general court-martial, either in time of peace or in time of war. But when any such commander is the accuser or prosecutor of any officer under his command, the court shall be appointed by the President, and its proceedings and sentence shall be sent directly to the Secretary of War, by whom they shall be laid before the President, for his approval or orders in the case.

(*) Court-martial.

ART. 74. Officers who may appoint a court-martial shall be competent to appoint a judge-advocate for the same.

ART. 75. General courts-martial may consist of any number of officers from five to thirteen, inclusive; but they shall not consist of less than thirteen when that number can be convened without manifest injury to the service.

ART. 76. When the requisite number of officers to form a general court-martial is not present in any post or detachment, the commanding officer shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall, thereupon, order a court to be assembled at the nearest post or department at which there may be such a requisite number of officers, and shall order the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

ART. 77. Officers of the Regular Army shall not be competent to sit on courts-martial to try the officers or soldiers of other forces, except as provided in Article 78.

ART. 78. Officers of the Marine Corps, detached for service with the Army by order of the President, may be associated with officers of the Regular Army on courts-martial for the trial of offenders belonging to the Regular Army, or to forces of the Marine Corps so detached; and in such cases the orders of the senior officer of either corps, who may be present and duly authorized, shall be obeyed.

ART. 79. Officers shall be tried only by general courts-martial; and no officer shall, when it can be avoided, be tried by officers inferior to him in rank.

ART. 80. In time of war a field-officer may be detailed in every regiment, to try soldiers thereof for offenses not capital; and no soldier, serving with his regiment, shall be tried by a regimental (*) garrison court-martial when a field-officer of his regiment may be so detailed.

ART. 81. Every officer commanding a regiment or corps shall, subject to the provisions of article eighty, be competent to appoint, for his own regiment or corps, courts-martial, consisting of three officers, to try offenses not capital.

ART. 82. Every officer commanding a garrison, fort, or other place, where the troops consist of different corps, shall, subject to the provisions of article ninety-five, be competent to appoint, for such garrison or other place, courts-martial, consisting of three officers, to try offenses not capital.

ART. 83. Regimental and garrison courts-martial, and field-officers detailed to try offenders, shall not have power to try capital cases or commissioned officers, or to inflict a fine exceeding one month's pay, or to imprison or put to hard labor any non-commissioned officer or soldier for a longer time than one month.

ART. 84. The judge-advocate shall administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of regimental and garrison courts-martial: "You, A B, do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you dis-

(*) The word *or* omitted from the Roll.

Judge-advocate.

Art. of war 60.

Members of general courts-martial.

Art. of war 64.

Martin vs. Mott, 12 Wh., 35; Dynes vs. Hoover, 20 How., 81.

When requisite number not at a post.

Art. of war 66.

Regular officers; on what courts may sit.

Art. of war 97.

Marine and Regular Army officers associated on courts.

Art. of war 68.
30 June, 1834, c. 132, s. 2, v. 4, p. 713.

Officers triable by general courts-martial.

Art. of war 75.

Field-officers courts.

17 July, 1862, c. 201, s. 7, v. 12, p. 593.

Regimental courts.

Art. of war 66.
17 July, 1862, c. 201, s. 7, v. 12, p. 593.

Garrison courts.

Art. of war 66.
17 July, 1862, c. 201, s. 7, v. 12, p. 593.

Jurisdiction of field-officers', regimental, and garrison courts.

Art. of war 66 and 67.

17 July, 1862, c. 201, s. 7, v. 12, p. 593.

Oath of members of courts-martial.

Art. of war 69.

Oath of judge-advocate.

Art. of war 69.

close or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God."

ART. 85. When the oath has been administered to the members of a court-martial, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following form: "You, A B, do swear that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law; nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God."

Contempts of court.

Art. of war 76.

Behavior of members.

Art. of war 72.

Challenges by prisoner.

Art. of war 71.

Prisoner standing mute.

Art. of war 70.

Judge-advocate, prosecutor and counsel for prisoner.

Art. of war 69.

Depositions.

Art. of war 74.

3 March, 1863, c. 75, s. 27, v. 12, p. 736.

Oath of witness.

Art. of war 73.

Continuances.

3 March, 1863, c. 75, s. 29, v. 12, p. 736.

Hours of sitting.

Art. of war 75.

Order of voting.

Art. of war 72.

Sentence of death.Art. of war 87.
Penitentiaries.

16 July, 1862, c. 190, ss. 1, 4, v. 12, p. 589.

ART. 86. A court-martial may punish, at discretion, any person who uses any menacing words, signs, or gestures, in its presence, or who disturbs its proceedings by any riot or disorder.

ART. 87. All members of a court-martial are to behave with decency and calmness.

ART. 88. Members of a court-martial may be challenged by a prisoner, but only for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time.

ART. 89. When a prisoner, arraigned before a general court-martial, from obstinacy and deliberate design, stands mute, or answers foreign to the purpose, the court may proceed to trial and judgment, as if the prisoner had pleaded not guilty.

ART. 90. The judge-advocate, or some person deputed by him, or by the general or officer commanding the Army, detachment, or garrison, shall prosecute in the name of the United States, but when the prisoner has made his plea, he shall so far consider himself counsel for the prisoner as to object to any leading question to any of the witnesses, and to any question to the prisoner, the answer to which might tend to criminate himself.

ART. 91. The depositions of witnesses residing beyond the limits of the State, Territory, or district in which any military court may be ordered to sit, if taken on reasonable notice to the opposite party and duly authenticated, may be read in evidence before such court in cases not capital.

ART. 92. All persons who give evidence before a court-martial shall be examined on oath, or affirmation, in the following form: "You swear (or affirm) that the evidence you shall give, in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

ART. 93. A court-martial shall, for reasonable cause, grant a continuance to either party, for such time, and as often, as may appear to be just: *Provided*, That if the prisoner be in close confinement, the trial shall not be delayed for a period longer than sixty days.

ART. 94. Proceedings of trials shall be carried on only between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court, require immediate example.

ART. 95. Members of a court-martial, in giving their votes, shall begin with the youngest in commission.

ART. 96. No person shall be sentenced to suffer death, except by the concurrence of two-thirds of the members of a general court-martial, and in the cases herein expressly mentioned.

ART. 97. No person in the military service shall, under the sentence of a court-martial, be punished by confinement in a penitentiary, unless the offense of which he may be convicted would, by some statute of the United States, or by some statute of the State, Territory, or District in which such offense may be committed, or by the common law, as the same exists in such State, Territory, or District, subject such convict to such punishment.

ART. 98. No person in the military service shall be punished by flogging, or by branding, marking, or tattooing on the body.

Flogging.

5 Aug., 1861, c. 54, s. 3, v. 12, p. 317. 6 June, 1872, c. 316, s. 2, v. 17, p. 261.

ART. 99. No officer shall be discharged or dismissed from the service, except by order of the President, or by sentence of a general court-martial; and in time of peace no officer shall be dismissed, except in pursuance of the sentence of a court-martial, or in mitigation thereof. [See § 1229.]

Discharge and dismissal of officers.

Art. of war 11.

13 July, 1866, c. 176, s. 5, v. 14, p. 92.

ART. 100. When an officer is dismissed from the service for cowardice or fraud, the sentence shall further direct that the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp, and in the State from which the offender came, or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

Publication of officers cashiered for cowardice or fraud.

Art. of war 85.

ART. 101. When a court-martial suspends an officer from command, it may also suspend his pay and emoluments for the same time, according to the nature of his offense.

Suspension of officer's pay.

Art. of war 84.

ART. 102. No person shall be tried a second time for the same offense.

No person tried twice for same, &c.

Art. of war 87.

ART. 103. No person shall be liable to be tried and punished by a general court-martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless, by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period.

Limitation of time of prosecution.

Art. of war 88.

ART. 104. No sentence of a court-martial shall be carried into execution until the whole proceedings shall have been approved by the officer ordering the court, or by the officer commanding for the time being.

Approval of sentence by officer ordering court.

Art. of war 65.

ART. 105. No sentence of a court-martial, inflicting the punishment of death, shall be carried into execution until it shall have been confirmed by the President; except in the cases of persons convicted, in time of war, as spies, mutineers, deserters, or murderers, and in the cases of guerilla marauders, convicted, in time of war, of robbery, burglary, arson, rape, assault with intent to commit rape, or of violation of the laws and customs of war; and in such excepted cases the sentence of death may be carried into execution upon confirmation by the commanding general in the field, or the commander of the department, as the case may be.

Confirmation of death sentence.

Art. of war 65.

17 July, 1862, c. 201, s. 5, v. 12, p. 598. 3 Mar., 1863, c. 75, s. 21, v. 12, p. 735. 2 July, 1864, c. 215, s. 1, v. 13, p. 356.

ART. 106. In time of peace no sentence of a court-martial, directing the dismissal of an officer, shall be carried into execution, until it shall have been confirmed by the President. [See § 1229.]

Confirmation of dismissals in time of peace.

Art. of war 65.

ART. 107. No sentence of a court-martial appointed by the commander of a division or of a separate brigade of troops, directing the dismissal of an officer, shall be carried into execution until it shall have been confirmed by the general commanding the army in the field to which the division or brigade belongs.

Dismissal by division or brigade courts.

24 Dec., 1861, c. 3, v. 12, p. 330.

ART. 108. No sentence of a court-martial, either in time of peace or in time of war, respecting a general officer, shall be carried into execution, until it shall have been confirmed by the President.

General officers; sentences respecting.

Art. of war 65.

ART. 109. All sentences of a court-martial may be confirmed and carried into execution by the officer ordering the court, or by the officer commanding for the time being, where confirmation by the President, or by the commanding general in the field, or commander of the department, is not required by these articles.

Confirmation by officer ordering court.

Art. of war 65.

ART. 110. No sentence of a field-officer, detailed to try soldiers of his regiment, shall be carried into execution, until the whole proceedings shall have been approved by the brigade commander, or, in case there be no brigade commander, by the commanding officer of the post.

Confirmation of field-officers' sentences.

17 July, 1862, c. 201, s. 7, v. 12, p. 598.

Suspension of sentences of death or dismissal.

Art. of war 89.

Pardon and mitigation of sentences

Art. of war 89.

17 July, 1862, c. 201, s. 7, v. 12, p. 598.

Proceedings forwarded to Judge-Advocate-General.

Art. of war 90.

17 July, 1862, c. 201, ss. 5, 6, v. 12, p. 598. 28 July, 1866, c. 299, s. 12, v. 14, p. 334.

Party entitled to a copy.

Art. of war 90.

Courts of inquiry, how ordered.

Art. of war 91 and 92.

Members of court of inquiry.

Art. of war 91.

Oaths of members and recorder of court of inquiry.

Art. of war 93.

Witnesses before courts of inquiry.

Arts. of war 91 and 93.

3 March, 1863, c. 75, s. 27, v. 12, p. 734.

3 March, 1863, c. 79, s. 25, v. 12, p. 754.

Opinion; when given by.

Art. of war 91.

Authentication of proceedings of court of inquiry.

Art. of war 92.

Proceedings of court of inquiry used as evidence.

Art. of war 92.

Command, when different corps happen to join.

Art. of war 62.

ART. 111. Any officer who has authority to carry into execution the sentence of death, or of dismissal of an officer, may suspend the same until the pleasure of the President shall be known; and, in such case, he shall immediately transmit to the President a copy of the order of suspension, together with a copy of the proceedings of the court.

ART. 112. Every officer who is authorized to order a general court-martial shall have power to pardon or mitigate any punishment adjudged by it, except the punishment of death or of dismissal of an officer. Every officer commanding a regiment or garrison in which a regimental or garrison court-martial may be held, shall have power to pardon or mitigate any punishment which such court may adjudge.

ART. 113. Every judge-advocate, or person acting as such, at any general court-martial, shall, with as much expedition as the opportunity of time and distance of place may admit, forward the original proceedings and sentence of such court to the Judge-Advocate-General of the Army, in whose office they shall be carefully preserved.

ART. 114. Every party tried by a general court-martial shall, upon demand thereof, made by himself or by any person in his behalf, be entitled to a copy of the proceedings and sentence of such court.

ART. 115. A court of inquiry, to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier, may be ordered by the President or by any commanding officer; but, as courts of inquiry may be perverted to dishonorable purposes, and may be employed, in the hands of weak and envious commandants, as engines for the destruction of military merit, they shall never be ordered by any commanding officer, except upon a demand by the officer or soldier whose conduct is to be inquired of.

ART. 116. A court of inquiry shall consist of one or more officers, not exceeding three, and a recorder, to reduce the proceedings and evidence to writing.

ART. 117. The recorder of a court of inquiry shall administer to the members the following oath: "You shall well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward: so help you God." After which the president of the court shall administer to the recorder the following oath: "You, A B, do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing: so help you God."

ART. 118. A court of inquiry, and the recorder thereof, shall have the same power to summon and examine witnesses as is given to courts-martial and the judge-advocates thereof. Such witnesses shall take the same oath which is taken by witnesses before courts-martials, (*) and the party accused shall be permitted to examine and cross-examine them, so as fully to investigate the circumstances in question. [See § 1292.]

ART. 119. A court of inquiry shall not give an opinion on the merits of the case inquired of unless specially ordered to do so.

ART. 120. The proceedings of a court of inquiry must be authenticated by the signatures of the recorder and the president thereof, and delivered to the commanding officer.

ART. 121. The proceedings of a court of inquiry may be admitted as evidence by a court-martial, in cases not capital, nor extending to the dismissal of an officer: *Provided*, That the circumstances are such that oral testimony cannot be obtained.

ART. 122. If, upon marches, guards, or in quarters, different corps of the Army happen to join or do duty together, the officer highest in rank of the line of the Army, Marine Corps, or militia, by commission, there on duty or in quarters, shall command the whole, and give orders for

(*) *Sic* in the Roll.

what is needful to the service, unless otherwise specially directed by the President, according to the nature of the case.

ART. 123. In all matters relating to the rank, duties, and rights of officers, the same rules and regulations shall apply to officers of the Regular Army and to volunteers commissioned in, or mustered into said service, under the laws of the United States, for a limited period.

Regular and volunteer officers on same footing as to rank, &c.

2 March, 1867, c. 159, s. 2, v. 14, p. 435.

ART. 124. Officers of the militia of the several States, when called into the service of the United States, shall on all detachments, courts-martial, and other duty wherein they may be employed in conjunction with the regular or volunteer forces of the United States, take rank next after all officers of the like grade in said regular or volunteer forces, notwithstanding the commissions of such militia officers may be older than the commissions of the said officers of the regular or volunteer forces of the United States.

Rank of militia officers on duty with officers of regular or volunteer forces.

Art. of war 98.
2 March, 1867, c. 159, s. 2, v. 14, p. 435.

ART. 125. In case of the death of any officer, the major of his regiment, or the officer doing the major's duty, or the second officer in command at any post or garrison, as the case may be, shall immediately secure all his effects then in camp or quarters, and shall make, and transmit to the office of the Department of War, an inventory thereof.

Deceased officers' effects.

Art. of war 94.

ART. 126. In case of the death of any soldier, the commanding officer of his troop, battery, or company shall immediately secure all his effects then in camp or quarters, and shall, in the presence of two other officers, make an inventory thereof, which he shall transmit to the office of the Department of War.

Deceased soldiers' effects.

Art. of war 94.

ART. 127. Officers charged with the care of the effects of deceased officers or soldiers shall account for and deliver the same, or the proceeds thereof, to the legal representatives of such deceased officers or soldiers. And no officer so charged shall be permitted to quit the regiment or post until he has deposited in the hands of the commanding officer all the effects of such deceased officers or soldiers not so accounted for and delivered.

Effects of deceased officers and soldiers to be accounted for.

Art. of war 95.

ART. 128. The foregoing articles shall be read and published, once in every six months, to every garrison, regiment, troop, or company in the service of the United States, and shall be duly observed and obeyed by all officers and soldiers in said service.

Articles of war to be published once in six months to every regiment, &c.

Art. of war 101.
Spies.

SEC. 1343. All persons who, in time of war, or of rebellion against the supreme authority of the United States, shall be found lurking or acting as spies, in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be triable by a general court-martial, or by a military commission, and shall, on conviction thereof, suffer death.

10 April 1806, c. 20, s. 2, v. 2, p. 371.
3 March, 1863, c. 75, s. 38, v. 12, p. 737.
13 Feb., 1862, c. 25, s. 4, v. 12, p. 340.

CHAPTER SIX.

MILITARY PRISON.

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1347. Officers and attendants.
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1350. Powers and duties of commandant.
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1353. Misconduct of prisoners.
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1359. Officers suffering prisoner to escape.
1360. Soldiers suffering prisoner to escape.
1361. Prisoners subject to articles of war.

SEC. 1344. There shall be established at Rock Island, in the State of Illinois, a prison for the confinement and reformation of offenders against the rules, regulations, and laws for the government of the Army of the

Military prison.
3 March, 1873, c. 249, s. 1, v. 17, p. 582.

United States, in which shall be securely confined, and employed at labor, and governed in the manner hereinafter directed, all offenders convicted before any court-martial or military commission in the United States, and sentenced according to law to imprisonment therein.

Board of government.

3 March, 1873, c. 249, s. 2, v. 17, p. 582.

SEC. 1345. The Secretary of War shall organize a board of five members, to consist of three officers of the Army and two persons from civil life, who shall adopt a plan for the building of such prison and who shall frame regulations for the government of the prisoners, in accordance with the provisions of this chapter. The said commissioners from civil life shall hold their offices for the term of three years, and shall be paid five dollars a day while on duty, and necessary traveling expenses; and the said officers of the Army shall, at all times, be subject to removal by the Secretary of War.

Visitation of prison.

3 March, 1873, c. 249, s. 3, v. 17, p. 583.

SEC. 1346. The Secretary of War shall, with said commissioners, semi-annually, and as much oftener as may be deemed expedient, visit said prison for the purposes of examination, inspection, and correction; and they shall inquire into all abuses or neglects of duty on the part of the officers or other persons in charge of the same, and make such changes in the general discipline of the prison as they may hold to be essential.

Officers and attendants.

3 March, 1873, c. 249, s. 4, v. 17, p. 583.

SEC. 1347. The officers of the prison shall consist of a commandant and such subordinate officers as may be necessary, a chaplain, a surgeon, and a clerk, who shall be detailed by the Secretary of War from the commissioned officers of the Army; and a sufficient number of enlisted men shall be detailed by the Secretary of War to act as turnkeys, guards, and assistants in the prison.

Examination of accounts and government of prison.

3 March, 1873, c. 249, s. 5, v. 17, p. 583.

SEC. 1348. One of the inspectors of the Army shall, at least once in three months, visit the prison for the purpose of examining into the books and all the affairs thereof, and ascertaining whether the laws, rules, and regulations relating thereto are complied with, the officers are competent and faithful, and the convicts properly governed and employed, and at the same time treated with humanity and kindness. And it shall be the duty of the inspector, at once, to make full report thereof to the Secretary of War.

Bond of commandant.

3 March, 1873, c. 249, s. 6, v. 17, p. 583.

SEC. 1349. Before the commandant enters upon the duties of his office he shall give bond, with sufficient sureties, in a sum to be fixed by the Secretary of War, to be approved by him, conditioned that he shall faithfully account for all money placed in his hands for the use of the prison and for the faithful discharge of all his duties as commandant.

Powers and duties of commandant.

3 March, 1873, c. 249, s. 6, v. 17, p. 583.

SEC. 1350. The commandant shall have command of the prison; shall have the charge and employment of the prisoners, and the custody of all the property of the Government connected with the prison. He shall receive and pay out all money used for the prison, and shall cause to be kept, in suitable books, complete accounts of all the property, expenses, income, business, and concerns of the prison; and shall make full and regular reports thereof to the Secretary of War.

Employment of convicts, proceeds of work.

3 March, 1873, c. 249, s. 6, v. 17, p. 583.

SEC. 1351. The commandant shall, under the direction and with the approval of the Secretary of War, employ, for the benefit of the United States, the convicts at such labor and in such trades as may be deemed best for their health and reformation. He shall have power to sell and dispose of any articles manufactured by the convicts, and shall regularly account for the proceeds thereof, and shall give bond and security for the faithful keeping and accounting of all moneys and property coming to his hands as such commandant.

Conduct of prisoners, remissions.

3 March, 1873, c. 249, s. 6, v. 17, p. 583.

SEC. 1352. The commandant shall take note and make record of the good conduct of the convicts, and shall shorten the daily time of hard labor for those who, by their obedience, honesty, industry, or general good conduct, earn such favors; and the Secretary of War is authorized and directed to remit, in part, the sentences of such convicts, and to give them an honorable restoration to duty in case the same is merited.

Misc conduct of prisoners.

SEC. 1353. In case any convict shall disobey the lawful orders of the officers of the prison, or refuse to comply with the rules and regulations thereof, he may be placed in solitary confinement, and the commandant

shall at once report the case to the Secretary of War, who shall direct the inspector to make full examination and report of the matter at the next inspection. 3 March, 1873, c. 249, s. 6, v. 17, p. 583.

SEC. 1354. In no case shall any prisoner be subjected to whipping, branding, or the carrying of weights for the purpose of discipline, or for producing penitence. Forbidden punishments.
3 March, 1873, c. 249, s. 6, v. 17, p. 583.

SEC. 1355. Every prisoner, upon being discharged from prison, shall be furnished with decent clothing. Clothing at discharge.
3 March, 1873, c. 249, s. 6, v. 17, p. 583.

SEC. 1356. The use of newspapers and books shall not be denied the convicts at times when not employed; and unofficial visitors shall be admitted to the prison under such restrictions as the board of commissioners may impose. The prisoners shall not be denied the privilege of communicating with their friends by letter, and from receiving like communications from them, all of which shall be subject to the inspection of the commandant, or such officer as he may assign to that duty. Privileges of prisoners.
3 March, 1873, c. 249, s. 7, v. 17, p. 584.

SEC. 1357. The prisoners shall be supplied with ample and clean bedding, and with wholesome and sufficient food, but when in hospital or under discipline their diet shall be prescribed by the proper authority. The prison shall be suitably ventilated, and each prisoner shall have a weekly bath of cold or tepid water, which shall be applied to the whole surface of the body, unless the surgeon shall direct otherwise for the health of the prisoner. Provisions for prisoners, what.
3 March, 1873, c. 249, s. 8, v. 17, p. 584.

SEC. 1358. No officer of the prison, or other person connected therewith, shall be concerned or interested, directly or indirectly, in any contract, purchase, or sale made on account of the prison. Officers, &c., not to be interested in contracts.
3 March, 1873, c. 249, s. 9, v. 17, p. 584.

SEC. 1359. Any officer who shall suffer a convict to escape, or shall in any way consent to his escape, or shall aid him to escape, or in an attempt to escape, shall be dismissed from the service, and suffer such other punishment as a court-martial may inflict. Officers suffering prisoner to escape.
3 March, 1873, c. 249, s. 10, v. 17, p. 584.

SEC. 1360. Any soldier or other person employed in the prison who shall suffer a convict to escape, or shall in any way consent to his escape, or shall aid him to escape, or in an attempt to escape, shall, upon conviction by a court-martial, be confined therein not less than one year. Soldiers suffering prisoner to escape.
3 March, 1873, c. 249, s. 11, v. 17, p. 584.

SEC. 1361. All prisoners under confinement in said military prisons undergoing sentence of courts-martial shall be liable to trial and punishment by courts-martial under the rules and articles of war for offenses committed during the said confinement. Prisoners subject to articles of war.
3 March, 1873, c. 249, s. 12, v. 17, p. 584.

TITLE XV.

THE NAVY.

CHAPTER ONE.

ORGANIZATION.

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Grades of line officers.

16 July, 1862, c. 163, s. 1, v. 12, p. 583.

21 Dec., 1864, c. 6, s. 1, v. 13, p. 420.

25 July, 1866, c. 231, s. 1, v. 14, p. 222.

SEC. 1302. The active list of the line officers of the Navy of the United States shall be divided into eleven grades, as follows, namely:

- First. Admiral.
- Second. Vice-Admiral.
- Third. Rear-admirals.
- Fourth. Commodores.
- Fifth. Captains.
- Sixth. Commanders.
- Seventh. Lieutenant-commanders.

Eighth. Lieutenants.

Ninth. Masters.

Tenth. Ensigns.

Eleventh. Midshipmen.

Provided, That vacancies occurring in the grades of Admiral and Vice-Admiral shall not be filled by promotion, or in any other manner; and that when the offices of said grades shall become vacant, the grade itself shall cease to exist.

SEC. 1363. There shall be allowed on the active list of the line officers of the Navy one Admiral, one Vice-Admiral, ten rear-admirals, twenty-five commodores, fifty captains, ninety commanders, eighty lieutenant-commanders, two hundred and eighty lieutenants, one hundred masters, and one hundred ensigns; and no promotion to the grade of lieutenant-commander shall be made until the number of such grade is reduced below eighty.

SEC. 1364. The provisions of the foregoing section shall not have the effect to vacate the commission of any lieutenant-commander, lieutenant, master, or ensign appointed according to law, in excess of the respective number therein fixed; nor to preclude the advancement of any officer to a higher grade, for distinguished conduct in battle, or for extraordinary heroism, under the provisions of sections fifteen hundred and six and fifteen hundred and eight.

SEC. 1365. During war rear-admirals shall be selected from those officers on the active list, not below the grade of commanders, who shall have eminently distinguished themselves by courage, skill, and genius in their profession; but no officer shall be so promoted, under this provision, unless, upon recommendation of the President by name, he has received the thanks of Congress for distinguished service.

SEC. 1366. During peace, vacancies in the grade of rear-admiral shall be filled by regular promotion from the list of commodores, subject to examination according to law.

SEC. 1367. The Admiral and Vice-Admiral shall each be allowed a secretary, who shall be entitled to the rank and allowances of a lieutenant in the Navy.

SEC. 1368. The active list of the Medical Corps of the Navy shall consist of fifteen medical directors, fifteen medical inspectors, fifty surgeons, and one hundred assistant surgeons.

SEC. 1369. All appointments in the Medical Corps shall be made by the President, by and with the advice and consent of the Senate.

SEC. 1370. No person shall be appointed assistant surgeon until he has been examined and approved by a board of naval surgeons, designated by the Secretary of the Navy; nor who is under twenty-one or over twenty-six years of age.

SEC. 1371. No person shall be appointed surgeon until he has served as an assistant surgeon at least two years, on board a public vessel of the United States at sea, nor until he has been examined and approved for such appointment, by a board of naval surgeons, designated by the Secretary of the Navy.

SEC. 1372. When any assistant surgeon was absent from the United States, on duty, at the time when others of his date were examined, he shall, if not rejected at a subsequent examination, be entitled to the same rank with them; and if, from any cause, his relative rank cannot be assigned to him, he shall retain his original position on the register.

2 March, 1867, c. 174, s. 1, v. 14, p. 516.
24 Jan., 1873, c. 62, v. 17, p. 418.

Number on the active list.

25 July, 1866, c. 231, s. 1, v. 14, p. 222.

15 July, 1870, c. 295, ss. 9, 10, v. 16, p. 333.

When exceeded.

25 July, 1866, c. 231, ss. 1, 2, v. 14, p. 222.

16 July, 1862, c. 183, s. 9, v. 12, p. 584.

Selection of rear-admirals during war.

16 July, 1862, c. 183, s. 7, v. 12, p. 584.

Promotion of rear-admirals during peace.

16 July, 1862, c. 183, s. 7, v. 12, p. 584.

Secretaries to Admiral and Vice-Admiral.

2 March, 1867, c. 174, s. 1, v. 14, p. 516. 25 July, 1866, c. 231, s. 6, v. 14, p. 223. 16 May, 1866, c. 84, v. 14, p. 48. 21 Dec., 1864, c. 6, s. 2, v. 13, p. 420.

Medical Corps; number of.

3 March, 1871, c. 117, s. 5, v. 16, p. 535.

Appointments in, how made.

21 April, 1866, c. 35, s. 3, v. 2, p. 390. 16 April, 1814, c. 58, s. 5, v. 3, p. 125. 24 May, 1828, c. 121, s. 3, v. 4, p. 313.

Appointment of assistant surgeons.

24 May, 1828, c. 121, s. 1, v. 4, p. 313.

3 March, 1871, c. 117, s. 5, v. 16, p. 536.

Appointment of surgeons.

24 May, 1828, c. 121, s. 1, v. 4, p. 313.

Rank of assistant surgeons in case of delayed examination.

3 March, 1835, c. 27, s. 1, v. 4, p. 757.

Surgeon of the fleet.

24 May, 1828, c. 121, s. 2, v. 4, p. 313.

Duties of surgeon of the fleet.

24 May, 1828, c. 121, s. 2, v. 4, p. 313.

Details of medical officers to Bureau of Medicine and Surgery.

16 July, 1863, c. 183, s. 18, v. 12, p. 587.

Pay Corps, number of.

3 March, 1871, c. 117, s. 6, v. 16, p. 536.

No promotion in certain grades until number is reduced.

15 July, 1870, c. 295, s. 11, v. 16, p. 334.

Appointments, how made.

30 March, 1812, c. 47, s. 6, v. 2, p. 699.

Qualifications of assistant paymasters.

17 July, 1861, c. 4, s. 2, v. 12, p. 258.

Order of promotion.

17 July, 1861, c. 4, s. 5, v. 12, p. 258.

3 May, 1866, c. 72, s. 1, v. 14, p. 43.

Acting appointments on ships at sea.

17 July, 1861, c. 4, s. 4, v. 12, p. 258.

Paymasters of the fleet.

21 Apr., 1864, c. 63, s. 7, v. 13, p. 54.

Bonds.

30 March, 1812, c. 47, s. 6, v. 2, p. 699.

1 March, 1817, c. 24, s. 1, v. 3, p. 350.

22 June, 1860, c. 121, s. 3, v. 12, p. 83.

14 July, 1863, c. 175, s. 1, v. 12, p. 575.

SEC. 1373. The President may designate among the surgeons in the service, and appoint to every fleet or squadron an experienced and intelligent surgeon, who shall be denominated "surgeon of the fleet," and shall be surgeon of the flag-ship.

SEC. 1374. The surgeon of the fleet shall, in addition to his duties as surgeon of the flag-ship, examine and approve all requisitions for medical and hospital stores for the squadron or fleet, and inspect their quality. He shall, in difficult cases, consult with the surgeons of the several ships, and he shall make, and transmit to the Navy Department, records of the character and treatment of diseases in the squadron or fleet.

SEC. 1375. A surgeon, assistant surgeon, or passed assistant surgeon, may be detailed as assistant to the Bureau of Medicine and Surgery.

SEC. 1376. The active list of the Pay Corps of the Navy shall consist of thirteen pay directors, thirteen pay inspectors, fifty paymasters, thirty passed assistant paymasters, and twenty assistant paymasters.

15 July, 1870, c. 295, s. 11, v. 16, p. 334.

SEC. 1377. Until the number of passed assistant paymasters shall have been reduced below thirty, there shall be no promotion to that grade, nor any appointment to the grade of assistant paymaster.

SEC. 1378. All appointments in the Pay Corps shall be made by the President, by and with the advice and consent of the Senate.

22 June, 1860, c. 181, s. 3, v. 12, p. 83.

SEC. 1379. No person shall be appointed assistant paymaster who is, at the time of such appointment, less than twenty-one or more than twenty-six years of age; nor until his physical, mental, and moral qualifications have been examined and approved by a board of paymasters appointed by the Secretary of the Navy, and according to such regulations as he may prescribe.

SEC. 1380. Passed assistant paymasters shall be regularly promoted and commissioned from assistant paymasters, and paymasters from passed assistant paymasters; subject to such examinations as may be prescribed by the Secretary of the Navy.

SEC. 1381. When the office of paymaster or assistant paymaster becomes vacant, by death or otherwise, in ships at sea, or on foreign stations, or on the Pacific coast of the United States, the senior officer present may make an acting appointment of any fit person, who shall perform the duties thereof until another paymaster or assistant paymaster shall report for duty, and shall be entitled to receive the pay of such grade while so acting.

SEC. 1382. The President may designate among the paymasters in the service, and appoint to every fleet or squadron a paymaster, who shall be denominated "paymaster of the fleet."

24 May, 1828, c. 121, s. 2, v. 4, p. 313.

SEC. 1383. Every paymaster, passed assistant paymaster, and assistant paymaster shall, before entering on the duties of his office, give bond, with two or more sufficient sureties, to be approved by the Secretary of the Navy, for the faithful performance thereof. Paymasters shall give bonds in the sum of twenty-five thousand dollars, passed assistant paymasters in the sum of fifteen thousand dollars, and assistant paymasters in the sum of ten thousand dollars.

17 July, 1861, c. 4, s. 5, v. 12, p. 258.

3 May, 1866, c. 72, s. 2, v. 14, p. 43.—U. S. vs. Tingey, 5 Pet., 115.

SEC. 1384. Officers of the Pay Corps shall give new bonds with sufficient sureties, whenever required to do so by the Secretary of the Navy.

New bonds.
26 Aug., 1842, c. 206, s. 4, v. 5, p. 535.

SEC. 1385. The issuing of a new appointment and commission to any officer of the Pay Corps shall not affect or annul any existing bond, but the same shall remain in force, and apply to such new appointment and commission.

Bond, not affected by a new commission.

3 March, 1871, c. 117, s. 6, v. 16, p. 536.

SEC. 1386. Paymasters of the fleet, paymasters on vessels having complements of more than one hundred and seventy-five persons, on supply-steamers, store-vessels, and receiving-ships, paymasters at stations and at the Naval Academy, and paymasters detailed at stations as inspectors of provisions and clothing, shall each be allowed a clerk.

Clerks, when allowed.

14 July, 1862, c. 164, s. 3, v. 12, p. 565.

26 May, 1864, c. 96, v. 13, p. 92.

SEC. 1387. No paymaster shall be allowed a clerk in a vessel having the complement of one hundred and seventy-five persons or less, excepting in supply-steamers and store-vessels.

Clerks, when not allowed.

26 May, 1864, c. 96, v. 13, p. 92.

SEC. 1388. Passed assistant paymasters and assistant paymasters attached to vessels of war shall be allowed clerks, if clerks would be allowed by law to paymasters so attached.

Clerks of passed assistant and assistant paymasters.

3 March, 1863, c. 118, s. 5, v. 12, p. 818.

SEC. 1389. It shall not be lawful for any paymaster, passed assistant paymaster, or assistant paymaster, to advance or loan, under any pretense whatever, to any officer in the naval service, any sum of money, public or private, or any credit, or any article or commodity whatever.

Loans to officers by paymasters.

26 Aug., 1842, c. 206, s. 6, v. 5, p. 536. 22 June, 1860, c. 181, s. 3, v. 12, p. 83.

SEC. 1390. The active list of the Engineer Corps of the Navy shall consist of seventy chief engineers, who shall be divided into three grades, by relative rank, as provided in Chapter Four of this Title;

Engineer Corps, number and rank.

3 March, 1871, c. 117, s. 7, v. 16, p. 536.

Ten chief engineers;

Fifteen chief engineers; and

Forty-five chief engineers, who shall have the relative rank of lieutenant-commander or lieutenant.

And each and all of the above-named officers of the Engineer Corps shall have the pay of chief engineers of the Navy, as now provided.

One hundred first assistant engineers, who shall have the relative rank of lieutenant or master; and

One hundred second assistant engineers, who shall have the relative rank of master or ensign; and the said assistant engineers shall have the pay of first and second assistant engineers of the Navy, respectively, as now provided.

SEC. 1391. Engineers shall be appointed by the President, by and with the advice and consent of the Senate.

Appointment of.

279, s. 6, v. 5, p. 577. 3 March, 1845, c. 77, s. 7, v. 5, p. 794. 25 July, 1866, c. 231, s. 7, v. 14, p. 223.

31 Aug., 1842, c. 1866, c. 231, s. 7, v.

SEC. 1392. No person under nineteen or over twenty-six years of age shall be appointed a second assistant engineer in the Navy; nor shall any person be appointed or promoted in the Engineer Corps until after he has been found qualified by a board of competent engineers and medical officers designated by the Secretary of the Navy, and has complied with existing regulations.

Qualifications of

3 March, 1871, c. 117, s. 8, v. 16, p. 536.

SEC. 1393. The President may designate among the chief engineers in the service, and appoint to every fleet or squadron, an engineer, who shall be denominated "engineer of the fleet."

Engineer of the fleet.

21 April, 1864, c. 63, s. 7, v. 13, p. 54.

Cadet engineers.

SEC. 1394. Cadet engineers who are graduated with credit in the scientific and mechanical class of the Naval Academy may, upon the recommendation of the academic board, be appointed by the President and confirmed by the Senate as second assistant engineers.

4 July, 1864, c. 252, s. 2, v. 13, p. 393.

31 Aug., 1842, c. 279, s. 6, v. 5, p. 577.

Chaplains, number and appointment of.

21 April, 1806, c. 35, s. 3, v. 2, p. 390. p. 500.

Qualifications of.

14 July, 1862, c. 164, s. 7, v. 12, p. 565.

Form of worship.

1 June, 1860, c. 67, s. 1, v. 12, p. 24. Annual report.

1 June, 1860, c. 67, s. 1, v. 12, p. 24.

Professors of mathematics, number of.

3 Aug., 1848, c. 121,

Appointment.

3 Aug., 1848, c. 121, s. 12, v. 9, p. 272. Duties.

3 Aug., 1848, c. 121, s. 12, v. 9, p. 272.

Naval constructors, number and appointment of.

25 July, 1866, c. 231, s. 7, v. 14, p. 223. 3 March, 1871, c. 117, s. 9, v. 16, p. 536.

Assistant naval constructors.

4 July, 1864, c. 252, s. 2, v. 13, p. 393.

Duty.

3 March, 1845, c. 77, s. 2, v. 5, p. 794.

Warrant officers, number and appointment of.

21 April, 1806, c. 35, s. 3, v. 2, p. 390. 4 Aug., 1842, c. 121, s. 1, v. 5, p. 500. 3 March, 1847, c. 48, s. 1, v. 9, p. 172.

Title.

2 July, 1864, c. 219, s. 2, v. 13, p. 373.

Promotion of seamen to warrant officers.

17 May, 1864, c. 89, s. 3, v. 13, pp. 79, 80.

Seamen may be rated as mates.

3 March, 1865, c. 124, s. 3, v. 13, p. 539.

Rating shall not discharge from enlistment.

3 March, 1865, c. 124, s. 3, v. 13, p. 539. 17 May, 1864, c. 89, s. 3, v. 13, p. 79.

SEC. 1395. There shall be in the Navy, for the public armed vessels of the United States in actual service not exceeding twenty-four chaplains, who shall be appointed by the President with the advice and consent of the Senate.

16 April, 1814, c. 58, s. 5, v. 3, p. 125. 4 Aug., 1842, c. 121, s. 1, v. 5,

SEC. 1396. A chaplain shall not be less than twenty-one nor more than thirty-five years of age at the time of his appointment.

SEC. 1397. Every chaplain shall be permitted to conduct public worship according to the manner and forms of the church of which he may be a member.

SEC. 1398. Chaplains shall report annually to the Secretary of the Navy the official services performed by them.

SEC. 1399. The number of professors of mathematics in the Navy shall not exceed twelve.

a. 12, v. 9, p. 272. 31 May, 1872, c. 240, s. 1, v. 17, p. 192.

SEC. 1400. Professors of mathematics shall be appointed and commissioned by the President of the United States, by and with the advice and consent of the Senate.

SEC. 1401. Professors of mathematics shall perform such duties as may be assigned them by order of the Secretary of the Navy, at the Naval Academy, the Naval Observatory, and on board ships of war, in instructing the midshipmen of the Navy, or otherwise.

SEC. 1402. The President, by and with the advice and consent of the Senate, may appoint naval constructors, who shall have rank and pay as officers of the Navy.

SEC. 1403. Cadet engineers who are graduated with credit in the scientific and mechanical class of the Naval Academy may, upon the recommendation of the academic board, be immediately appointed as assistant naval constructors.

SEC. 1404. Naval constructors may be required to perform duty at any navy-yard or other station.

SEC. 1405. The President may appoint for the vessels in actual service, as many boatswains, gunners, sailmakers, and carpenters as may, in his opinion, be necessary and proper.

SEC. 1406. Boatswains, gunners, carpenters, and sailmakers shall be known and shall be entered upon the Naval Register as "warrant officers in the naval service of the United States."

SEC. 1407. Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers, upon the recommendation of their commanding officer, approved by the flag-officer and Secretary of the Navy. And upon such recommendation they shall receive a gratuity of one hundred dollars and a medal of honor, to be prepared under the direction of the Navy Department.

SEC. 1408. Mates may be rated, under authority of the Secretary of the Navy, from seamen and ordinary seamen who have enlisted in the naval service for not less than two years.

SEC. 1409. The rating of an enlisted man as a mate, or his appointment as a warrant officer, shall not discharge him from his enlistment.

SEC. 1410. All officers not holding commissions or warrants, or who are not entitled to them, except such as are temporarily appointed to the duties of a commissioned or warrant officer, and except secretaries and clerks, shall be deemed petty officers, and shall be entitled to obedience, in the execution of their offices, from persons of inferior ratings.

SEC. 1411. The Secretary of the Navy may appoint, for temporary service, such acting assistant surgeons as the exigencies of the service may require, who shall receive the compensation of assistant surgeons.

SEC. 1412. Officers who have been, or may be, transferred from the volunteer service to the Regular Navy shall be credited with the sea-service performed by them as volunteer officers, and shall receive all the benefits of such duty in the same manner as if they had been, during such service, in the Regular Navy.

SEC. 1413. The President, by and with the advice and consent of the Senate, may appoint a civil engineer and a naval store-keeper at each of the navy-yards where such officers may be necessary.

SEC. 1414. The Secretary of the Navy may appoint citizens who are not officers of the Navy to be store-keepers on foreign stations, when suitable officers of the Navy cannot be ordered on such service, or when, in his opinion, the public interest will be thereby promoted.

SEC. 1415. Every person who is appointed store-keeper under the provisions of the preceding section shall be required to give a bond, in such amount as may be fixed by the Secretary of the Navy, for the faithful performance of his duty.

SEC. 1416. The Secretary of the Navy is authorized, when in his opinion the public interest will permit it, to discontinue the office or employment of any measurer and inspector of timber, clerk of the yard, clerk of the commandant, clerk of the store-keeper, clerk of the naval constructor, and the keeper of the magazine employed at any navy-yard, and to require the duties of the keeper of the magazine to be performed by gunners.

SEC. 1417. The number of persons who may at one time be enlisted into the Navy of the United States, including seamen, ordinary seamen, landsmen, mechanics, firemen, coal-heavers, apprentices, and boys, shall not exceed eight thousand five hundred.

SEC. 1418. Boys between the ages of sixteen and eighteen years may be enlisted to serve in the Navy until they shall arrive at the age of twenty-one years; other persons may be enlisted to serve for a period not exceeding five years, unless sooner discharged by direction of the President. [See § 1624; Art. 19.]

SEC. 1419. Minors between the age of sixteen and eighteen years shall not be enlisted for the naval service without the consent of their parents or guardians. [See § 1624; Art. 19.]

SEC. 1420. No minor under the age of sixteen years, no insane or intoxicated person, and no deserter from the naval or military service of the United States shall be enlisted in the naval service.

SEC. 1421. Any person enlisted in the military service of the United States may, on application to the Navy Department, approved by the President, be transferred to the Navy or Marine Corps, to serve therein the residue of his term of enlistment, subject to the laws and regulations for the government of the Navy. But such transfer shall not release him from any indebtedness to the Government, nor, without the con-

Petty officers.

17 July, 1862, c. 204, s. 18, v. 12, p. 610.

Acting assistant surgeons.

15 July, 1870, c. 124, s. 6, v. 13, p. 539.

Volunteer officers transferred entitled to credit for volunteer sea-service.

2 March, 1867, c. 174, s. 3, v. 14, p. 516.

Civil engineers and store-keepers at navy-yards.

2 March, 1867, c. 61, s. 1, v. 15, p. 69.

Store-keepers on foreign stations.

3 March, 1847, c. 48, s. 3, v. 9, p. 172.

17 June, 1844, c. 107, s. 1, v. 5, p. 700.

Store-keepers' bond.

3 March, 1847, c. 48, s. 3, v. 9, p. 172.

17 June, 1844, c. 107, s. 1, v. 5, p. 700.

Civil offices at yards may be discontinued by Secretary of the Navy.

10 Aug., 1846, c. 176, s. 1, v. 9, pp. 98, 99.

Enlisted men, number of.

17 June, 1868, c. 61, s. 2, v. 15, p. 72.

7 June, 1864, c. 111, v. 13, p. 120.—U. S. vs. Thompson, 2 Spr., 103.

Term of enlistment.

2 March, 1837, c. 21, s. 1, v. 5, p. 153.

Consent of parents and guardians.

2 March, 1837, c. 21, s. 1, v. 5, p. 153.

2 March, 1837, c. 21, s. 1, v. 5, p. 153.

3 March, 1865, c. 79, s. 18, v. 13, p. 490.

Persons not to be enlisted.

3 March, 1865, c. 79, s. 18, v. 13, p. 490.

Transfer from military to naval service.

1 July, 1864, c. 201, s. 1, v. 13, p. 342.

sent of the President, from any penalty incurred for a breach of military law.

Men sent home at expiration of term.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

Wilkes vs. Dineman, 7 How., 125.

SEC. 1422. It shall be the duty of the commanding officer of any fleet, squadron, or vessel acting singly, when on service, to send to an Atlantic port of the United States, in some public or other vessel, all petty officers and persons of inferior ratings desiring to go there, at the expiration of their terms of service, or as soon thereafter as may be, unless, in his opinion, the detention of such persons for a longer period should be very essential to the public interests, in which case he may detain them, or any of them, until the vessel to which they belong shall return to such Atlantic port.

Subject to regulations while sent home or detained.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

Limit of detention.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

What to be contained in shipping articles.

SEC. 1423. All persons sent home, or detained by a commanding officer, according to the provisions of the preceding section, shall be subject in all respects to the laws and regulations for the government of the Navy, until their return to an Atlantic port and their regular discharge.

SEC. 1424. Persons so detained by a commanding officer, or re-entering to serve until the return to an Atlantic port of the vessel to which they belong, shall in no case be held in service more than thirty days after their arrival in said port.

SEC. 1425. The shipping articles shall contain the substance of the three sections next preceding and of section fifteen hundred and seventy-two.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

Honorable discharge, to whom granted.

7 June, 1864, c. 111, v. 13, p. 120. 2 March, 1855, c. 136, s. 1, v. 10, p. 627.

Form of honorable discharge.

SEC. 1426. Honorable discharges may be granted to seamen, ordinary seamen, landsmen, firemen, coal-heavers, and boys who have enlisted for three years.

SEC. 1427. Honorable discharges shall be granted according to a form prescribed by the Secretary of the Navy.

2 March, 1855, c. 136, s. 1, v. 10, p. 627. 7 June, 1864, c. 111, v. 13, p. 120.

CHAPTER TWO.

GENERAL PROVISIONS RELATING TO OFFICERS.

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1429. Report of men entitled to honorable discharge.
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1431. Duty as to granting leave and liberty.
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SEC. 1428. The officers of vessels of the United States shall in all cases be citizens of the United States.

Citizenship.

28 June, 1864, c. 170, s. 1, v. 13, p. 201.

Report of men entitled to honorable discharge.

2 March, 1855, c. 136, s. 1, v. 10, p. 627.

SEC. 1429. It shall be the duty of every commanding officer of a vessel, on returning from a cruise, and immediately on his arrival in port, to forward to the Secretary of the Navy a list of the names of such of the crew who enlisted for three years as, in his opinion, on being discharged, are entitled to an "honorable discharge" as a testimonial of fidelity and obedience; and he shall grant the same to the persons so designated.

SEC. 1430. Every commanding officer of a vessel is required to discourage his crew from selling any part of their prize-money, bounty-money, or wages, and never to attest any power of attorney for the transfer thereof until he is satisfied that the same is not granted in consideration of money given for the purchase of prize-money, bounty-money, or wages. [See § 4643.]

To discourage sale of prize-money or wages.

30 June, 1864, c. 171, s. 12, v. 13, p. 310.

SEC. 1431. It shall be the duty of commanding officers of vessels, in granting temporary leave of absence and liberty on shore, to exercise carefully a discrimination in favor of the faithful and obedient.

Duty as to granting leave and liberty.

2 March, 1855, c. 136, s. 3, v. 10, p. 627.

SEC. 1432. No commanding officer of any vessel of the Navy shall be required to perform the duties of a paymaster, passed assistant paymaster, or assistant paymaster.

Acting as paymasters.

17 July, 1861, c. 4, s. 4, v. 12, p. 258.

SEC. 1433. The commanding officer of any fleet, squadron, or vessel acting singly, when upon the high seas or in any foreign port where there is no resident consul of the United States, shall be authorized to exercise all the powers of a consul in relation to mariners of the United States.

Consular powers.

20 Feb. 1845, c. 17, s. 2, v. 5, p. 725.

SEC. 1434. The President may select any officer not below the grade of commander on the active list of the Navy, and assign him to the command of a squadron, with the rank and title of "flag-officer;" and any officer so assigned shall have the same authority and receive the same obedience from the commanders of ships in his squadron, holding commissions of an older date than his, that he would be entitled to receive if his commission were the oldest.

Command of squadrons.

21 Dec., 1861, c. 1, s. 4, v. 12, p. 329.

SEC. 1435. Lieutenant-commanders may be assigned to duty as first lieutenants of naval stations, as navigation and watch officers on board of vessels of war, and as first lieutenants of vessels not commanded by lieutenant-commanders.

Lieutenant-commanders, how assignable.

16 July, 1862, c. 183, s. 3, v. 12, p. 584. 25 July, 1866, c. 231, s. 5, v. 14, p. 223.

SEC. 1436. Any staff officer of the Navy who has performed the duty of a chief of a Bureau of the Navy Department for a full term shall thereafter be exempt from sea duty, except in time of war.

Staff officers who have been chiefs of Bureaus.

3 March, 1871, c. 117, s. 10, v. 16, p. 537.

SEC. 1437. The President may detail, temporarily, three competent naval officers for the service of the War Department in the inspection of transport vessels, and for such other services as may be designated by the Secretary of War.

Officers detailed for service of the War Department.

12 Feb., 1862, c. 21, v. 12, p. 338.

SEC. 1438. The Secretary of the Navy shall order a suitable commissioned or warrant officer of the Navy, except in the case provided in section fourteen hundred and fourteen, to take charge of the naval stores for foreign squadrons at each of the foreign stations where such stores may be deposited, and where a store-keeper may be necessary.

Officers to act as store-keepers on foreign stations.

17 June, 1844, c. 107, s. 1, v. 5, p. 700. 3 March, 1847, c. 48, s. 3, v. 9, p. 172.

SEC. 1439. Every officer so acting as store-keeper on a foreign station shall be required to give a bond, in such amount as may be fixed by the Secretary of the Navy, for the faithful performance of his duty.

Bonds of.

17 June, 1844, c. 107, s. 1, v. 5, pp. 700, 701.

SEC. 1440. If any officer of the Navy accepts or holds an appointment in the diplomatic or consular service of the Government, he shall be considered as having resigned his place in the Navy, and it shall be filled as a vacancy.

Accepting appointments in diplomatic service.

30 March, 1868, c. 38, s. 2, v. 15, p. 58.

SEC. 1441. No officer of the Navy who has been dismissed by the sentence of a court-martial, or suffered to resign in order to escape such dismissal, shall ever again become an officer of the Navy.

Officers dismissed, or resigning to escape dismissal.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

Placing on furlough.

SEC. 1442. The Secretary of the Navy shall have authority to place on furlough any officer on the active list of the Navy.

3 March, 1835, c. 27, s. 1, v. 4, pp. 756, 757. 3 March, 1845, c. 77, s. 6, v. 5, p. 794. 28 Feb., 1855, c. 127, s. 3, v. 10, p. 617. 1 June, 1860, c. 67, s. 4, v. 12, p. 27.

CHAPTER THREE.

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After forty years' service.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

After sixty-two years of age, or forty-five years' service.

21 Dec., 1861, c. 1, s. 1, v. 12, p. 329. 25 June, 1864, c. 152, s. 1, v. 13, p. 183. 21 Dec., 1864, c. 6, s. 3, v. 13, p. 420. 16 July, 1862, c. 183, s. 8, v. 12, p. 584. 3 March, 1873, c. 230, v. 17, p. 556.

Officers of certain ranks to be retired only for disability.

15 July, 1870, c. 295, s. 6, v. 16, p. 333.

Officers who have received a vote of thanks.

16 July, 1862, c. 163, s. 8, v. 12, p. 584.

Officers rejected from promotion.

21 April, 1864, c. 63, s. 4, v. 13, p. 53.

Retiring-board.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1443. When any officer of the Navy has been forty years in the service of the United States he may be retired from active service by the President upon his own application.

SEC. 1444. When any officer below the rank of Vice-Admiral is sixty-two years old, he shall, except in the case provided in the next section, be retired by the President from active service.

SEC. 1445. The two preceding sections shall not apply to any lieutenant-commander, lieutenant, master, ensign, midshipman, passed assistant surgeon, passed assistant paymaster, first assistant engineer, assistant surgeon, assistant paymaster, or second assistant engineer; and such officers shall not be placed upon the retired list, except on account of physical or mental disability.

SEC. 1446. Officers on the active list, not below the grade of commander, who have, upon the recommendation of the President, received by name, during the war for the suppression of the rebellion, a vote of thanks of Congress for distinguished service, shall not be retired, except for cause, until they have been fifty-five years in the service of the United States.

SEC. 1447. When the case of any officer has been acted upon by a board of naval surgeons and an examining board for promotion, as provided in Chapter Four of this Title, and he shall not have been recommended for promotion by both of the said boards, he shall be placed upon the retired list.

SEC. 1448. Whenever any officer, on being ordered to perform the duties appropriate to his commission, reports himself unable to comply with such order, or whenever, in the judgment of the President, an officer is incapacitated to perform the duties of his office, the President, at his discretion, may direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine nor less than five commissioned officers, two-fifths of whom shall be members of the Medical Corps of the Navy. Said board, except the officers taken from the Medical Corps, shall be composed, as far as may be, of seniors in rank to the officer whose disability is inquired of.

SEC. 1449. Said retiring-board shall be authorized to inquire into and determine the facts touching the nature and occasion of the disability of any such officer, and shall have such powers of a court-martial and of a court of inquiry as may be necessary.

Powers and duties of.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1450. The members of said board shall be sworn in each case to discharge their duties honestly and impartially.

Oath of members.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1451. When said retiring-board finds an officer incapacitated for active service, it shall also find and report the cause which, in its judgment, produced his incapacity, and whether such cause is an incident of the service.

Findings.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1452. A record of the proceedings and decision of the board in each case shall be transmitted to the Secretary of the Navy, and shall be laid by him before the President for his approval or disapproval, or orders in the case.

Revision by the President.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1453. When a retiring-board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of the service, such officer shall, if said decision is approved by the President, be retired from active service with retired pay, as allowed by Chapter Eight of this Title.

Disability by an incident of the service.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1454. When said board finds that an officer is incapacitated for active service and that his incapacity is not the result of any incident of the service, such officer shall, if said decision is approved by the President, be retired from active service on furlough-pay, or wholly retired from service with one year's pay, as the President may determine.

Disability by other causes.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1455. No officer of the Navy shall be retired from active service, or wholly retired from the service, without a full and fair hearing before such Navy retiring-board, if he shall demand it, except in cases where he may be retired by the President at his own request, or on account of age or length of service, or on account of his failure to be recommended by an examining board for promotion.

Not to be retired without a hearing.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1456. No officer of the Navy shall be placed on the retired list because of misconduct; but he shall be brought to trial by court-martial for such misconduct.

Not to be retired for misconduct.

15 July, 1870, c. 295, s. 6, v. 16, p. 333.

SEC. 1457. Officers retired from active service shall be placed on the retired list of officers of the grades to which they belonged respectively at the time of their retirement, and continue to be borne on the Navy Register. They shall be entitled to wear the uniform of their respective grades, and shall be subject to the rules and articles for the government of the Navy and to trial by general court-martial. The names of officers wholly retired from the service shall be omitted from the Navy Register.

Privileges and liabilities.

3 Aug., 1861, c. 42, ss. 22, 23, 24, v. 12, pp. 290, 291.

16 Jan., 1857, c. 12, s. 4, v. 11, p. 154.

SEC. 1458. The next officer in rank shall be promoted to the place of a retired officer, according to the established rules of the service; and the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer.

Vacancies by retirement.

3 Aug., 1861, c. 42, s. 22, v. 12, p. 291.

21 Dec., 1862, c. 1, s. 6, v. 12, p. 330.

SEC. 1459. Officers on the retired list shall be withdrawn from command, except in the case provided in sections fourteen hundred and sixty-three and fourteen hundred and sixty-four, and from the line of promotion on the active list.

Withdrawn from command.

3 Aug., 1861, c. 42, s. 22, v. 12, p. 290.

21 Dec., 1861, c. 1, s. 3, 4, v. 12, p. 329.

SEC. 1460. There may be allowed upon the retired list of the Navy nine rear-admirals by promotion on that list: *Provided*, That this section shall not prevent the Secretary of the Navy from promoting to the grade of rear-admiral on the retired list, in addition to the number herein provided, those commodores who have commanded squadrons by

Rear-admirals on retired list.

16 July, 1862, c. 183, s. 14, v. 12, p. 585.

25 July, 1866, c. 231, s. 1, v. 14, p. 222.

Retired officers; promotion.

2 March, 1867, c. 174, s. 9, v. 14, p. 517.

16 Jan., 1857, c. 12, s. 4, v. 11, p. 154.

Active duty.

3 March, 1873, c. 230, v. 17, p. 547.

Assigned to command of squadrons and ships.

21 Dec., 1861, c. 1, s. 3, v. 12, p. 329.

Commanders of squadrons, from what grades selected.

21 Dec., 1861, c. 1, s. 4, v. 12, p. 329.

When restored to active list.

21 Dec., 1861, c. 1, s. 3, v. 12, p. 329.

order of the Secretary of the Navy, or who have performed other highly meritorious service.

SEC. 1461. Officers on the retired list of the Navy shall be entitled to promotion as their several dates upon the active list are promoted: *Provided*, That no promotion shall be made to the grade of rear-admiral upon the retired list while there shall be in that grade nine rear-admirals by promotion on that list, exclusive of those so promoted by reason of having commanded squadrons by order of the Secretary of the Navy, or of having performed other highly meritorious service. No promotion to the grade of rear-admiral on the retired list while there shall be in that grade the full number allowed by law.

SEC. 1462. No officer on the retired list of the Navy shall be employed on active duty except in time of war.

SEC. 1463. In time of war the President, by and with the advice and consent of the Senate, may detail officers on the retired list for the command of squadrons and single ships, when he believes that the good of the service requires that they shall be so placed in command.

SEC. 1464. In making said details the President may select any officer not below the grade of commander and assign him to the command of a squadron, with the rank and title of "flag-officer;" and any officer so assigned shall have the same authority and receive the same obedience from the commanders of ships in his squadron holding commissions of an older date than his that he would be entitled to receive if his commission were the oldest.

SEC. 1465. Retired officers so detailed for the command of squadrons and single ships may be restored to the active list, if, upon the recommendation of the President, they shall receive a vote of thanks of Congress for their services and gallantry in action against the enemy, and not otherwise.

CHAPTER FOUR.

RANK AND PRECEDENCE, PROMOTION AND ADVANCEMENT.

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SEC. 1466. The relative rank between officers of the Navy, whether on the active or retired list, and officers of the Army, shall be as follows, lineal rank only being considered:

The Vice-Admiral shall rank with the Lieutenant-General.

Rear-admirals with major-generals.

Commodores with brigadier-generals.

Captains with colonels.

Commanders with lieutenant-colonels.

Lieutenant-commanders with majors.

Lieutenants with captains.

Masters with first lieutenants.

Ensigns with second lieutenants.

SEC. 1467. Line officers shall take rank in each grade according to the dates of their commissions.

16 July, 1862, c. 183, s. 1, v. 12, p. 583. 21 April, 1864, c. 63, s. 7, v. 13, p. 54. 24 Jan., 1865, c. 19, s. 1, v. 13, p. 424.

SEC. 1468. Commanding officers of vessels of war and of naval stations shall take precedence over all officers placed under their command.

Relative rank of Navy and Army officers.

16 July, 1862, c. 183, s. 13, v. 12, p. 585.

21 Dec., 1864, c. 6, s. 1, v. 13, p. 420.

25 July, 1866, c. 231, s. 1, v. 14, p. 222.

2 March, 1867, c. 174, s. 1, v. 14, pp. 515, 516.

Rank according to date.

SEC. 1469. The Secretary of the Navy may, in his discretion, detail a line officer to act as the aid or executive of the commanding officer of a vessel of war or naval station, which officer shall, when not impracticable, be next in rank to said commanding officer. Such aid or executive shall, while executing the orders of the commanding officer on board the vessel or at the station, take precedence over all officers attached to the vessel or station. All orders of such aid or executive shall be regarded as proceeding from the commanding officer, and the aid or executive shall have no independent authority in consequence of such detail.

SEC. 1470. Staff officers, senior to the officer so detailed, shall have the right to communicate directly with the commanding officer.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

SEC. 1471. The chiefs of the Bureau of Medicine and Surgery, Provisions and Clothing, Steam Engineering, and Construction and Repair shall have the relative rank of commodore while holding said position, and shall have, respectively, the title of Surgeon-General, Paymaster-General, Engineer-in-Chief, and Chief Constructor.

SEC. 1472. When the office of chief of Bureau is filled by a line officer below the rank of commodore, said officer shall have the relative rank of commodore during the time he holds said office.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

SEC. 1473. Officers who have been or who shall be retired from the position of chiefs of the Bureau of Medicine and Surgery, of Provisions and Clothing, of Steam Engineering, or of Construction and Repair, by reason of age or length of service, shall have the relative rank of commodore.

SEC. 1474. Officers of the Medical Corps on the active list of the Navy shall have relative rank as follows:

Medical directors, the relative rank of captain.

Medical inspectors, the relative rank of commander.

Surgeons, the relative rank of lieutenant-commander or lieutenant.

Commanding officers of vessels and stations.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

Aid or executive officer.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

Staff officers, when to communicate directly with commanding officer.

Chiefs of Bureaus.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

Chief of Bureau, when below rank of commodore.

Retired from position of chief of Bureau.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

Medical Corps.

3 March, 1871, c. 117, s. 5, v. 16, p. 535.

- Passed assistant surgeons, the relative rank of lieutenant or master. Assistant surgeons, the relative rank of master or ensign.
- Pay Corps.**
 SEC. 1475. Officers of the Pay Corps on the active list of the Navy shall have relative rank as follows:
 Pay directors, the relative rank of captain.
 Pay inspectors, the relative rank of commander.
 Paymasters, the relative rank of lieutenant-commander or lieutenant.
 Passed assistant paymasters, the relative rank of lieutenant or master.
 Assistant paymasters, the relative rank of master or ensign.
- Engineer Corps.**
 SEC. 1476. Officers of the Engineer Corps on the active list shall have relative rank as follows:
 Of the chief engineers, ten shall have the relative rank of captain, fifteen that of commander, and forty-five that of lieutenant-commander or lieutenant.
 First assistant engineers shall have the relative rank of lieutenant or master, and second assistant engineers that of master or ensign.
- Constructors.**
 SEC. 1477. Of the naval constructors, two shall have the relative rank of captain, three of commander, and all others that of lieutenant-commander or lieutenant. Assistant naval constructors shall have the relative rank of lieutenant or master.
- Civil engineers.**
 SEC. 1478. Civil engineers shall have such relative rank as the President may fix.
- Chaplains.**
 SEC. 1479. Chaplains shall have relative rank as follows: Four, the relative rank of captain; seven, that of commander; and not more than seven, that of lieutenant-commander or lieutenant.
- Professors of mathematics.**
 SEC. 1480. Professors of mathematics shall have relative rank as follows: Three, the relative rank of captain; four, that of commander; and five, that of lieutenant-commander or lieutenant.
- When retired for age or length of service.**
 SEC. 1481. Officers of the Medical, Pay, and Engineer Corps, chaplains, professors of mathematics, and constructors, who shall have served faithfully for forty-five years, shall, when retired, have the relative rank of commodore; and officers of these several corps who have been or shall be retired at the age of sixty-two years, before having served for forty-five years, but who shall have served faithfully until retired, shall, on the completion of forty years from their entry into the service, have the relative rank of commodore.
- Retired for causes incident to service.**
 SEC. 1482. Staff-officers, who have been or shall be retired for causes incident to the service before arriving at sixty-two years of age, shall have the same rank on the retired list as pertained to their position on the active list.
- Graduates of Naval Academy.**
 SEC. 1483. Graduates of the Naval Academy shall take rank according to their proficiency as shown by their order of merit at the date of graduation.
- Engineers graduated at Naval Academy.**
 SEC. 1484. Engineer officers graduated at the Naval Academy shall take precedence with all other officers with whom they have relative rank, according to the actual length of service in the Navy.
- Precedence by length of service.**
 SEC. 1485. The officers of the staff corps of the Navy shall take precedence in their several corps, and in their several grades, and with officers of the line with whom they hold relative rank according to length of service in the Navy.
- Length of service, how estimated.**
 SEC. 1486. In estimating the length of service for such purpose, the several officers of the staff corps shall, respectively, take precedence in their several grades and with those officers of the line of the Navy with whom they hold relative rank who have been in the naval service six years longer than such officers of said staff corps have been in said service; and officers who have been advanced or lost numbers on the Navy
- 3 March, 1871, c. 117, s. 6, v. 16, p. 536.
- 3 March, 1871, c. 117, s. 7, v. 16, p. 536.
- 3 March, 1871, c. 117, s. 9, v. 16, p. 536.
- 3 March, 1871, c. 117, s. 9, v. 16, p. 536.
- 3 March, 1871, c. 117, s. 9, v. 16, p. 536.
- 31 May, 1872, c. 240, s. 1, v. 17, p. 192.
- 3 March, 1871, c. 117, s. 11, v. 16, p. 537.
- 3 March, 1871, c. 117, s. 11, v. 16, p. 537.
- 23 May, 1872, c. 195, s. 1, v. 17, p. 153.
- 3 March, 1873, c. 230, s. 1, v. 17, p. 555.
- 3 March, 1871, c. 117, s. 10, v. 16, p. 537.
- 3 March, 1871, c. 117, s. 10, v. 16, p. 537.

Register shall be considered as having gained or lost length of service accordingly.

SEC. 1487. No staff officer shall, in virtue of his relative rank or precedence, have any additional right to quarters.

Quarters.

3 March, 1871, c. 117, s. 10, v. 16, p. 537.

SEC. 1488. The relative rank given by the provisions of this chapter to officers of the Medical, Pay, and Engineer Corps shall confer no authority to exercise military command.

Military command.

268, s. 4, v. 10, p. 587. General Orders 31 Aug., 1846, and 27 May, 1847. 5 Aug., 1854, c. 3 March, 1859, c. 76, s. 2, v. 11, p. 407.

SEC. 1489. In processions on shore, or courts-martial, summary courts, courts of inquiry, boards of survey, and all other boards, line and staff officers shall take precedence according to rank.

Processions, boards, &c.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

SEC. 1490. Ensigns shall be steerage officers, unless assigned to duty as watch and division officers.

Ensigns as steerage officers.

15 July, 1870, c. 295, s. 10, v. 16, p. 334.

SEC. 1491. The President may, if he shall deem it conducive to the interests of the service, give assimilated rank to boatswains, gunners, carpenters, and sailmakers, as follows: After five years' service, to rank with ensigns, and after ten years' service, to rank with masters.

Warrant officers.

2 July, 1864, c. 219, s. 1, v. 13, p. 373.

SEC. 1492. The officers of the revenue-cutter service when serving, in accordance with law, as a part of the Navy, shall be entitled to relative rank, as follows: Captains, with and next after lieutenants commanding in the Navy; first lieutenants, with and next after lieutenants in the Navy; second lieutenants, with and next after masters in line in the Navy; third lieutenants, with and next after ensigns in the Navy.

Revenue-cutter officers serving as part of the Navy.

4 Feb., 1863, c. 20, s. 4, v. 12, p. 640. 2 March, 1799, c. 22, s. 93, v. 1, pp. 699, 700. 16 July, 1862, c. 183, ss. 1, 11, v. 12, pp. 583, 585.

OF PROMOTION AND ADVANCEMENT.

SEC. 1493. No officer shall be promoted to a higher grade on the active list of the Navy, except in the case provided in the next section, until he has been examined by a board of naval surgeons and pronounced physically qualified to perform all his duties at sea.

Physical examination.

21 April, 1864, c. 63, s. 4, v. 13, p. 53. 28 July, 1866, c. 312, s. 1, v. 14, p. 344.

SEC. 1494. The provisions of the preceding section shall not exclude from the promotion to which he would otherwise be regularly entitled any officer in whose case such medical board may report that his physical disqualification was occasioned by wounds received in the line of his duty, and that such wounds do not incapacitate him for other duties in the grade to which he shall be promoted.

Physical disqualification by wounds.

23 July, 1866, c. 312, s. 1, v. 14, pp. 344, 345.

SEC. 1495. Officers subject to examination before promotion to a grade limited in number by law shall not be entitled to examination in such a sense as to give increase of pay until designated by the Secretary of the Navy to fill vacancies in the higher grade; and officers eligible for promotion to a grade not limited in number shall not be entitled to examination until ordered to present themselves for examination or until a class, in which they are included, has been so ordered by the Secretary of the Navy.

21 April, 1864, c. 63, s. 4, v. 13, p. 53.

Examinations, when; and effect of.

3 March, 1873, c. 230, s. 1, v. 17, p. 555.

SEC. 1496. No line officer below the grade of commodore, and no officer not of the line, shall be promoted to a higher grade on the active list of the Navy until his mental, moral, and professional fitness to perform all his duties at sea have been established to the satisfaction of a board of examining officers appointed by the President.

Examination of professional fitness.

21 April, 1864, c. 63, s. 1, v. 13, p. 53.

SEC. 1497. In time of peace no person shall be promoted from the list of commodores to the grade of rear-admiral, on the active list, until his mental, moral, and professional fitness to perform all his duties at sea has been established as provided in the preceding section.

Promotion to rear-admiral in time of peace.

16 July, 1862, c. 183, s. 7, v. 12, p. 584. Amended by 21 April, 1864, c. 63, v. 13, p. 53.

- Examining board.** SEC. 1498. Such examining board shall consist of not less than three officers, senior in rank to the officer to be examined.
21 April, 1864, c. 63, s. 2, v. 13, p. 53.
Powers of.
- SEC. 1499. Said board shall have power to take testimony and to examine all matter on the files and records of the Navy Department relating to any officer whose case may be considered by them. The witnesses, when present, shall be sworn by the president of the board.
21 April, 1864, c. 63, s. 1, v. 13, p. 53.
- SEC. 1500. Any officer whose case is to be acted upon by such examining board shall have the right to be present, if he so desires, and to submit a statement of his case on oath.
Officer may be present and make statement.
21 April, 1864, c. 63, s. 3, v. 13, p. 53.
- Record.** SEC. 1501. The statement of such officer, if made, and the testimony of the witnesses and his examination shall be recorded.
21 April, 1864, c. 63, s. 3, v. 13, p. 53.
Revision by the President.
- SEC. 1502. Any matter on the files and records of the Navy Department, touching each case, which may, in the opinion of the board, be necessary to assist them in making up their judgment, shall, together with the whole record and finding, be presented to the President for his approval or disapproval of the finding.
21 April, 1864, c. 63, s. 3, v. 13, p. 53.
- SEC. 1503. No officer shall be rejected until after such public examination of himself and of the records of the Navy Department in his case, unless he fails, after having been duly notified, to appear before said board.
No officer to be rejected without examination.
21 April, 1864, c. 63, s. 3, v. 13, p. 53.
- Report of recommendation.** SEC. 1504. Such examining board shall report their recommendation of any officer for promotion in the following form: "We hereby certify that _____ has the mental, moral, and professional qualifications to perform efficiently all the duties, both at sea and on shore, of the grade to which he is to be promoted, and recommend him for promotion."
28 July, 1866, c. 312, s. 1, v. 14, pp. 344, 345.
- SEC. 1505. Any officer of the Navy on the active list below the grade of commander, who, upon examination for promotion, is not found professionally qualified, shall be suspended from promotion for one year, with corresponding loss of date when he shall be re-examined, and in case of his failure upon such re-examination he shall be dropped from the service.
16 July, 1862, c. 183, s. 4, v. 12, p. 584.
As amended by 21 April, 1864, c. 63, s. 4, v. 13, p. 53.
- Failing in examination.** SEC. 1506. Any officer of the Navy may, by and with the advice and consent of the Senate, be advanced, not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism.
15 July, 1870, c. 295, s. 8, v. 16, p. 333.
- Advancement in number.** SEC. 1507. Any officer who is nominated to a higher grade by the provisions of the preceding section, shall be promoted, notwithstanding the number of said grade may be full; but no further promotions shall take place in that grade, except for like cause, until the number is reduced to that provided by law.
21 April, 1864, c. 63, s. 6, v. 13, p. 54.
24 Jan., 1865, c. 19, s. 1, v. 13, p. 424.
- Promotion when grade is full.** SEC. 1508. Any line officer, whether of volunteers or of the regular Navy, may be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy or for extraordinary heroism in the line of his profession.
24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.
- Officers receiving thanks of Congress.** SEC. 1509. A vote of thanks by Congress to any officer of the Navy shall be held to affect such officer only; and whenever, as an incident thereof, an officer who would otherwise be retired is retained on the active list, such retention shall not interfere with the regular promotion of others who would otherwise have been entitled by law to promotion.
16 July, 1862, c. 183, s. 9, v. 12, p. 584.
25 July, 1866, c. 231, s. 1, v. 14, p. 222.
24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.
- Effect of vote of thanks.** SEC. 1509. A vote of thanks by Congress to any officer of the Navy shall be held to affect such officer only; and whenever, as an incident thereof, an officer who would otherwise be retired is retained on the active list, such retention shall not interfere with the regular promotion of others who would otherwise have been entitled by law to promotion.
1 July, 1870, Res. 96, s. 1, v. 16, p. 384.

SEC. 1510. No promotion shall be made to fill a vacancy occasioned by the final retirement, death, resignation, or dismissal of an officer who has received a vote of thanks, unless the number of officers left in the grade where the vacancy occurs shall be less than the number authorized by law.

Vacancies occasioned by death, &c., of officers thanked.

1 July, 1870, Res. 96, s. 1, v. 16, p. 384.

CHAPTER FIVE.

THE NAVAL ACADEMY.

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SEC. 1511. The Naval Academy shall be established at Annapolis, in the State of Maryland.

Where established.

21 May, 1864, c. 93, s. 4, v. 13, p. 85.

SEC. 1512. The students at the Naval Academy shall be styled cadet midshipmen.

Title of students.

15 July, 1870, c. 295, s. 12, v. 16, p. 334.

SEC. 1513. There shall be allowed at said Academy one cadet midshipman for every Member or Delegate of the House of Representatives, one for the District of Columbia, and ten appointed annually at large.

Number of cadet midshipmen.

2 March, 1867, c. 174, s. 8, v. 14, p. 517.

15 July, 1870, c. 295, s. 12, v. 16, p. 334.

SEC. 1514. The Secretary of the Navy shall, as soon after the 5th of March in each year as possible, notify, in writing, each Member and Delegate of the House of Representatives of any vacancy that may exist in his district. The nomination of a candidate to fill said vacancy shall be made upon the recommendation of the Member or Delegate, if such recommendation is made by the first day of July of that year; but if it is not made by that time, the Secretary of the Navy shall fill the vacancy. The candidate allowed for the District of Columbia and all the candidates appointed at large shall be selected by the President.

Nomination of candidates.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

SEC. 1515. All candidates for admission into the Academy shall be examined according to such regulations and at such stated times as the Secretary of the Navy may prescribe. Candidates rejected at such examination shall not have the privilege of another examination for admission to the same class, unless recommended by the board of examiners.

Examination of candidates.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

17 April, 1866, c. 45, s. 5, v. 14, p. 38.

SEC. 1516. When any candidate who has been nominated upon the recommendation of a Member or Delegate of the House of Representatives is found, upon examination, to be physically or mentally disqualified for admission, the Member or Delegate shall be notified to recommend another candidate, who shall be examined according to the provisions of the preceding section.

Second recommendation.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

17 July, 1866, c. 45, s. 5, v. 14, p. 38.

SEC. 1517. Candidates allowed for congressional districts, for Territories, and for the District of Columbia must be actual residents of the districts or Territories, respectively, from which they are nominated. And all candidates must, at the time of their examination for admission, be between the ages of fourteen and eighteen years, and physically sound, well formed, and of robust constitution.

Qualifications.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

14 July, 1862, c. 164, s. 9, v. 12, p. 565.

1 April, 1864, c. 47, s. 2, v. 13, p. 39.

Appropriations, how applied. SEC. 1518. No money appropriated for the support of the Naval Academy shall be applied to the support of any midshipman appointed otherwise than in strict conformance with the provisions of this chapter.

21 May, 1864, c. 93, s. 1, v. 13, p. 84.

Cadet midshipmen found deficient. SEC. 1519. Cadet midshipmen found deficient at any examination shall not be continued at the Academy or in the service unless upon the recommendation of the academic board.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

Academic course. SEC. 1520. The academic course of cadet midshipmen shall be six years.

3 March, 1873, c. 230, s. 1, v. 17, p. 555.

Promotion to midshipmen.

15 July, 1870, c. 295, s. 12, v. 16, p. 334.

SEC. 1521. When cadet midshipmen shall have passed successfully the graduating examination at the Academy, they shall receive appointments as midshipmen and shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

Cadet engineers.

4 July, 1864, c. 252, s. 1, v. 13, p. 393.

SEC. 1522. The Secretary of the Navy is authorized to make provision, by regulations issued by him, for educating at the Naval Academy, as naval constructors or steam engineers, such midshipmen and others as may show a peculiar aptitude therefor. He may, for this purpose, form a separate class at the Academy, to be styled cadet engineers, or otherwise afford to such persons all proper facilities for such a scientific mechanical education as will fit them for said professions.

Number and appointment of.

4 July, 1864, c. 252, s. 3, 4, v. 13, p. 393.

2 March, 1867, c. 174, s. 2, v. 14, p. 516.

Academic course of.

SEC. 1523. Cadet engineers shall be appointed by the Secretary of the Navy. They shall not at any time exceed fifty in number, and no persons, other than midshipmen, shall be eligible for appointment unless they shall first produce satisfactory evidence of mechanical skill and proficiency, and shall have passed an examination as to their mental and physical qualifications.

Academic course of. SEC. 1524. The course for cadet engineers shall be four years, including two years of service on naval steamers.

4 July, 1864, c. 252, s. 5, v. 13, p. 393. 3 March, 1873, c. 230, s. 1, v. 17, p. 555.

Examinations of.

4 July, 1864, c. 252, s. 4, v. 13, p. 393.

SEC. 1525. Cadet engineers shall be examined from time to time, according to regulations prescribed by the Secretary of the Navy, and if found deficient at any examination, or if dismissed for misconduct, they shall not be continued in the Academy or in the service except upon the recommendation of the academic board.

Studies not to be pursued on Sunday.

15 July, 1870, c. 294, s. 21, v. 16, p. 319.

SEC. 1526. The Secretary of the Navy shall arrange the course of studies and the order of recitations at the Naval Academy so that the students in said institution shall not be required to pursue their studies on Sunday.

Store-keeper at the Academy.

2 March, 1867, c. 174, s. 4, v. 14, p. 516.

SEC. 1527. The store-keeper at the Naval Academy shall be detailed from the Paymaster's Corps, and shall have authority, with the approval of the Secretary of the Navy, to procure clothing and other necessaries for the midshipmen and cadet engineers in the same manner as supplies are furnished to the Navy, to be issued under such regulations as may be prescribed by the Secretary of the Navy.

Professors of ethics, Spanish, and drawing.

21 May, 1864, c. 93, s. 3, v. 13, p. 85.

SEC. 1528. Three professors of mathematics shall be assigned to duty at the Naval Academy, one as professor of ethics and English studies, one as professor of the Spanish language, and one as professor of drawing.

CHAPTER SIX.

VESSELS AND NAVY-YARDS.

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SEC. 1529. The vessels of the Navy of the United States shall be divided into four classes, and shall be commanded as nearly as may be as follows:

First rates, by commodores; second rates, by captains; third rates, by commanders; fourth rates, by lieutenant-commanders.

SEC. 1530. Steamships of forty guns or more shall be classed as first rates, those of twenty guns and under forty as second rates, and all those of less than twenty guns as third rates.

SEC. 1531. The vessels of the Navy shall be named by the Secretary of the Navy, under the direction of the President, according to the following rule:

Sailing-vessels of the first class shall be named after the States of the Union, those of the second class after the rivers, those of the third class after the principal cities and towns, and those of the fourth class as the President may direct.

Steamships of the first class shall be named after the States of the Union, those of the second class after the rivers and principal cities and towns, and those of the third class as the President may direct.

SEC. 1532. Care shall be taken that not more than one vessel in the Navy shall bear the same name.

3 March, 1819, c. 7, s. 1, v. 3, p. 538. 12 June, 1858, c. 153, s. 5, v. 11, p. 319.

SEC. 1533. The Secretary of the Navy may change the names of any vessels purchased for the Navy by authority of law.

5 Aug., 1861, c. 51, s. 2, v. 12, p. 316.

SEC. 1534. The President is authorized to keep in actual service in time of peace, such of the public armed vessels as, in his opinion, may be required by the nature of the service, and to cause the residue thereof to be laid up in ordinary in convenient ports.

SEC. 1535. Vessels in actual service, in time of peace, shall be officered and manned as the President may direct, subject to the provisions of section fifteen hundred and twenty-nine.

SEC. 1536. The President may, when the necessities of the service permit it, cause any suitable number of public vessels adapted to the purpose to cruise upon the coast in the season of severe weather and to afford such aid to distressed navigators as their circumstances may require; and such public vessels shall go to sea fully prepared to render such assistance.

SEC. 1537. No patented article connected with marine engines shall hereafter be purchased or used in connection with any steam-vessels of war until the same shall have been submitted to a competent board of naval engineers, and recommended by such board, in writing, for purchase and use.

SEC. 1538. Not more than three thousand dollars shall be expended at any navy yard in repairing the hull and spars of any vessel, until

Four classes; their commanders.

16 July, 1862, c. 183, s. 3, v. 12, p. 583.

How rated.

12 June, 1858, c. 153, s. 5, v. 11, p. 319.

Rule for naming

3 Mar., 1819, c. 7, s. 1, v. 3, p. 538.

12 June, 1858, c. 153, s. 5, v. 11, p. 319.

Two vessels not to bear the same name.

Names of purchased vessels.

Vessels kept in service in time of peace.

21 Apr., 1806, c. 35, s. 2, v. 2, p. 390.

How officered and manned.

21 Apr., 1806, c. 35, s. 3, v. 2, p. 390.

Cruising to assist distressed navigators.

22 Dec., 1837, c. 1, v. 5, p. 208.

Patented articles connected with marine engines.

18 July, 1861, c. 8, s. 3, v. 12, p. 268.

Repairs on hull and spars.

21 Feb., 1861, c. 49, s. 1, v. 12, p. 147.

the necessity and expediency of such repairs and the probable cost thereof are ascertained and reported to the Navy Department by an examining board, which shall be composed of one captain or commander in the Navy, designated by the Secretary of the Navy, the naval constructor of the yard where such vessel may be ordered for repairs, and two master workmen of said yard, or one master workman and an engineer of the Navy, according to the nature of the repairs to be made. Said master workmen and engineer shall be designated by the head of the Bureau of Construction and Repair.

Repairs on sails and rigging.

21 Feb., 1861, c. 49, s. 1, v. 12, p. 147.

SEC. 1539. Not more than one thousand dollars shall be expended in repairs on the sails and rigging of any vessel, until the necessity and expediency of such repairs and the estimated cost thereof have been ascertained and reported to the Navy Department by an examining board, which shall be composed of one naval officer, designated by the Secretary of the Navy, and the master rigger and the master sail-maker of the yard where such vessel may be ordered.

Sale of vessels unfit to be repaired.

21 April, 1866, c. 47, s. 3, v. 2, p. 402.

SEC. 1540. The President may direct any armed vessel of the United States to be sold when, in his opinion, such vessel is so much out of repair that it will not be for the interest of the United States to repair her.

Sale of unscrivable vessels and materials.

23 March, 1872, c. 195, s. 2, v. 17, p. 154.

SEC. 1541. The Secretary of the Navy is authorized and directed to sell, at public sale, such vessels and materials of the United States Navy as, in his judgment, cannot be advantageously used, repaired, or fitted out; and he shall, at the opening of each session of Congress, make a full report to Congress of all vessels and materials sold, the parties buying the same, and the amount realized therefrom, together with such other facts as may be necessary to a full understanding of his acts.

Commandants of navy-yards.

2 Aug., 1861, c. 36, v. 12, p. 285.

SEC. 1542. The President may select the commandants of the several navy-yards from officers not below the grade of commander.

Master workmen.

17 June, 1868, c. 61, s. 1, v. 15, p. 69.

5 July, 1862, c. 134, s. 2, v. 12, p. 510.

SEC. 1543. The persons employed at the several navy-yards to superintend the mechanical departments, and heretofore known as master mechanics, master carpenters, master joiners, master blacksmiths, master boiler-makers, master sail-makers, master plumbers, master painters, master calkers, master masons, master boat-builders, master spar-makers, master block-makers, master laborers, and the superintendents of rope-walks shall be men skilled in their several duties and appointed from civil life, and shall not be appointed from the officers of the Navy.

Laborers, how selected.

23 May, 1872, c. 195, s. 1, v. 17, p. 146.

SEC. 1544. Laborers shall be employed in the several navy-yards by the proper officers in charge with reference to skill and efficiency, and without regard to other considerations.

Salaries; per diem compensation.

14 July, 1862, c. 164, s. 1, v. 12, p. 564.

SEC. 1545. Salaries shall not be paid to any employes in any of the navy-yards, except those who are designated in the estimates. All other persons shall receive a per diem compensation for the time during which they may be actually employed.

Requiring contributions for political purposes at navy-yards.

2 March, 1867, c. 172, s. 3, v. 14, p. 492.

SEC. 1546. No officer or employé of the Government shall require or request any working man in any navy-yard to contribute or pay any money for political purposes, nor shall any working man be removed or discharged for political opinion; and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

CHAPTER SEVEN.

GENERAL PROVISIONS RELATING TO THE NAVY.

Sec.

1547. Regulations.
 1548. Copy to be furnished to officers.
 1549. Regulations of supplies.
 1550. Appointment of persons to disburse money on foreign stations.

Sec.

1551. Insane of the Navy.
 1552. Coal-depots.
 1553. Enticing persons to desert.
 1554. Captured flags.
 1555. Preservation of, in some public place.

SEC. 1547. The orders, regulations, and instructions issued by the Secretary of the Navy prior to July 14, 1862, with such alterations as he may since have adopted, with the approval of the President, shall be recognized as the regulations of the Navy, subject to alterations adopted in the same manner.

Regulations.

14 July, 1862, c. 164, s. 5, v. 12, p. 565.

SEC. 1548. The Secretary of the Navy shall cause each commissioned or warrant officer of the Navy, on his entry into the service, to be furnished with a copy of the regulations and general orders of the Navy Department then in force, and thereafter with a copy of all such as may be issued.

Copy to be furnished to officers.

17 July, 1862, c. 204, s. 19, v. 12, p. 610.

SEC. 1549. It shall be the duty of the President to make, subject to the provisions of law concerning supplies, such regulations for the purchase, preservation, and disposition of all articles, stores, and supplies for persons in the Navy, as may be necessary for the safe and economical administration of that branch of the public service.

Regulations of supplies.

26 Aug., 1842, c. 206, s. 2, v. 5, p. 535.
 3 March, 1847, c. 48, s. 1, v. 9, p. 171.

SEC. 1550. No person shall be employed or continued abroad, to receive and pay money for the use of the naval service on foreign stations, whether under contract or otherwise, who has not been, or shall not be, appointed by and with the advice and consent of the Senate.

Appointment of persons to disburse money on foreign stations.

17 June, 1844, c. 107, s. 4, v. 5, p. 703.

SEC. 1551. The Secretary of the Navy may cause persons in the naval service or Marine Corps, who become insane while in the service, to be placed in such hospital for the insane as, in his opinion, will be most convenient and best calculated to promise a restoration of reason. And he may pay to any such hospital, other than the Government Hospital for the Insane in the District of Columbia, the pay which may from time to time be due to such insane person, and he may, in addition thereto, pay to such institution, from the annual appropriation for the naval service, under the head of contingent enumerated, any deficiency of a reasonable expense, not exceeding one hundred dollars per annum.

Insane of the Navy.

3 Aug., 1848, c. 121, s. 13, v. 9, p. 272.
 2 July, 1864, c. 210, s. 2, v. 13, p. 348.

SEC. 1552. The Secretary of the Navy may establish, at such places as he may deem necessary, suitable depots of coal, and other fuel, for the supply of steamships of war.

Coal-depots.

31 Aug., 1842, c. 279, s. 7, v. 5, p. 577.

SEC. 1553. Any person who shall entice or procure, or attempt to entice or procure, any seaman or other person in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or who shall in anywise aid or assist any such seaman or other person in deserting, or in attempting to desert from such service, or who shall harbor, conceal, protect, or in anywise assist any such seaman or other person who may have deserted from said service, knowing him to have deserted therefrom, or who shall refuse to give up and deliver such person on the demand of an officer authorized to receive him, shall be punished by imprisonment for not less than six months nor more than three years, and by fine of not more than two thousand dollars, to be enforced in any court of the United States having jurisdiction.

Enticing persons to desert.

1 July, 1864, c. 204, v. 13, p. 343.

SEC. 1554. The Secretary of the Navy shall cause to be collected and transmitted to him, at the seat of Government of the United States, all such flags, standards, and colors as shall have been or may hereafter be taken by the Navy from enemies.

Captured flags.

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

Preservation of
in some public
place.

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

SEC. 1555. All flags, standards, and colors of the description mentioned in the foregoing section, which are now in the possession of the Navy Department, or may hereafter be transmitted to it, shall be delivered to the President, for the purpose of being, under his direction, preserved and displayed in such public place as he may deem proper.

CHAPTER EIGHT.

PAY, EMOLUMENTS, AND ALLOWANCES.

Sec.	Sec.
1556. General rule.	1573. Bounty pay for re-enlisting.
1557. Furlough pay.	1574. Crews of wrecked or lost vessels.
1558. No additional allowances except as herein specified.	1575. Crews of vessels taken by an enemy.
1559. Volunteer service.	1576. Assignment of wages.
1560. Commencement of pay, original entry.	1577. Rations of midshipmen.
1561. Commencement of pay of promoted officers.	1578. Rations of other officers.
1562. In cases of delayed examination.	1579. When rations not allowed.
1563. Advances to persons on distant stations.	1580. Navy ration; constituents of.
1564. Person acting as paymaster when office vacant, in ship at sea.	1581. Substitutions in.
1565. Chiefs of Bureau.	1582. Short allowance.
1566. Mileage.	1583. Rations stopped for the sick.
1567. Officers serving as store-keepers on foreign stations.	1584. Additional ration.
1568. Civilians, store-keepers on foreign stations.	1585. Commutation price of ration.
1569. Enlisted men.	1586. Medicines and medical attendance.
1570. Additional pay for serving as firemen and coal-heavers.	1587. Funeral expenses.
1571. Sea-service.	1588. Pay of retired officers.
1572. Detention beyond term of enlistment.	1589. Rear-admirals.
	1590. Third assistant engineers.
	1591. Pay not increased by promotion.
	1592. Pay on active duty.
	1593. Officers retired on furlough pay.
	1594. Transfer from furlough to retired pay.
	1595. Rations.

General rule.
Officers of the
line.

SEC. 1556. The commissioned officers and warrant officers on the active list of the Navy of the United States, and the petty officers, seamen, ordinary seamen, firemen, coal-heavers, and employes in the Navy, shall be entitled to receive annual pay at the rates herein stated after their respective designations:

The Admiral.	The Admiral, thirteen thousand dollars.
15 July, 1870, c. 295, s. 3, v. 16, p. 330.	
Vice-Admiral.	The Vice-Admiral, when at sea, nine thousand dollars; on shore duty, eight thousand dollars; on leave, or waiting orders, six thousand dollars.
Rear-admirals.	Rear-admirals, when at sea, six thousand dollars; on shore duty, five thousand dollars; on leave, or waiting orders, four thousand dollars.
Commodores.	Commodores, when at sea, five thousand dollars; on shore duty, four thousand dollars; on leave, or waiting orders, three thousand dollars.
Captains.	Captains, when at sea, four thousand five hundred dollars; on shore duty, three thousand five hundred dollars; on leave, or waiting orders, two thousand eight hundred dollars.
Commanders.	Commanders, when at sea, three thousand five hundred dollars; on shore duty, three thousand dollars; on leave, or waiting orders, two thousand three hundred dollars.
Lieutenant-commanders.	Lieutenant-commanders, during the first four years after date of commission, when at sea, two thousand eight hundred dollars; on shore duty, two thousand four hundred dollars; on leave, or waiting orders, two thousand dollars; after four years from such date, when at sea, three thousand dollars; on shore duty, two thousand six hundred dollars; on leave, or waiting orders, two thousand two hundred dollars.
Lieutenants.	Lieutenants, during the first five years after date of commission, when at sea, two thousand four hundred dollars; on shore duty, two thousand

dollars; on leave, or waiting orders, one thousand six hundred dollars; after five years from such date, when at sea, two thousand six hundred dollars; on shore duty, two thousand two hundred dollars; on leave, or waiting orders, one thousand eight hundred dollars.

Masters, during the first five years after date of commission, when at sea, one thousand eight hundred dollars; on shore duty, one thousand five hundred dollars; on leave, or waiting orders, one thousand two hundred dollars; after five years from such date, when at sea, two thousand dollars; on shore duty, one thousand seven hundred dollars; on leave, or waiting orders, one thousand four hundred dollars.

Masters.

Ensigns, during the first five years after date of commission, when at sea, one thousand two hundred dollars; on shore duty, one thousand dollars; on leave, or waiting orders, eight hundred dollars; after five years from such date, when at sea, one thousand four hundred dollars; on shore duty, one thousand two hundred dollars; on leave, or waiting orders, one thousand dollars.

Ensigns.

Midshipmen, after graduation, when at sea, one thousand dollars; on shore duty, eight hundred dollars; on leave, or waiting orders, six hundred dollars.

Midshipmen.

Cadet midshipmen, five hundred dollars.

Cadet midshipmen.

16 July, 1862, c. 183, s. 15, v. 12, p. 586. 15 July, 1870, c. 295, s. 12, v. 16, p. 334.

Mates, when at sea, nine hundred dollars; on shore duty, seven hundred dollars; on leave, or waiting orders, five hundred dollars.

Mates.

15 July, 1870, c. 295, s. 3, v. 16, p. 330.

Fleet-surgeons, fleet-paymasters, and fleet-engineers, four thousand four hundred dollars.

Fleet officers.

15 July, 1870, c. 295, s. 3, v. 16, p. 330.

Medical directors, medical inspectors, pay directors, and pay inspectors, and chief engineer having the same rank as pay director and pay inspector, when on duty at sea, four thousand four hundred dollars.

Medical directors and inspectors, pay-directors and inspectors.

When not at sea, the same as surgeons and paymasters, respectively.

3 March, 1871, c. 117, ss. 5, 6, v. 16, pp. 535, 536. 15 July, 1870, c. 295, s. 3, v. 16, p. 331. 3 March, 1873, c. 230, s. 1, v. 17, p. 555.

Surgeons, paymasters, and chief engineers who have the same rank with paymasters, during the first five years after date of commission, when at sea, two thousand eight hundred dollars; on shore duty, two thousand four hundred dollars; on leave, or waiting orders, two thousand dollars; during the second five years after such date, when at sea, three thousand two hundred dollars; on shore duty, two thousand eight hundred dollars; on leave, or waiting orders, two thousand four hundred dollars; during the third five years after such date, when at sea, three thousand five hundred dollars; on shore duty, three thousand two hundred dollars; on leave, or waiting orders, two thousand six hundred dollars; during the fourth five years after such date, when at sea, three thousand seven hundred dollars; on shore duty, three thousand six hundred dollars; on leave, or waiting orders, two thousand eight hundred dollars; after twenty years from such date, when at sea, four thousand two hundred dollars; on shore duty, four thousand dollars; on leave, or waiting orders, three thousand dollars.

Surgeons, paymasters, and chief engineers.

15 July, 1870, c. 295, s. 3, v. 16, p. 330.

Passed assistant surgeons, passed assistant paymasters, and first assistant engineers, during the first five years after date of appointment, when at sea, two thousand dollars; on shore duty, one thousand eight hundred dollars; on leave, or waiting orders, one thousand five hundred dollars; after five years from such date, when at sea, two thousand two hundred dollars; on shore duty, two thousand dollars; on leave, or waiting orders, one thousand seven hundred dollars.

Passed assistant surgeons, passed assistant paymasters, and first assistant engineers.

Assistant surgeons, assistant paymasters, and second assistant engineers, during the first five years after date of appointment, when at sea, one thousand seven hundred dollars; on shore duty, one thousand four hundred dollars; on leave, or waiting orders, one thousand dollars; after

Assistant surgeons, assistant paymasters, second assistant engineers.

five years from such date, when at sea, one thousand nine hundred dollars; on shore duty, one thousand six hundred dollars; on leave, or waiting orders, one thousand two hundred dollars.

Assistant surgeons qualified for promotion.

Assistant surgeons of three years' service, who have been found qualified for promotion by a medical board of examiners, the pay of passed assistant surgeons.

3 March, 1871, c. 117, s. 5, v. 16, p. 535.

Naval constructors.

Naval constructors, during the first five years after date of appointment, when on duty, three thousand two hundred dollars; on leave, or waiting orders, two thousand two hundred dollars; during the second five years after such date, when on duty, three thousand four hundred dollars; on leave, or waiting orders, two thousand four hundred dollars; during the third five years after such date, when on duty, three thousand seven hundred dollars; on leave, or waiting orders, two thousand seven hundred dollars; during the fourth five years after such date, when on duty, four thousand dollars; on leave, or waiting orders, three thousand dollars; after twenty years from such date, when on duty, four thousand two hundred dollars; on leave, or waiting orders, three thousand two hundred dollars.

15 July, 1870, c. 295, s. 3, v. 16, p. 331.

Assistant naval constructors.

Assistant naval constructors, during the first four years after date of appointment, when on duty, two thousand dollars; on leave, or waiting orders, one thousand five hundred dollars; during the second four years after such date, when on duty, two thousand two hundred dollars; on leave, or waiting orders, one thousand seven hundred dollars; after eight years from such date, when on duty, two thousand six hundred dollars; on leave, or waiting orders, one thousand nine hundred dollars.

Chaplains.

Chaplains, during the first five years after date of commission, when at sea, two thousand five hundred dollars; on shore duty, two thousand dollars; on leave, or waiting orders, one thousand six hundred dollars; after five years from such date, when at sea, two thousand eight hundred dollars; on shore duty, two thousand three hundred dollars; on leave, or waiting orders, one thousand nine hundred dollars.

Professors of mathematics and civil engineers.

Professors of mathematics and civil engineers, during the first five years after date of appointment, when on duty, two thousand four hundred dollars; on leave, or waiting orders, one thousand five hundred dollars; during the second five years after such date, when on duty, two thousand seven hundred dollars; on leave, or waiting orders, one thousand eight hundred dollars; during the third five years after such date, when on duty, three thousand dollars; on leave, or waiting orders, two thousand one hundred dollars; after fifteen years from such date, when on duty, three thousand five hundred dollars; on leave, or waiting orders, two thousand six hundred dollars.

Warrant officers.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Boatswains, gunners, carpenters, and sail-makers, during the first three years after date of appointment, when at sea, one thousand two hundred dollars; on shore duty, nine hundred dollars; on leave, or waiting orders, seven hundred dollars; during the second three years after such date, when at sea, one thousand three hundred dollars; on shore duty, one thousand dollars; on leave, or waiting orders, eight hundred dollars; during the third three years after such date, when at sea, one thousand four hundred dollars; on shore duty, one thousand three hundred dollars; on leave, or waiting orders, nine hundred dollars; during the fourth three years after such date, when at sea, one thousand six hundred dollars; on shore duty, one thousand three hundred dollars; on leave, or waiting orders, one thousand dollars; after twelve years from such date, when at sea, one thousand eight hundred dollars; on shore duty, one thousand six hundred dollars; on leave, or waiting orders, one thousand two hundred dollars.

Secretaries.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Secretaries to the Admiral and the Vice-Admiral, each two thousand five hundred dollars.

Secretaries to commanders of squadrons, two thousand dollars.
 Secretary of the Naval Academy, one thousand eight hundred dollars.
 Clerks to commanders of squadrons and commanders of vessels, seven hundred and fifty dollars.

Clerks to commanders of squadrons, &c.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

First clerks to commandants of navy-yards, one thousand five hundred dollars.

Clerks to commandants of yards and stations.

Second clerks to commandants of navy-yards, one thousand two hundred dollars.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Clerk to commandant of navy-yard at Mare Island, one thousand eight hundred dollars.

Clerks to commandants of naval stations, one thousand five hundred dollars.

Clerks to paymasters at navy-yards, Boston, New York, Philadelphia, and Washington, one thousand six hundred dollars; Kittery, Norfolk, and Pensacola, one thousand four hundred dollars; Mare Island, one thousand eight hundred dollars.

Clerks to paymasters of yards and stations.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Clerks to paymasters, at other stations, one thousand three hundred dollars.

Clerks to paymasters of receiving-ships at Boston, New York, and Philadelphia, one thousand six hundred dollars; at Mare Island, one thousand eight hundred dollars; of other receiving-ships, one thousand three hundred dollars.

Clerks to paymasters of receiving-ships, &c.

15 July, 1870, c. 295, v. 16, p. 332.

Clerks to paymasters on vessels of the first rate, one thousand three hundred dollars; on vessels of the second rate, one thousand one hundred dollars; on vessels of the third rate, and supply-vessels and store-ships, one thousand dollars.

Clerks to paymasters of vessels.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Clerks to fleet paymasters, one thousand one hundred dollars.

Clerks to fleet paymasters.

15 July, 1870, c. 295, v. 16, p. 332.

Clerks to paymasters at the Naval Academy and Naval Asylum, one thousand three hundred dollars.

Clerks to paymasters at Asylum and Academy.

15 July, 1870, c. 295, v. 16, p. 332.

Clerks to inspectors in charge of provisions and clothing, at navy-yards, Boston, New York, Philadelphia, and Washington, one thousand six hundred dollars; to inspectors in like charge at other inspections, one thousand three hundred dollars.

Clerks to inspectors.

15 July, 1870, c. 295, v. 16, p. 332.

Cadet engineers: before final academic examination, five hundred dollars;

4 July, 1864, c. 252, s. 5, v. 13, p. 393.

After final academic examination, and until warranted as assistant engineers, when on duty at sea, one thousand dollars; on shore duty, eight hundred dollars; on leave, or waiting orders, six hundred dollars.

16 July, 1862, c. 183, s. 15, v. 12, p. 586.

3 March, 1865, c. 124, s. 1, v. 13, p. 539. 15 July, 1870, c. 295, s. 3, v. 16, p. 330.

SEC. 1557. Officers on furlough shall receive only one-half of the pay to which they would have been entitled if on leave of absence.

Furlough pay.

67, s. 4, v. 12, p. 27. 3 March, 1845, c. 77, s. 6, v. 5, p. 794. 3 March, 1835, c. 27, s. 1, v. 4, p. 756.

1 June, 1860, c. 1835, c. 27, s. 1, v. 4.

SEC. 1558. The pay prescribed in the two preceding sections shall be the full and entire compensation of the several officers therein named, and no additional allowance shall be made in favor of any of said officers on any account whatever, except as hereinafter provided.

No additional allowances, except as herein specified.

15 July, 1870, c. 295, s. 4, v. 16, p. 332.

SEC. 1559. When a volunteer naval service is authorized by law, the officers therein shall be entitled to receive the same pay as officers of the same grades, respectively, in the Regular Navy.

Volunteer service.

16 July, 1862, c. 183, s. 20, v. 12, p. 587.

SEC. 1560. The pay of an officer of the Navy, upon his original entry into the service, except where he is required to give an official bond, shall commence upon the date of his acceptance of his appointment; but where he is required to give such bond his pay shall commence upon the date of the approval of his bond by the proper authority.

Commencement of pay, original entry.

15 July, 1870, c. 295, s. 7, v. 16, p. 333.

Commencement of pay of promoted officers.

15 July, 1870, c. 295, s. 7, v. 16, p. 333. 5 June, 1872, c. 306, s. 1, v. 17, p. 226.

In cases of delayed examination.

15 July, 1870, c. 295, s. 7, v. 16, p. 333.

Advances to persons on distant stations.

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

Person acting as paymaster, when office vacant in ship at sea.

17 July, 1861, c. 4, s. 4, v. 12, p. 258.

Chiefs of Bureau.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

Mileage.

3 March, 1835, c. 27, s. 2, v. 4, p. 757.

15 July, 1870, c. 295, s. 4, v. 16, p. 332.

17 July, 1862, c. 200, s. 7, v. 12, p. 595.

Officers serving as store-keepers on foreign stations.

17 June, 1844, c. 107, s. 1, v. 5, pp. 700, 701.

Civilians, store-keepers on foreign stations.

17 June, 1844, c. 107, s. 1, v. 5, pp. 700, 701.

Enlisted men.

18 April, 1814, c. 84, s. 1, v. 3, p. 136.

3 March, 1847, c. 48, s. 4, v. 9, p. 173.

1 July, 1864, c. 201, s. 4, v. 13, p. 342.

3 March, 1865, c. 124, s. 2, v. 13, p. 539.

Additional pay for serving as fire-

SEC. 1561. When an officer is promoted in course to fill a vacancy, and is in the performance of the duties of the higher grade from the date he is to take rank, he may be allowed the increased pay from such date.

c. 306, s. 1, v. 17, p. 226.

SEC. 1562. If an officer of a class subject to examination before promotion shall be absent on duty, and by reason of such absence, or of other cause not involving fault on his part, shall not be examined at the time required by law or regulation, and shall afterward be examined and found qualified, the increased rate of pay to which his promotion would entitle him shall commence from the date when he would have been entitled to it had he been examined and found qualified at the time so required by law or regulation; and this rule shall apply to any cases of this description which may have heretofore occurred. And in every such case the period of service of the party, in the grade to which he was promoted, shall, in reference to the rate of his pay, be considered to have commenced from the date when he was so entitled to take rank.

SEC. 1563. The President of the United States may direct such advances, as he may deem necessary and proper, to such persons in the naval service as may be employed on distant stations where the discharge of the pay and emoluments to which they are entitled cannot be regularly effected.

SEC. 1564. Any person performing the duties of paymaster, acting assistant paymaster, or assistant paymaster, in a ship at sea, or on a foreign station, or on the Pacific coast of the United States, by appointment of the senior officer present, in case of vacancy of such office, in accordance with the provisions of section thirteen hundred and eighty-one, and not otherwise, shall be entitled to receive the pay of such grade while so acting.

SEC. 1565. The pay of chiefs of Bureau in the Navy Department shall be the highest pay of the grade to which they belong, but not below that of commodore.

SEC. 1566. An allowance of ten cents a mile may be made to officers in the naval service, and store-keepers on foreign stations for traveling expenses when under orders. And an allowance may be made to officers traveling in foreign countries under orders, for expenses of transportation of baggage necessarily incurred. And no officer shall be paid mileage, except for travel actually performed at his own expense and in obedience to orders.

SEC. 1567. Officers who are ordered to take charge of naval stores for foreign squadrons, in the place of naval store-keepers, shall be entitled to receive, while so employed, the shore-duty pay of their grades; and when the same is less than fifteen hundred dollars a year, they may be allowed compensation, including such shore-duty pay, at a rate not exceeding fifteen hundred dollars a year.

SEC. 1568. Civilians appointed as store-keepers on foreign stations shall receive compensation for such services, at a rate not exceeding fifteen hundred dollars a year.

3 March, 1847, c. 48, s. 3, v. 9, pp. 172, 173.

SEC. 1569. The pay to be allowed to petty officers, excepting mates, and the pay and bounty upon enlistment of seamen, ordinary seamen, firemen, and coal-heavers, in the naval service, shall be fixed by the President: *Provided*, That the whole sum to be given for the whole pay aforesaid, and for the pay of officers, and for the said bounties upon enlistments shall not exceed, for any one year, the amount which may, in such year, be appropriated for such purposes.

SEC. 1570. Every seaman, ordinary seaman, or landsman who performs the duty of a fireman or coal-heaver on board of any vessel of

war shall be entitled to receive, in addition to his compensation as seaman, ordinary seaman, or landsman, a compensation at the rate of thirty-three cents a day for the time he is employed as fireman or coal-heaver.

SEC. 1571. No service shall be regarded as sea service except such as shall be performed at sea, under the orders of a Department and in vessels employed by authority of law.

SEC. 1572. All petty officers and persons of inferior ratings who are detained beyond the terms of service, according to the provisions of section fourteen hundred and twenty-two, or who, after the termination of their service, voluntarily re-enter, to serve until the return to an Atlantic port of the vessel to which they belong, and until their regular discharge therefrom, shall, for the time during which they are so detained or so serve beyond their original terms of service, receive an addition of one-fourth of their former pay.

SEC. 1573. If any seaman, ordinary seaman, landsman, fireman, coal-heaver, or boy, being honorably discharged, shall re-enlist for three years, within three months thereafter, he shall, on presenting his honorable discharge, or on accounting in a satisfactory manner for its loss, be entitled to pay, during the said three months, equal to that to which he would have been entitled if he had been employed in actual service.

SEC. 1574. When the crew of any vessel of the United States are separated from such vessel, by means of her wreck, loss, or destruction, the pay and emoluments of such of the officers and men as shall appear to the Secretary of the Navy, by the sentence of a court-martial or court of inquiry, or by other satisfactory evidence, to have done their utmost to preserve her, and, after said wreck, loss, or destruction, to have behaved themselves agreeably to the discipline of the Navy, shall go on and be paid them until their discharge or death.

SEC. 1575. The pay and emoluments of the officers and men of any vessel of the United States taken by an enemy who shall appear, by the sentence of a court-martial or otherwise, to have done their utmost to preserve and defend their vessel, and, after the taking thereof, to have behaved themselves agreeably to the discipline of the Navy, shall go on and be paid to them until their exchange, discharge, or death.

SEC. 1576. Every assignment of wages due to persons enlisted in the naval service, and all powers of attorney, or other authority to draw, receipt for, or transfer the same, shall be void, unless attested by the commanding officer and paymaster. The assignment of wages must specify the precise time when they commence.

SEC. 1577. Midshipmen and acting midshipmen in the Navy shall be entitled to one ration, or to commutation therefor.

SEC. 1578. All officers shall be entitled to one ration, or to commutation therefor, while at sea or attached to a sea-going vessel.

SEC. 1579. No person not actually attached to and doing duty on board a sea-going vessel, except the petty officers, seamen, and ordinary seamen attached to receiving-ships or to the ordinary of a navy-yard, and midshipmen, shall be allowed a ration.

SEC. 1580. The Navy ration shall consist of the following daily allowance of provisions to each person: One pound of salt pork, with half a pint of beans or peas; or one pound of salt beef, with half a pound of flour and two ounces of dried apples, or other dried fruit; or three-quarters of a pound of preserved meat, with a half pound of rice, two ounces of butter, and one ounce of desiccated "mixed vegetables;" or three-quarters of a pound of preserved meat, two ounces of butter, and two ounces of desiccated potatoes; together with fourteen ounces of biscuit, one-quarter of an ounce of tea, or one ounce of coffee or cocoa,

men and coal-heavers.

1 March, 1869, c. 48, s. 2, v. 15, p. 280.
Sea-service.

1 June, 1860, c. 67, s. 3, v. 12, p. 27.

Detention beyond term of enlistment.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

Bounty-pay for re-enlisting.

2 March, 1855, c. 136, s. 2, v. 10, p. 627.

7 June, 1864, c. 111, v. 13, p. 120.

Crews of wrecked or lost vessels.

17 July, 1862, c. 204, s. 14, v. 12, pp. 608, 609.

Crews of vessels taken by an enemy.

17 July 1862, c. 204, s. 15, v. 12, p. 609.

Assignments of wages.

30 June, 1864, c. 174, s. 12, v. 13, p. 310.

Rations of midshipmen.

28 July, 1866, c. 296, s. 8, v. 14, p. 322. 28 Feb., 1867, c. 100, s. 2, v. 14, p. 416.

Rations of other officers.

16 July, 1862, c. 183, s. 19, v. 12, p. 587. 3 March, 1851, c. 34, s. 1, v. 9, p. 621.

When rations not allowed.

3 March, 1851, c. 34, s. 2, v. 14, p. 416.

Navy ration, constituents of.

18 July, 1861, c. 7, s. 1, v. 12, p. 264.

14 July, 1862, c. 164, s. 4, v. 12, p. 565.

and two ounces of sugar; and a weekly allowance of half a pint of pickles, half a pint of molasses, and half a pint of vinegar.

Substitutions in.

18 July, 1861, c. 7, ss. 2, 3, 4, v. 12, p. 265.

17 April, 1862, c. 57, s. 4, v. 12, p. 381.

SEC. 1581. The following substitution for the components of the ration may be made when it is deemed necessary by the senior officer present in command: For one pound of salt beef or pork, one pound and a quarter of fresh meat or three-quarters of a pound of preserved meat; for any or all of the articles usually issued with the salted meats, vegetables equal to the same in value; for fourteen ounces of biscuit, one pound of soft bread, or one pound of flour, or half a pound of rice; for half a pint of beans or peas, half a pound of rice, and for half a pound of rice, half a pint of beans or peas. And the Secretary of the Navy may substitute for the ration of coffee and sugar the extract of coffee combined with milk and sugar; if he shall believe such substitution to be conducive to the health and comfort of the Navy, and not to be more expensive to the Government than the present ration: *Provided*, That the same shall be acceptable to the men.

Short allowance.

18 July, 1861, c. 7, s. 4, v. 12, p. 265.

SEC. 1582. In case of necessity the daily allowance of provisions may be diminished at the discretion of the senior officer present in command; but payment shall be made to the persons whose allowance is thus diminished, according to the scale of prices for the same established at the time of such diminution. And every commander who makes any diminution or variation shall give to the paymaster written orders therefor, specifying particularly the diminution or variation which is to be made, and shall report to his commanding officer, or to the Navy Department, the necessity for the same.

Rations stopped for the sick.

3 March, 1851, c. 34, s. 1, v. 9, p. 621.

SEC. 1583. Rations stopped for the sick on board vessels shall remain and be accounted for by the paymaster as a part of the provisions of the vessels.

Additional ration.

23 May, 1872, c. 195, s. 1, v. 17, p. 151.

SEC. 1584. An additional ration of tea or coffee and sugar shall be hereafter allowed to each seaman, to be provided at his first "turning out."

Commutation price of ration.

15 July, 1870, c. 295, s. 4, v. 16, p. 333.

SEC. 1585. Thirty cents shall in all cases be deemed the commutation price of the Navy ration.

Medicines and medical attendance.

15 July, 1870, c. 295, s. 17, v. 16, p. 334.

SEC. 1586. Expenses incurred by any officer of the Navy for medicines and medical attendance shall not be allowed unless they were incurred when he was on duty, and the medicines could not have been obtained from naval supplies, or the attendance of a naval medical officer could not have been had.

Funeral expenses.

15 July, 1870, c. 295, s. 17, v. 16, p. 334.

SEC. 1587. No funeral expense of a naval officer who dies in the United States, nor expenses for travel to attend the funeral of an officer who dies there, shall be allowed. But when an officer on duty dies in a foreign country the expenses of his funeral, not exceeding his sea-pay for one month, shall be defrayed by the Government, and paid by the paymaster upon whose books the name of such officer was borne for pay.

Pay of retired officers.

15 July, 1870, c. 295, s. 5, v. 16, p. 333.

3 March, 1873, c. 230, s. 1, v. 17, p. 555.

SEC. 1588. The pay of all officers of the Navy who have been retired after forty-five years' service after reaching the age of sixteen years, or who have been or may be retired after forty years' service, upon their own application to the President, or on attaining the age of sixty-two years, or on account of incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, or from sickness or exposure therein, shall, when not on active duty, be equal to seventy-five per centum of the sea-pay provided by this chapter for the grade or rank which they held, respectively, at the time of their retirement. The pay of all other officers on the retired list shall, when not on active duty, be equal to one-half the sea-pay provided by this chapter for the grade or rank held by them, respectively, at the time of their retirement.

SEC. 1589. Rear-admirals on the retired list of the Navy, who were retired as captains when the highest grade in the Navy was captain, at the age of sixty-two years, or after forty-five years' service, and who, after their retirement, were promoted to the grade of rear-admiral, and performed the duties of that grade in time of war, shall be considered as having been retired as rear-admirals.

SEC. 1590. Officers who have been retired as third assistant engineers shall continue to receive pay at the rate of four hundred dollars a year.

15 July, 1870, c. 295, s. 5, v. 16, p. 333. 3 March, 1859, c. 76, s. 2, v. 11, p. 407. 21 April, 1864, c. 63, s. 7, v. 13, p. 54. 16 July, 1862, c. 183, s. 20, v. 12, p. 587. 3 Aug., 1861, c. 42, s. 22, v. 12, p. 290.

SEC. 1591. No officer, heretofore or hereafter promoted upon the retired list, shall, in consequence of such promotion, be entitled to any increase of pay.

15 July, 1870, c. 295, s. 5, v. 16, p. 333. 2 March, 1867, c. 174, s. 9, v. 14, p. 517.

SEC. 1592. Officers on the retired list, when on active duty, shall receive the full pay of their respective grades.

2 March, 1867, c. 174, s. 9, v. 14, p. 517. 1 June, 1860, c. 67, s. 5, v. 12, p. 27.

SEC. 1593. Officers placed on the retired list, on furlough pay, shall receive only one-half of the pay to which they would have been entitled if on leave of absence on the active list.

3 March, 1855, c. 27, s. 1, v. 4, pp. 756, 757. 3 Aug., 1861, c. 42, s. 23, v. 12, p. 291. 28 July, 1866, c. 312, s. 2, v. 14, p. 345. 28 Feb., 1855, c. 127, s. 2, v. 10, p. 616. 16 Jan., 1857, c. 12, s. 1, v. 11, p. 154.

SEC. 1594. The President, by and with the advice and consent of the Senate, may transfer any officer on the retired list from the furlough to the retired-pay list.

16 Jan., 1857, c. 12, s. 3, v. 11, p. 154. 16 July, 1862, c. 183, s. 20, v. 12, p. 587.

SEC. 1595. Rations shall not be allowed to officers on the retired list.

16 July, 1862, c. 183, s. 20, v. 12, p. 587.

CHAPTER NINE.

THE MARINE CORPS.

Sec.	Sec.
1596. Number of.	1611. Companies and detachments.
1597. What commissions and promotions not affected by number fixed.	1612. Pay of Marine Corps.
1598. Staff.	1613. Marine band.
1599. Qualifications for appointment.	1614. Deduction for hospitals.
1600. Credit for volunteer service.	1615. Rations of enlisted men.
1601. Rank of commandant.	1616. Service on armed vessels.
1602. Staff rank.	1617. Marine officers not to command navy-yards or vessels.
1603. Relative rank with the Army.	1618. Marines substituted for landsmen.
1604. Brevets.	1619. Duty on shore.
1605. Advancement in number.	1620. Regulations.
1606. Promotion when grade is full.	1621. Subject to laws governing the Navy, except when serving with the Army.
1607. Promotion for gallantry.	1622. Retirement.
1608. Enlistments.	1623. Retiring-board, how composed.
1609. Oath.	
1610. Exemption from arrest.	

SEC. 1596. The Marine Corps of the United States shall consist of one commandant, with the rank of brigadier-general, one colonel, two lieutenant-colonels, four majors, one adjutant and inspector, one paymaster, one quartermaster, two assistant quartermasters, twenty captains, thirty first lieutenants, thirty second lieutenants, one sergeant-major, one quartermaster-sergeant, one drum-major, one principal musician, two hundred sergeants, two hundred and twenty corporals, thirty musicians for a band, sixty drummers, sixty fifers, and twenty-five hundred privates.

Number of.
25 July, 1861, c. 19, s. 1, v. 12, p. 275.
2 March, 1867, c. 174, s. 7, v. 14, p. 517.

What commissions and promotions not affected by number fixed.

25 July, 1861, c. 19, s. 2, v. 13, p. 375.

16 July, 1862, c. 183, s. 9, v. 12, p. 584. 24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.

Staff.

2 March, 1847, c. 40, s. 3, v. 9, p. 154.

Qualifications for appointment.

25 July, 1861, c. 19, s. 3, v. 13, p. 375.

Credit for volunteer service.

2 March, 1867, c. 174, s. 3, v. 14, p. 516.

Rank of commandant.

2 March, 1867, c. 174, s. 7, v. 14, p. 517.

Staff rank.

2 March, 1847, c. 40, s. 3, v. 9, p. 154.

Relative rank with the Army.

30 June, 1834, c. 132, s. 4, v. 4, p. 713.

Brevets.

16 April, 1814, c. 58, s. 3, v. 3, p. 124.

16 April, 1813, c. 64, s. 2, v. 3, p. 427.

2, p. 785. 1 March, 1869, c. 52, s. 2, v. 15, p. 281.

15 July, 1870, c. 294, s. 16, v. 16, p. 319.

Advancement in number.

24 Jan., 1865, c. 19, s. 1, v. 13, p. 424.

21 April, 1864, c. 63, s. 6, v. 13, p. 54.

Promotion when grade is full.

24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.

Promotion for gallantry.

16 July, 1862, c. 183, s. 9, v. 12, p. 584.

24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.

Enlistments.

11 July, 1870, Res. 106, v. 16, p. 337.

Oath.

11 July, 1798, c. 72, s. 4, v. 1, p. 596.

SEC. 1597. The provisions of the preceding section shall not preclude the advancement of any officer to a higher grade for distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession, as authorized by sections sixteen hundred and five and sixteen hundred and seven.

SEC. 1598. The staff of the Marine Corps shall be separate from the line.

SEC. 1599. No person under twenty or over twenty-five years of age shall be appointed from civil life as a commissioned officer of the Marine Corps, nor shall any person be so appointed until his qualifications for such service have been examined and approved, under the directions of the Secretary of the Navy.

SEC. 1600. All marine officers shall be credited with the length of time they may have been employed as officers or enlisted men in the volunteer service of the United States.

SEC. 1601. The commandant of the Marine Corps shall have the rank of a brigadier-general of the Army.

SEC. 1602. The adjutant and inspector, the paymaster, and the quartermaster shall have the rank of major; the assistant quartermaster shall have the rank of captain.

SEC. 1603. The officers of the Marine Corps shall be, in relation to rank, on the same footing as officers of similar grades in the Army.

SEC. 1604. Commissions by brevet may be conferred upon commissioned officers of the Marine Corps in the same cases, upon the same conditions, and in the same manner as are or may be provided by law for officers of the Army.

30 June, 1834, c. 132, s. 9, v. 4, p. 713. 6 July, 1812, c. 137, s. 4, v. 2, p. 785. 1 March, 1869, c. 52, s. 2, v. 15, p. 281. 3 March, 1869, c. 124, s. 7, v. 15, p. 318.

SEC. 1605. Any officer of the Marine Corps may, by and with the advice and consent of the Senate, be advanced not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism.

SEC. 1606. Any officer who is nominated to a higher grade by the provisions of the preceding section shall be promoted, notwithstanding the number of said grade may be full, but no further promotion shall take place in that grade, except for like cause, until the number is reduced to that provided by law.

SEC. 1607. Any officer of the Marine Corps may, by and with the advice and consent of the Senate, be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession.

SEC. 1608. Enlistments into the Marine Corps shall be for a period not less than five years.

SEC. 1609. The officers and enlisted men of the Marine Corps shall take the same oaths, respectively, which are provided by law for the officers and enlisted men of the Army.

SEC. 1610. Marines shall be exempt, while enlisted in said service, from all personal arrest for debt or contract. Exemption from arrest.

30 June, 1834, c. 132, s. 3, v. 4, p. 713. 11 July, 1798, c. 72, s. 5, v. 1, pp. 595, 596.

SEC. 1611. The Marine Corps may be formed into as many companies or detachments as the President may direct, with a proper distribution of the commissioned and non-commissioned officers and musicians to each company or detachment. Companies and detachments.

11 July, 1798, c. 72, s. 1, v. 1, p. 594.

SEC. 1612. The officers of the Marine Corps shall be entitled to receive the same pay and allowances, and the enlisted men shall be entitled to receive the same pay and bounty for re-enlisting, as are or may be provided by or in pursuance of law for the officers and enlisted men of like grades in the infantry of the Army. Pay of Marine Corps.

30 June, 1834, c. 132, s. 5, v. 4, p. 713. 5 Aug., 1854, c. 268, s. 1, v. 10, p. 586.

SEC. 1613. The marines who compose the corps of musicians known as the "Marine band" shall be entitled to receive at the rate of four dollars a month, each, in addition to their pay as non-commissioned officers, musicians, or privates of the Marine Corps, so long as they shall perform, by order of the Secretary of the Navy, or other superior officer, on the Capitol grounds or the President's grounds. Marine band.

18 Aug., 1856, c. 162, s. 5, v. 11, p. 118. 5 Aug., 1854, c. 268, s. 1, v. 10, p. 586.

SEC. 1614. The Secretary of the Navy shall deduct from the pay due each of the officers and enlisted men of the Marine Corps at the rate of twenty cents per month for every officer and marine, to be applied to the fund for Navy hospitals. Deduction for hospitals.

2 March, 1799, c. 26, s. 1, v. 2, p. 650.

SEC. 1615. The non-commissioned officers, privates, and musicians of the Marine Corps shall, each, be entitled to receive one Navy ration daily. Rations of enlisted men.

11 July, 1798, c. 72, s. 2, v. 1, p. 595. 1 July, 1797, c. 7, s. 6, v. 1, p. 524.

SEC. 1616. Marines may be detached for service on board the armed vessels of the United States, and the President may detach and appoint, for service on said vessels, such of the officers of said corps as he may deem necessary. Service on armed vessels.

11 July, 1798, c. 72, ss. 1, 3, v. 1, p. 595. 1 July, 1797, c. 7, s. 4, v. 1, p. 523.

SEC. 1617. No officer of the Marine Corps shall exercise command over any navy-yard or vessel of the United States. Marine officers not to command navy-yards or vessels.

30 June, 1834, c. 132, s. 4, v. 4, p. 713.

SEC. 1618. The President may substitute marines for landsmen in the Navy, as far as he may deem it for the good of the service. Marines substituted for landsmen.

3 March, 1849, c. 103, s. 1, v. 9, p. 377.

SEC. 1619. The Marine Corps shall be liable to do duty in the forts and garrisons of the United States, on the sea-coast, or any other duty on shore, as the President, at his discretion, may direct. Duty on shore.

11 July, 1798, c. 72, s. 6, v. 1, p. 596.

SEC. 1620. The President is authorized to prescribe such military regulations for the discipline of the Marine Corps as he may deem expedient. Regulations.

30 June, 1834, c. 132, s. 8, v. 4, p. 713.

SEC. 1621. The Marine Corps shall, at all times, be subject to the laws and regulations established for the government of the Navy, except when detached for service with the Army by order of the President; and when so detached they shall be subject to the rules and articles of war prescribed for the government of the Army. Subject to laws governing the Navy, except when serving with the Army.

30 June 1834, c. 132, s. 2, v. 4, p. 713. 11 July, 1798, c. 72, s. 4, v. 1, p. 595.

SEC. 1622. The commissioned officers of the Marine Corps shall be retired in like cases, in the same manner, and with the same relative conditions, in all respects, as are provided for officers of the Army, except as is otherwise provided in the next section. Retirement.

3 Aug., 1861, c. 42, ss. 15, 16, 17, v. 12, p. 289.

17 July, 1862, c. 200, s. 12, v. 12, p. 596, 21 Jan., 1870, c. 9, s. 1, v. 16, p. 62. 15 July, 1870, c. 294, s. 4, v. 16, p. 317. 10 June, 1872, c. 419, s. 1, v. 17, p. 378.

Retiring-board,
how composed.

3 Aug., 1861, c.
42, s. 17, v. 12, p.
239.

SEC. 1623. In case of an officer of the Marine Corps, the retiring-board shall be selected by the Secretary of the Navy, under the direction of the President. Two-fifths of the board shall be selected from the Medical Corps of the Navy, and the remainder shall be selected from officers of the Marine Corps, senior in rank, so far as may be, to the officer whose disability is to be inquired of.

CHAPTER TEN.

ARTICLES FOR THE GOVERNMENT OF THE NAVY.

Sec.	Art.
1624. Articles established.	20. Violating general orders or regulations.
Art.	21. Desertion in time of peace.
1. Commander's duties of supervision and correction.	22. Harboring deserters.
2. Divine service.	9. Officers absent without leave may be reduced.
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4. Offenses punishable by death :	11. Dealing in supplies on private account.
1. Mutiny.	12. Importing dutiable goods in public vessels.
2. Disobedience of orders.	13. Distilled spirits only as medical stores.
3. Striking superior officer.	14. Certain crimes of fraud against the United States.
4. Intercourse with an enemy.	15. List of persons claiming prize-money.
5. Messages from an enemy.	16. Removing property from a prize.
6. Desertion in time of war.	17. Maltreating persons taken on a prize.
7. Deserting trust.	18. Returning fugitives from service.
8. Sleeping on watch.	19. Enlisting deserters, minors, &c.
9. Leaving station.	20. Duties of commanding officers :
10. Willful stranding or injury of vessel.	1. Men received on board.
11. Unlawful destruction of public property.	2. List of officers, men, and passengers.
12. Striking flag or treacherously yielding.	3. Deaths and desertions.
13. Cowardice in battle.	4. Property of deceased persons.
14. Deserting duty in battle.	5. Accounts of men received.
15. Neglecting orders to prepare for battle.	6. Accounts of men sent from the ship.
16. Neglecting to clear for action.	7. Inspection of provisions.
17. Neglecting to join on signal for battle.	8. Health of the crew.
18. Failing to encourage the men to fight.	9. Attendance at final payment of the crew.
19. Failing to seek encounter.	10. Articles for the government of the Navy. Punishment for offending against this article.
20. Failing to afford relief in battle.	21. Authority of officers after loss of vessel.
5. Spies.	22. Offenses not specified.
6. Murder.	23. Offenses committed on shore.
7. Imprisonment in penitentiary.	24. Punishments by order of commander.
8. Offenses punishable at discretion of court-martial :	25. Punishment by officer temporarily commanding.
1. Profanity, falsehood, &c.	26. Summary courts-martial.
2. Cruelty.	27. Constitution of summary courts-martial.
3. Quarreling.	28. Oath of members and recorder.
4. Fomenting quarrels.	29. Testimony.
5. Duels.	30. Punishments by summary courts.
6. Contempt of superior officer.	31. Disrating for incompetency.
7. Combinations against superior officer.	32. Execution of sentence of summary court.
8. Mutinous words.	33. Remission of sentence.
9. Neglect of orders.	34. Manner of conducting proceedings.
10. Preventing destruction of public property.	35. Same punishments by general court-martial.
11. Negligent stranding.	36. Dismissal of officers.
12. Negligence in convoy service.	37. Officer dismissed by the President may demand trial.
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15. Waste of public property, &c.	40. Oaths of members and judge-advocate.
16. Plundering on shore.	
17. Refusing to apprehend offenders.	
18. Refusing to receive prisoners.	
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<p>Art. 41. Oath of witness. 42. Contempts of court. 43. Charges. 44. Duty of officer arrested. 45. Suspension of proceedings. 46. Absence of members. 47. Witnesses examined in absence of a member. 48. Suspension of pay. 49. Flogging, branding, &c. 50. Sentences, how determined.</p>	<p>Art. 51. Adequate punishment; recommendation to mercy. 52. Authentication of judgment. 53. Confirmation of sentence. 54. Remission and mitigation of sentence. 55. Courts of inquiry, by whom ordered. 56. Constitution of. 57. Powers of. 58. Oath of members and judge-advocate. 59. Rights of party inquired of. 60. Proceedings, how authenticated and used as evidence.</p>
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SEC. 1624. The Navy of the United States shall be governed by the following articles:

ARTICLE 1. The commanders of all fleets, squadrons, naval stations, and vessels belonging to the Navy, are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and any such commander who offends against this article shall be punished as a court-martial may direct.

ART. 2. The commanders of vessels and naval stations to which chaplains are attached shall cause divine service to be performed on Sunday, whenever the weather and other circumstances allow it to be done; and it is earnestly recommended to all officers, seamen, and others in the naval service diligently to attend at every performance of the worship of Almighty God.

ART. 3. Any irreverent or unbecoming behavior during divine service shall be punished as a general or summary court-martial may direct.

ART. 4. The punishment of death, or such other punishment as a court-martial may adjudge, may be inflicted on any person in the naval service—

First. Who makes, or attempts to make, or unites with any mutiny or mutinous assembly, or, being witness to or present at any mutiny, does not do his utmost to suppress it; or, knowing of any mutinous assembly or of any intended mutiny, does not immediately communicate his knowledge to his superior or commanding officer;

Second. Or disobeys the lawful orders of his superior officer;

Third. Or strikes or assaults, or attempts or threatens to strike or assault, his superior officer while in the execution of the duties of his office;

Fourth. Or gives any intelligence to, or holds or entertains any intercourse with, an enemy or rebel, without leave from the President, the Secretary of the Navy, the commander-in-chief of the fleet, the commander of the squadrou, or, in case of a vessel acting singly, from his commanding officer;

Fifth. Or receives any message or letter from an enemy or rebel, or, being aware of the unlawful reception of such message or letter, fails to take the earliest opportunity to inform his superior or commanding officer thereof;

Sixth. Or, in time of war, deserts or entices others to desert;

[See §§ 1996-1998.]

Seventh. Or, in time of war, deserts or betrays his trust, or entices or aids others to desert or betray their trust;

Eighth. Or sleeps upon his watch;

Ninth. Or leaves his station before being regularly relieved;

Tenth. Or intentionally or willfully suffers any vessel of the Navy to be stranded, or run upon rocks or shoals, or improperly hazarded; or maliciously or willfully injures any vessel of the Navy, or any part of

Articles established.

17 July, 1862, c. 204, s. 1, v. 12, p. 600. Commander's duty of supervision and correction.

Id., art. 1.

Divine service.

Id., art. 2.

Irreverent behavior.

Id., art. 2.

Offenses punishable by death.

Id., art. 3.

Mutiny.

Disobedience of orders.

Striking superior officer.

Intercourse with an enemy.

Messages from an enemy.

Desertion in time of war.

23 April, 1800, c. 33, art. 17, v. 2, p. 47.

Deserting trust.

Sleeping on watch.

Leaving station

Willful stranding or injury of vessel.

- her tackle, armament, or equipment, whereby the safety of the vessel is hazarded or the lives of the crew exposed to danger ;
- Unlawful destruction of public property.** Eleventh. Or unlawfully sets on fire, or otherwise unlawfully destroys, any public property not at the time in possession of an enemy, pirate, or rebel ;
- Striking flag or treacherously yielding.** Twelfth. Or strikes or attempts to strike the flag to an enemy or rebel, without proper authority, or, when engaged in battle, treacherously yields or pusillanimously cries for quarters ;
- Cowardice in battle.** Thirteenth. Or, in time of battle, displays cowardice, negligence, or disaffection, or withdraws from or keeps out of danger to which he should expose himself ;
- Deserting duty in battle.** Fourteenth. Or, in time of battle, deserts his duty or station, or entices others to do so ;
- Neglecting orders to prepare for battle.** Fifteenth. Or does not properly observe the orders of his commanding officer, and use his utmost exertions to carry them into execution, when ordered to prepare for or join in, or when actually engaged in, battle, or while in sight of an enemy ;
- Neglecting to clear for action.** Sixteenth. Or, being in command of a fleet, squadron, or vessel acting singly, neglects, when an engagement is probable, or when an armed vessel of an enemy or rebel is in sight, to prepare and clear his ship or ships for action ;
- Neglecting to join on signal for battle.** Seventeenth. Or does not, upon signal for battle, use his utmost exertions to join in battle ;
- Failing to encourage the men to fight.** Eighteenth. Or fails to encourage, in his own person, his inferior officers and men to fight courageously ;
- Failing to seek encounter.** Nineteenth. Or does not do his utmost to overtake and capture or destroy any vessel which it is his duty to encounter ;
- Failing to afford relief in battle.** Twentieth. Or does not afford all practicable relief and assistance to vessels belonging to the United States or their allies when engaged in battle.
- Spies.** ART. 5. All persons who, in time of war, or of rebellion against the supreme authority of the United States, come or are found in the capacity of spies, or who bring or deliver any seducing letter or message from an enemy or rebel, or endeavor to corrupt any person in the Navy to betray his trust, shall suffer death, or such other punishment as a court-martial may adjudge.
- Murder.** ART. 6. If any person belonging to any public vessel of the United States commits the crime of murder without the territorial jurisdiction thereof, he may be tried by court-martial and punished with death.
- Imprisonment in a penitentiary.** ART. 7. A naval court-martial may adjudge the punishment of imprisonment for life, or for a stated term, at hard labor, in any case where it is authorized to adjudge the punishment of death ; and such sentences of imprisonment and hard labor may be carried into execution in any prison or penitentiary under the control of the United States, or which the United States may be allowed, by the legislature of any State, to use ; and persons so imprisoned in the prison or penitentiary of any State or Territory shall be subject, in all respects, to the same discipline and treatment as convicts sentenced by the courts of the State or Territory in which the same may be situated.
- Offenses punishable at discretion of court-martial.** ART. 8. Such punishment as a court-martial may adjudge may be inflicted on any person in the Navy—
- Id., art. 7.** First. Who is guilty of profane swearing, falsehood, drunkenness, gambling, fraud, theft, or any other scandalous conduct tending to the destruction of good morals ;
- Cruelty.** Second. Or is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders ;
- Quarreling.** Third. Or quarrels with, strikes, or assaults, or uses provoking or reproachful words, gestures, or menaces toward, any person in the Navy ;

Fourth. Or endeavors to foment quarrels between other persons in the Navy; Fomenting quarrels.

Fifth. Or sends or accepts a challenge to fight a duel or acts as a second in a duel; Duels.

Sixth. Or treats his superior officer with contempt, or is disrespectful to him in language or deportment, while in the execution of his office; Contempt of superior officer.

Seventh. Or joins in or abets any combination to weaken the lawful authority of, or lessen the respect due to, his commanding officer; Combinations against superior officer.

Eighth. Or utters any seditious or mutinous words; Mutinous words.

23 April, 1800, c. 33, art. 13, v. 2, p. 47.

Ninth. Or is negligent or careless in obeying orders, or culpably inefficient in the performance of duty; Neglect of orders.

Tenth. Or does not use his best exertions to prevent the unlawful destruction of public property by others; Preventing destruction of public property.

23 April, 1800, c. 33, art. 25, v. 2, p. 48.

Eleventh. Or, through inattention or negligence, suffers any vessel of the Navy to be stranded, or run upon a rock or shoal, or hazarded; Negligent stranding.

Twelfth. Or, when attached to any vessel appointed as convoy to any merchant or other vessels, fails diligently to perform his duty, or demands or exacts any compensation for his services, or maltreats the officers or crews of such merchant or other vessels; Negligence in convoy service.

Thirteenth. Or takes, receives, or permits to be received, on board the vessel to which he is attached, any goods or merchandise, for freight, sale, or traffic, except gold, silver, or jewels, for freight or safe-keeping; or demands or receives any compensation for the receipt or transportation of any other article than gold, silver, or jewels, without authority from the President or Secretary of the Navy; Receiving articles for freight.

Fourteenth. Or knowingly makes or signs, or aids, abets, directs, or procures the making or signing of, any false muster; False muster.

Fifteenth. Or wastes any ammunition, provisions, or other public property, or, having power to prevent it, knowingly permits such waste; Waste of public property, &c.

Sixteenth. Or, when on shore, plunders, abuses, or maltreats any inhabitant, or injures his property in any way; Plundering on shore.

Seventeenth. Or refuses, or fails to use, his utmost exertions to detect, apprehend, and bring to punishment all offenders, or to aid all persons appointed for that purpose; Refusing to apprehend offenders.

Eighteenth. Or, when rated or acting as master-at-arms, refuses to receive such prisoners as may be committed to his charge, or, having received them, suffers them to escape, or dismisses them without orders from the proper authority; Refusing to receive prisoners.

Nineteenth. Or is absent from his station or duty without leave, or after his leave has expired; Absence from duty without leave.

Twentieth. Or violates or refuses obedience to any lawful general order or regulation issued by the Secretary of the Navy; Violating general orders or regulations.

Twenty-first. Or, in time of peace, deserts or attempts to desert, or aids and entices others to desert; Desertion in time of peace. [See §§ 1996-1998.]

Twenty-second. Or receives or entertains any deserter from any other vessel of the Navy, knowing him to be such, and does not, with all convenient speed, give notice of such deserter to the commander of the vessel to which he belongs, or to the commander-in-chief, or to the commander of the squadron. Harboring deserters.

23 April, 1800, c. 33, art. 17, v. 2, p. 47.

ART. 9. Any officer who absents himself from his command without leave may, by the sentence of a court-martial, be reduced to the rating of an ordinary seaman. Officer absent without leave may be reduced.

16 May, 1864, c. 86, s. 2, v. 13, p. 75.

ART. 10. Any commissioned officer of the Navy or Marine Corps who, having tendered his resignation, quits his post or proper duties without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of such resignation, shall be deemed and punished as a deserter. Desertion by resignation.

ART. 11. No person in the naval service shall procure stores or other articles or supplies for, and dispose thereof to, the officers or enlisted Dealing in supplies on private account.

5 Aug., 1861, c. 54, s. 2, v. 12, pp. 316, 317.

26 Aug., 1842, c. 206, s. 1, v. 5, p. 535.

Importing dutiable goods in public vessels.

30 July, 1846, c. 74, s. 10, v. 9, p. 44.

Distilled spirits only as medical stores.

14 July, 1862, c. 164, s. 4, v. 12, p. 565.

Certain crimes of fraud against the United States.

2 March, 1863, c. 67, s. 1, v. 12, p. 696.

Presenting false claims.

Agreement to obtain payment of false claim.

False papers.

Perjury.

Forgery.

Delivering less property than receipt calls for.

Giving receipts without knowing truth of.

Stealing, wrongfully selling, &c.

Buying public military property.

17 July, 1862, c. 204, art. 7, v. 12, p. 602.

men on vessels of the Navy, or at navy-yards or naval stations, for his own account or benefit.

ART. 12. No person connected with the Navy shall, under any pretence, import in a public vessel any article which is liable to the payment of duty.

ART. 13. Distilled spirits shall be admitted on board of vessels of war only upon the order and under the control of the medical officers of such vessels, and to be used only for medical purposes.

ART. 14. Fine and imprisonment, or such other punishment as a court-martial may adjudge, shall be inflicted upon any person in the naval service of the United States—

Who presents or causes to be presented to any person in the civil, military, or naval service thereof, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing, or other paper, knowing the same to contain any false or fraudulent statement; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the naval service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Who, being authorized to make or deliver any paper certifying the receipt of any money or other property of the United States, furnished or intended for the naval service thereof, makes, or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully and knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money or other property of the United States, furnished or intended for the military or naval service thereof; or

Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any other person who is a part of or employed in said service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such other person not having lawful right to sell or pledge the same; or

Who executes, attempts, or countenances any other fraud against the United States.

And if any person, being guilty of any of the offenses described in this article while in the naval service, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

ART. 15. The commanding officer of every vessel in the Navy entitled to or claiming an award of prize-money shall, as soon as it may be practicable after the capture, transmit to the Navy Department a complete list of the officers and men of his vessel entitled to share, stating therein the quality of each person rating; and every commanding officer who offends against this article shall be punished as a court-martial may direct. [See § 4618.]

ART. 16. No person in the Navy shall take out of a prize, or vessel seized as a prize, any money, plate, goods, or any part of her equipment, unless it be for the better preservation thereof, or unless such articles are absolutely needed for the use of any of the vessels or armed forces of the United States, before the same are adjudged lawful prize by a competent court; but the whole, without fraud, concealment, or embezzlement, shall be brought in, in order that judgment may be passed thereon; and every person who offends against this article shall be punished as a court-martial may direct.

ART. 17. If any person in the Navy strips off the clothes of, or pillages, or in any manner maltreats, any person taken on board a prize, he shall suffer such punishment as a court-martial may adjudge.

Id., a. 8.—Lively and Cargo, 1 Gallis, 314.

ART. 18. If any officer or person in the naval service employs any of the forces under his command for the purpose of returning any fugitive from service or labor, he shall be dismissed from the service.

ART. 19. Any officer who knowingly enlists into the naval service any deserter from the naval or military service of the United States, or any insane or intoxicated person, or any minor between the ages of sixteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of sixteen years, shall be dishonorably dismissed from the service of the United States. [See §§ 1418, 1419.]

ART. 20. Every commanding officer of a vessel in the Navy shall obey the following rules:

First. Whenever a man enters on board, the commanding officer shall cause an accurate entry to be made in the ship's books, showing his name, the date, place, and term of his enlistment, the place or vessel from which he was received on board, his rating, his descriptive list, his age, place of birth, and citizenship, with such remarks as may be necessary.

Second. He shall, before sailing, transmit to the Secretary of the Navy a complete list of the rated men under his command, showing the particulars set forth in rule one, and a list of officers and passengers, showing the date of their entering. And he shall cause similar lists to be made out on the first day of every third month and transmitted to the Secretary of the Navy as opportunities occur, accounting therein for any casualty which may have happened since the last list.

Third. He shall cause to be accurately minuted on the ship's books the names of any persons dying or deserting, and the times at which such death or desertion occurs.

Fourth. In case of the death of any officer, man, or passenger on said vessel, he shall take care that the paymaster secures all the property of the deceased, for the benefit of his legal representatives.

Fifth. He shall not receive on board any man transferred from any other vessel or station to him, unless such man is furnished with an

2 March, 1863, c. 67, a. 2, v. 12, p. 697.

List of persons claiming prize-money.

17 July, 1862, c. 204, a. 5, v. 12, p. 607.

Removing property from a prize.

Id., a. 7.

Maltreating persons taken on a prize.

Returning fugitives from service.

13 March, 1862, c. 40, a. 1, v. 12, p. 354.

Enlisting deserters, minors, &c.

3 March, 1865, c. 79, a. 18, v. 13, p. 490.

Duties of commanding officers.

17 July, 1862, c. 204, a. 16, v. 12, p. 609.

Men received on board.

List of officers, men, and passengers.

Deaths and desertions.

Property of deceased persons.

Accounts of men received.

account, signed by the captain and paymaster of the vessel or station from which he came, specifying the date of his entry on said vessel or at said station, the period and term of his service, the sums paid him, the balance due him, the quality in which he was rated, and his descriptive list.

Accounts of men sent from the ship.

Sixth. He shall, whenever officers or men are sent from his ship, for whatever cause, take care that each man is furnished with a complete statement of his account, specifying the date of his enlistment, the period and term of his service, and his descriptive list. Said account shall be signed by the commanding officer and paymaster.

Inspection of provisions.

Seventh. He shall cause frequent inspections to be made into the condition of the provisions on his ship, and use every precaution for their preservation.

Health of crew.

Eighth. He shall frequently consult with the surgeon in regard to the sanitary condition of his crew, and shall use all proper means to preserve their health. And he shall cause a convenient place to be set apart for sick or disabled men, to which he shall have them removed, with their hammocks and bedding, when the surgeon so advises, and shall direct that some of the crew attend them and keep the place clean.

Attendance at final payment of crew.

Ninth. He shall attend in person, or appoint a proper officer to attend, when his crew is finally paid off, to see that justice is done to the men and to the United States in the settlement of the accounts.

Articles for the government of the Navy.

Tenth. He shall cause the articles for the government of the Navy to be hung up in some public part of the ship and read once a month to his ship's company.

Punishment for offending against this article.

Every commanding officer who offends against the provisions of this article shall be punished as a court-martial may direct.

Authority of officers after loss of vessel.

ART. 21. When the crew of any vessel of the United States are separated from their vessel by means of her wreck, loss, or destruction, all the command and authority given to the officers of such vessel shall remain in full force until such ship's company shall be regularly discharged from or ordered again into service, or until a court-martial or court of inquiry shall be held to inquire into the loss of said vessel. And if any officer or man, after such wreck, loss, or destruction, acts contrary to the discipline of the Navy, he shall be punished as a court-martial may direct.

Id., s. 14.

Offenses not specified.

ART. 22. All offenses committed by persons belonging to the Navy which are not specified in the foregoing articles shall be punished as a court-martial may direct.

Id., art. 8.

Offenses committed on shore.

ART. 23. All offenses committed by persons belonging to the Navy while on shore shall be punished in the same manner as if they had been committed at sea.

Id., art. 9.

Punishments by order of commander.

ART. 24. No commander of a vessel shall inflict upon a commissioned or warrant officer any other punishment than private reprimand, suspension from duty, arrest, or confinement, and such suspension, arrest, or confinement shall not continue longer than ten days, unless a further period is necessary to bring the offender to trial by a court-martial; nor shall he inflict, or cause to be inflicted, upon any petty officer, or person of inferior rating, or marine, for a single offense, or at any one time, any other than one of the following punishments, namely:

Id., art. 10.

Wilkes vs. Dinsman, 7 How., 89.

Dinsman vs. Wilkes, 12 How., 390.

First. Reduction of any rating established by himself.

Second. Confinement, with or without irons, single or double, not exceeding ten days, unless further confinement be necessary, in the case of a prisoner to be tried by court-martial.

Third. Solitary confinement, on bread and water, not exceeding five days.

Fourth. Solitary confinement not exceeding seven days.

Fifth. Deprivation of liberty on shore.

Sixth. Extra duties.

No other punishment shall be permitted on board of vessels belonging to the Navy, except by sentence of a general or summary court-martial.

All punishments inflicted by the commander, or by his order, except reprimands, shall be fully entered upon the ship's log.

ART. 25. No officer who may command by accident, or in the absence of the commanding officer, except when such commanding officer is absent for a time by leave, shall inflict any other punishment than confinement.

Punishment by officer temporarily commanding.

23 April, 1800, c. 33, s. 1, v. 2, p. 49, art. 30.

ART. 26. Summary courts-martial may be ordered upon petty officers and persons of inferior ratings, by the commander of any vessel, or by the commandant of any navy-yard, naval station, or marine barracks to which they belong, for the trial of offenses which such officer may deem deserving of greater punishment than such commander or commandant is authorized to inflict, but not sufficient to require trial by a general court-martial.

Summary courts-martial.

2 March, 1855, c. 136, s. 4, v. 10, p. 627.
15 July, 1870, c. 295, s. 14, v. 16, p. 334.

ART. 27. A summary court-martial shall consist of three officers not below the rank of ensign, as members, and of a recorder. The commander of a ship may order any officer under his command to act as such recorder.

Constitution of summary courts-martial.

Id., s. 6.
Oath of members and recorder.

Id., s. 5.

ART. 28. Before proceeding to trial the members of a summary court-martial shall take the following oath or affirmation, which shall be administered by the recorder: "I, A B, do swear (or affirm) that I will well and truly try, without prejudice or partiality, the case now depending, according to the evidence which shall be adduced, the laws for the government of the Navy, and my own conscience." After which the recorder of the court shall take the following oath or affirmation, which shall be administered by the senior member of the court: "I, A B, do swear (or affirm) that I will keep a true record of the evidence which shall be given before this court and of the proceedings thereof."

ART. 29. All testimony before a summary court-martial shall be given orally, upon oath or affirmation, administered by the senior member of the court.

Testimony.

Id., s. 7.

ART. 30. Summary courts-martial may sentence petty officers and persons of inferior ratings to any one of the following punishments, namely:

Punishments by summary courts.

Id., s. 7.

First. Discharge from the service with bad conduct discharge; but the sentence shall not be carried into effect in a foreign country.

Second. Solitary confinement, not exceeding thirty days, in irons, single or double, on bread and water, or on diminished rations.

Third. Solitary confinement in irons, single or double, not exceeding thirty days.

Fourth. Solitary confinement not exceeding thirty days.

Fifth. Confinement not exceeding two months.

Sixth. Reduction to next inferior rating.

Seventh. Deprivation of liberty on shore on foreign station.

Eighth. Extra police duties, and loss of pay, not to exceed three months, may be added to any of the above-mentioned punishments.

ART. 31. A summary court-martial may disrate any rated person for incompetency.

Disrating for incompetency.

17 July, 1862, c. 204, s. 1, art. 10, v. 12, p. 603.

ART. 32. No sentence of a summary court-martial shall be carried into execution until the proceedings and sentence have been approved by the officer ordering the court and by the commander-in-chief, or, in his absence, by the senior officer present. And no sentence of such court which involves loss of pay shall be carried into execution until the proceedings and sentence have been approved by the Secretary of the Navy.

Execution of sentence of summary court.

2 March, 1855, c. 136, s. 8, v. 10, p. 627.
2 March, 1867, c. 174, s. 5, v. 14, p. 516.

ART. 33. The officer ordering a summary court-martial shall have power to remit, in part or altogether, but not to commute, the sentence of the court. And it shall be his duty either to remit any part or the whole of any sentence, the execution of which would, in the opinion of the surgeon or senior medical officer on board, given in writing, produce

Remission of sentence.

2 March, 1855, c. 136, s. 8, v. 10, p. 628.

serious injury to the health of the person sentenced; or to submit the case again, without delay, to the same or to another summary court-martial, which shall have power, upon the testimony already taken, to remit the former punishment and to assign some other of the authorized punishments in the place thereof.

Manner of conducting proceedings.

Id., s. 9.

Same punishment by general court-martial.

Dismissal of officers.

13 July, 1866, c. 176, s. 5, v. 14, p. 92.

Officer dismissed by the President may demand trial.

3 March, 1865, c. 79, s. 12, v. 13, p. 489.

General courts-martial, by whom convened.

17 July, 1862, c. 204, s. 1, art. 11, v. 12, p. 603.

Constitution of.

Id., art. 11.

Wise vs. Withers, 3 Cr., 337.

Dynes vs. Hoover, 20 How., 81, 84.

Oaths of members and judge-advocate.

Id., art. 12.

ART. 34. The proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President; and all such proceedings shall be transmitted, in the usual mode, to the Navy Department.

ART. 35. Any punishment which a summary court-martial is authorized to inflict may be inflicted by a general court-martial.

Id., s. 10.

ART. 36. No officer shall be dismissed from the naval service except by the order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a general court-martial or in mitigation thereof.

ART. 37. When any officer, dismissed by order of the President since 3d March, 1865, makes, in writing, an application for trial, setting forth, under oath that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court-martial to try such officer on the charges on which he shall have been dismissed. And if such court-martial shall not be convened within six months from the presentation of such application for trial, or if such court, being convened, shall not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void.

ART. 38. General courts-martial may be convened by the President, the Secretary of the Navy, or the commander-in-chief of a fleet or squadron; but no commander of a fleet or squadron in the waters of the United States shall convene such court without express authority from the President.

ART. 39. A general court-martial shall consist of not more than thirteen nor less than five commissioned officers as members; and as many officers, not exceeding thirteen, as can be convened without injury to the service, shall be summoned on every such court. But in no case, where it can be avoided without injury to the service, shall more than one-half, exclusive of the president, be junior to the officer to be tried. The senior officer shall always preside and the others shall take place according to their rank.

ART. 40. The president of the general court-martial shall administer the following oath or affirmation to the judge-advocate or person officiating as such:

"I, A B, do swear (or affirm) that I will keep a true record of the evidence given to and the proceedings of this court; that I will not divulge or by any means disclose the sentence of the court until it shall have been approved by the proper authority; and that I will not at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

This oath or affirmation being duly administered, each member of the court, before proceeding to trial, shall take the following oath or affirmation, which shall be administered by the judge-advocate or person officiating as such:

"I, A B, do swear (or affirm) that I will truly try without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the rules for the government of the Navy, and my own conscience; that I will not by any means divulge or disclose the sentence of the court until it shall have been approved by the proper authority; and that I will not at any time divulge or disclose the

vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

ART. 41. An oath or affirmation, in the following form, shall be administered to all witnesses, before any court-martial, by the president thereof:

"You do solemnly swear (or affirm) that the evidence you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, and that you will state everything within your knowledge in relation to the charges. So help you God; (or 'this you do under the pains and penalties of perjury.')

ART. 42. Whenever any person refuses to give his evidence or to give it in the manner provided by these articles, or prevaricates, or behaves with contempt to the court, it shall be lawful for the court to imprison him for any time not exceeding two months.

ART. 43. The person accused shall be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest; and no other charges than those so furnished shall be urged against him at the trial, unless it shall appear to the court that intelligence of such other charge had not reached the officer ordering the court when the accused was put under arrest, or that some witness material to the support of such charge was at that time absent and can be produced at the trial; in which case reasonable time shall be given to the accused to make his defense against such new charge.

ART. 44. Every officer who is arrested for trial shall deliver up his sword to his commanding officer and confine himself to the limits assigned him, on pain of dismissal from the service.

ART. 45. When the proceedings of any general court-martial have commenced, they shall not be suspended or delayed on account of the absence of any of the members, provided five or more are assembled; but the court is enjoined to sit from day to day, Sundays excepted, until sentence is given, unless temporarily adjourned by the authority which convened it.

ART. 46. No member of a general court-martial shall, after the proceedings are begun, absent himself therefrom, except in case of sickness, or of an order to go on duty from a superior officer, on pain of being cashiered.

ART. 47. Whenever any member of a court-martial, from any legal cause, is absent from the court after the commencement of a case, all the witnesses who have been examined during his absence must, when he is ready to resume his seat, be recalled by the court, and the recorded testimony of each witness so examined must be read over to him, and such witness must acknowledge the same to be correct and be subject to such further examination as the said member may require. Without a compliance with this rule, and an entry thereof upon the record, a member who shall have been absent during the examination of a witness shall not be allowed to sit again in that particular case.

ART. 48. Whenever a court-martial sentences an officer to be suspended, it may suspend his pay and emoluments for the whole or any part of the time of his suspension.

ART. 49. In no case shall punishment by flogging, or by branding, marking, or tattooing on the body be adjudged by any court-martial or be inflicted upon any person in the Navy.

ART. 50. No person shall be sentenced by a court-martial to suffer death, except by the concurrence of two-thirds of the members present, and in the cases where such punishment is expressly provided in these articles. All other sentences may be determined by a majority of votes.

ART. 51. It shall be the duty of a court-martial, in all cases of conviction, to adjudge a punishment adequate to the nature of the offense; out the members thereof may recommend the person convicted as deserving of clemency, and state, on the record, their reasons for so doing.

Oath of witness.

Id., art. 14.

Contempts of court.

Id., art. 13.

Charges.

Id., art. 15.

Duty of officer arrested.

Id., art. 15.

Suspension of proceedings.

Id., art. 16.

Absence of members.

Id., art. 16.

Witnesses examined in absence of a member.

Id., art. 17.

Suspension of pay.

Id., art. 18.

Flogging, branding, &c.

Id., art. 8.

6 June, 1872, c. 316, s. 2, v. 17, p. 261.

Sentences, how determined.

Id., art. 19.

Adequate punishment; recommendation to mercy.

Id., art. 21.

<p>Authentication of judgment.</p> <hr/> <p>Id., art. 22.</p>	<p>ART. 52. The judgment of every court-martial shall be authenticated by the signature of the president, and of every member who may be present when said judgment is pronounced, and also of the judge-advocate.</p>
<p>Confirmation of sentence.</p> <hr/> <p>Id., art. 19.</p>	<p>ART. 53. No sentence of a court-martial, extending to the loss of life, or to the dismissal of a commissioned or warrant officer, shall be carried into execution until confirmed by the President. All other sentences of a general court-martial may be carried into execution on confirmation of the commander of the fleet or officer ordering the court.</p>
<p>Remission and mitigation of sen- tence.</p> <hr/> <p>Id., art. 20.</p>	<p>ART. 54. Every officer who is authorized to convene a general court-martial shall have power, on revision of its proceedings, to remit or mitigate, but not to commute, the sentence of any such court which he is authorized to approve and confirm.</p>
<p>Courts of inquiry, by whom ordered.</p> <hr/> <p>Id., art. 23.</p> <hr/> <p>Constitution of.</p> <hr/> <p>Id., art. 23.</p>	<p>ART. 55. Courts of inquiry may be ordered by the President, the Secretary of the Navy, or the commander of a fleet or squadron.</p>
<p>Powers of.</p> <hr/> <p>Id., art. 23.</p>	<p>ART. 56. A court of inquiry shall consist of not more than three commissioned officers as members, and of a judge-advocate, or person officiating as such.</p>
<p>Oath of mem- bers and judge-ad- vocate.</p> <hr/> <p>Id., art. 25.</p>	<p>ART. 57. Courts of inquiry shall have power to summon witnesses, administer oaths, and punish contempts, in the same manner as courts-martial; but they shall only state facts, and shall not give their opinion, unless expressly required so to do in the order for convening.</p>
<p>Rights of party inquired of.</p> <hr/> <p>Id., art. 23.</p>	<p>ART. 58. The judge-advocate, or person officiating as such, shall administer to the members the following oath or affirmation: "You do swear (or affirm) well and truly to examine and inquire, according to the evidence, into the matter now before you, without partiality." After which the president shall administer to the judge-advocate, or person officiating as such, the following oath or affirmation: "You do swear (or affirm) truly to record the proceedings of this court and the evidence to be given in the case in hearing."</p>
<p>Proceedings, how authenticated and used as evidence.</p> <hr/> <p>Id., art. 24.</p>	<p>ART. 59. The party whose conduct shall be the subject of inquiry, or his attorney, shall have the right to cross-examine all the witnesses.</p>
	<p>ART. 60. The proceedings of courts of inquiry shall be authenticated by the signature of the president of the court and of the judge-advocate, and shall, in all cases not capital, nor extending to the dismissal of a commissioned or warrant officer, be evidence before a court-martial, provided oral testimony cannot be obtained.</p>

TITLE XVI.

THE MILITIA.

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SEC. 1625. Every able-bodied male citizen of the respective States, resident therein, who is of the age of eighteen years, and under the age of forty-five years, shall be enrolled in the militia.

Who to be enrolled in the militia.

s. 1, v. 1, p. 271. 17 July, 1862, c. 201, s. 1, v. 12, p. 597. 2 March, 1867, c. 145, s. 6, v. 14, p. 423.—*Houston vs. Moore*, 5 Wh., 1.

8 May 1792, c. 33,

Enrollment, by whom.

SEC. 1626. It shall be the duty of every captain or commanding officer of a company to enroll every such citizen residing within the bounds of his company, and all those who may, from time to time, arrive at the age of eighteen years, or who, being of the age of eighteen years and under the age of forty-five years, come to reside within his bounds.

8 May, 1792, c. 33, s. 1, v. 1, p. 271.

SEC. 1627. Each captain or commanding officer shall, without delay, notify every such citizen of his enrollment, by a proper non-commissioned officer of his company, who may prove the notice. And any notice or warning to a citizen enrolled, to attend a company, battalion, or regimental muster, which is according to the laws of the State in which it is given for that purpose, shall be deemed a legal notice of his enrollment.

Notice of enrollment.

8 May, 1792, c. 33, s. 1, v. 1, p. 271.

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

SEC. 1628. Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutered, and provided when called out to exercise, or into service, except that when called out on company days to exercise only, he may appear without a knapsack. And all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales, for debt or for the payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon.

Arms and accouterments.

8 May, 1792, c. 33, s. 1, v. 1, p. 271.

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

Persons exempt.

8 May, 1792, c. 33, s. 2, v. 1, p. 272.
30 April, 1810, c. 37, s. 33, v. 2, p. 603.
7 May, 1800, c. 46, s. 4, v. 2, p. 62.

SEC. 1629. The Vice-President of the United States; the officers judicial and executive of the Government of the United States; the members of both Houses of Congress, and their respective officers; all custom-house officers with their clerks; all postmasters and persons employed in the transportation of the mail; all ferrymen employed at any ferry on post-roads; all inspectors of exports; all artificers and workmen employed in the armories and arsenals of the United States; all pilots; all mariners actually employed in the sea-service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective States, shall be exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

Arrangement into divisions, brigades, &c.

8 May, 1792, c. 33, s. 3, v. 1, p. 272.

SEC. 1630. The militia of each State shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of the State may direct. Each brigade may consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. Each division, brigade, and regiment shall be numbered at the formation thereof; and a record of such numbers shall be made in the adjutant-general's office of the State. When in the field, or in service in the State, each division, brigade, and regiment shall respectively take rank according to its number, reckoning the first or lowest number highest in rank.

Militia, how officered.

8 May, 1792, c. 33, s. 3, v. 1, p. 272.
2 March, 1803, c. 15, s. 3, v. 2, p. 207.
18 April, 1814, c. 80, v. 3, p. 134.
20 April, 1816, c. 64, v. 3, p. 295.

SEC. 1631. The militia shall be officered by the respective States as follows: To the militia of each State, one quartermaster-general; to each division, one major-general, two aids-de-camp with the rank of major, one division-inspector with the rank of lieutenant-colonel, and one division-quartermaster with the rank of major; to each brigade, one brigadier-general, one brigade-inspector, to serve also as brigade-major with the rank of major, one quartermaster of brigade with the rank of captain, and one aid-de-camp with the rank of captain; to each regiment of two battalions, one colonel, one lieutenant-colonel, one major, and one chaplain; to only one battalion, a major, who shall command the same; to each company, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, and one fifer or bugler. And there shall be a regimental staff, to consist of one adjutant and one quartermaster, to rank as lieutenants, one paymaster, one surgeon, one surgeon's mate, one sergeant-major, one drum-major, and one fife-major.

Artillery and cavalry.

8 May, 1792, c. 33, s. 4, v. 1, p. 272.
2 March, 1803, c. 15, s. 2, v. 2, p. 207.

SEC. 1632. There shall be formed for each battalion at least one company of grenadiers, light infantry, or riflemen, and for each division at least one company of artillery and one troop of horse. For each company of artillery there shall be one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer. The officers shall be armed with a sword or hanger, a fusée, bayonet, and belt, with a cartridge-box to contain twelve cartridges; and each private shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. For each troop of horse there shall be one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers shall furnish themselves with good horses of at least fourteen hands and a half high, and shall be armed with a sword and pair of pistols, the holsters to be covered with bearskin caps. Each dragoon shall furnish himself with a serviceable horse, at least fourteen hands and a half high, a good saddle, bridle, mail-pillion, and valise, holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a saber, and a cartridge-box, to contain twelve cartridges for pistols. Each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander-in-chief of the State, not exceeding one company of each to a regiment, nor more in number than one eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense; the color and fashion to be determined by the brigadier commanding the brigade to which they belong.

SEC. 1633. Each battalion and regiment shall be provided with the State and regimental colors by the field-officers, and each company with a drum and fife, or bugle-horn, by the commissioned officers of the company, in such manner as the legislature of the respective States may direct.

Regimental colors.

8 May, 1792, c. 33, s. 5, v. 1, p. 273.

SEC. 1634. There shall be appointed in each State an adjutant-general, whose duty it shall be to distribute all orders from the commander-in-chief of the State to the several corps; to attend all musters when the commander-in-chief of the State reviews the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by law; to furnish blank forms of returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the State returns of the militia under their command; and to make proper abstracts from such returns, and lay the same annually before the commander-in-chief of the State.

Adjutant-general in each State, his duty.

8 May, 1792, c. 33, s. 6, v. 1, p. 273.

SEC. 1635. The several officers of the divisions, brigades, regiments, and battalions, shall report, in their returns of the corps under their command, the actual condition of their arms, accouterments, and ammunition, their delinquencies, and every other particular relating to the general advancement of good order and discipline, and shall make the same in the usual manner.

Returns.

8 May, 1792, c. 33, s. 6, v. 1, p. 273.

SEC. 1636. It shall be the duty of the adjutant-general in each State to make return of the militia of the State, with their arms, accouterments, and ammunition, agreeably to the provisions of law, to the President of the United States, annually, on or before the first Monday in January; and it shall be the duty of the Secretary of War, from time to time, to give such directions to the adjutant-generals of the militia as may, in his opinion, be necessary to produce a uniformity in such returns.

Returns to the President.

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

SEC. 1637. The system of discipline and field exercise which is ordered to be observed in the different corps of infantry, artillery, and riflemen of the Regular Army, shall also be observed in such corps, respectively, of the militia.

Discipline.

12 May, 1820, c. 97, s. 1, v. 3, p. 577.

SEC. 1638. All commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, their rank shall be determined by lot to be drawn by them before the commanding officer of the brigade, regiment, battalion, company, or detachment.

Officers, how to take rank.

8 May, 1792, c. 33, s. 8, v. 1, p. 273.

SEC. 1639. If any person, whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

Care of the wounded.

8 May, 1792, c. 33, s. 9, v. 1, p. 273.

SEC. 1640. It shall be the duty of the brigade-inspector to attend the regimental and battalion meetings of the militia composing the several brigades, during the time when they are under arms, to inspect their arms, ammunition, and accouterments; to superintend their exercise and maneuvers, and introduce throughout the brigade the system of military discipline prescribed by law, and such orders as they receive from the commander-in-chief of the State; and to make returns to the adjutant-general of the State, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual condition of the arms, accouterments, and ammunition of the several corps, and every other particular which, in his judgment, may relate to their government and the general advancement of good order and military discipline.

Brigade-inspector's duty.

8 May, 1792, c. 33, s. 10, v. 1, p. 273.

SEC. 1641. All corps of artillery, cavalry, and infantry, now existing in any State, which, by any law, custom, or usage thereof, have not been incorporated with the militia, or are not governed by the general regulations thereof, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other militia.

Privileges of certain corps.

8 May, 1792, c. 33, s. 11, v. 1, p. 274.

Orders of President in case of invasion.

28 Feb., 1795, c. 36, s. 1, v. 1, p. 424.

Martin vs. Mott, 12 Wh., 19.

McCall's Case, 5 Phila., 259.

Militia, how apportioned.

17 July, 1862, c. 201, s. 1, v. 12, p. 597.

Subject to rules of war.

28 Feb., 1795, c. 36, s. 4, v. 1, p. 424.

29 July, 1861, c. 25, s. 3, v. 12, p. 262. *Martin vs. Mott*, 12 Wh., 19.

Organization.

17 July, 1862, c. 201, s. 2, v. 12, p. 598.

How formed.

22 July, 1861, c. 9, s. 2, v. 12, p. 269.

2 July, 1862, c. 127, s. 3, v. 12, p. 502.

17 July, 1862, c. 200, s. 5, v. 12, p. 594.

How composed.

22 July, 1861, c. 9, s. 3, v. 12, p. 269.

17 July, 1862, c. 200, s. 6, v. 12, p. 594.

When called forth, term of service to be specified.

17 July, 1862, c. 201, s. 1, v. 12, p. 597.

Disobedience of orders, penalty.

28 Feb., 1795, c. 36, s. 5, v. 1, p. 424.

29 July, 1861, c. 25, s. 4, v. 12, p. 262.

Wise vs. Withers, 2 Cr., 331; *Houston vs. Moore*, 5 Wh., 1; *Martin vs. Mott*, 12 Wh., 19; *Mcade's Case*, 1 Brock., 324.

Pay, rations, &c.

29 July, 1861, c. 25, s. 3, v. 12, p. 262.

19 March, 1836, c. 44, s. 1, v. 6, p. 7.

SEC. 1642. Whenever the United States are invaded, or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the militia of the State or States, most convenient to the place of danger, or scene of action, as he may deem necessary to repel such invasion, or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper.

SEC. 1643. When the militia of more than one State is called into the actual service of the United States by the President, he shall apportion them among such States according to representative population.

SEC. 1644. The militia, when called into the actual service of the United States for the suppression of rebellion against and resistance to the laws of the United States, shall be subject to the same rules and articles of war as the regular troops of the United States.

SEC. 1645. The militia, when called into actual service, shall be organized as prescribed in the two sections following.

SEC. 1646. They shall be formed, by the President, into regiments of infantry, with the exception of such numbers for cavalry and artillery as he may direct, not to exceed the proportion of one company of each of those arms to every regiment of infantry, and to be organized as in the regular service. Each regiment of infantry shall have one colonel, one lieutenant-colonel, one major, one adjutant, (a lieutenant,) one quartermaster, (a lieutenant,) one surgeon and two assistant surgeons, one sergeant-major, one regimental quartermaster-sergeant, one regimental commissary-sergeant, one hospital-steward, and two principal musicians, and shall be composed of ten companies, each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and from sixty-four to eighty-two privates.

SEC. 1647. They shall be further organized into divisions of three or more brigades each; and each division shall have a major-general, three aids-de-camp, and one assistant adjutant-general with the rank of major. Each brigade shall be composed of four or more regiments, and shall have one brigadier-general, two aids-de-camp, one assistant adjutant-general with the rank of captain, one surgeon, one assistant-quartermaster, one commissary of subsistence, and sixteen musicians as a band.

SEC. 1648. Whenever the President calls forth the militia of the States, to be employed in the service of the United States, he may specify in his call the period for which such service will be required, not exceeding nine months, and the militia so called shall be mustered in and continued to serve during the term so specified, unless sooner discharged by command of the President.

SEC. 1649. Every officer, non-commissioned officer, or private of the militia, who fails to obey the orders of the President when he calls out the militia into the actual service of the United States, shall forfeit of his pay a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall be liable to be cashiered by a sentence of court-martial, and be incapacitated from holding a commission in the militia for a term not exceeding twelve months; and such non-commissioned officer and private shall be liable to imprisonment, by a like sentence, on failure to pay the fines adjudged against him, for one calendar month for every twenty-five dollars of such fine.

SEC. 1650. The militia when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay, rations, clothing, and camp equipage as may be provided by law for the Army of the United States.

SEC. 1651. Whenever the militia is called into the actual service of the United States, their pay shall be deemed to commence from the day of their appearing at the place of battalion, regimental, or brigade rendezvous.

When pay to commence.

2 Jan., 1795, c. 9, s. 3, v. 1, p. 408.

SEC. 1652. The officers, non-commissioned officers, musicians, artificers, and privates shall be entitled to one day's pay, subsistence, and allowances for every twenty miles' travel from their places of residence to the place of general rendezvous, and from the place of discharge back to their residence.

Traveling allowance.

19 March, 1836, c. 44, s. 3, v. 5, p. 7.

SEC. 1653. The officers of all mounted companies in the militia called into the service of the United States shall each be entitled to receive forage, or money in lieu thereof, for two horses, when they actually keep private servants, and for one horse when without private servants, and forty cents per day shall be allowed for the use and risk of each horse, except horses killed in battle or dying of wounds received in battle. Each non-commissioned officer, musician, artificer, and private of such mounted companies shall be entitled to receive forage in kind for one horse, with forty cents per day for the use and risk thereof, except horses killed in battle, or dying of wounds received in battle, and twenty-five cents per day in lieu of forage and subsistence, when the same is furnished by himself, or twelve and a half cents per day for either, as the case may be.

Forage and use of horses.

19 March, 1836, c. 44, s. 2, v. 5, p. 7.

2 Jan., 1795, c. 9, s. 2, v. 1, p. 408.

SEC. 1654. The expenses incurred by marching the militia of any State or Territory to their places of rendezvous, in pursuance of a requisition of the President, or of a call made by the authority of any State or Territory and approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous, on the requisition of the President; but this provision does not authorize any species of expenditure, previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

Expenses of march to rendezvous.

20 April, 1818, c. 84, v. 3, p. 444.

28 Feb., 1795, c. 36, v. 1, p. 424.

SEC. 1655. When the militia in the military service of the United States are employed on the western frontiers, there shall be allowed two ounces of flour or bread, and two ounces of beef or pork, in addition to each of their rations, and half a pint of salt, in addition to every hundred of their rations.

Addition to ration.

2 Jan., 1795, c. 9, s. 6, v. 1, p. 409.

SEC. 1656. When any officer, non-commissioned officer, artificer, or private of the militia or volunteer corps dies in the service of the United States, or in returning to his place of residence after being mustered out of service, or at any time in consequence of wounds received in service, and leaves a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled, at the time of his death, during the term of five years; and in case of the death or intermarriage of such widow before the expiration of five years, the half-pay for the remainder of the time shall go to the child or children of the decedent. And the Secretary of the Interior shall adopt such forms of evidence, in applications under this section as the President may prescribe.

Provision for widows, &c., of those who die in the service.

19 March, 1836, c. 44, s. 5, v. 5, p. 7.

SEC. 1657. The volunteers or militia, who have been received into the service of the United States, to suppress Indian depredations in Florida, shall be entitled to all the benefits which are conferred on persons wounded or otherwise disabled in the service of the United States.

Volunteers, &c., to suppress Indian depredations in Florida; benefits to.

19 March, 1836, c. 44, s. 4, v. 5, p. 7.

SEC. 1658. Courts-martial for the trial of militia shall be composed of militia officers only.

Courts-martial, how composed.

28 Feb., 1795, c. 36, s. 6, v. 1, p. 424. 29 July, 1861, c. 25, s. 5, v. 12, p. 222.

SEC. 1659. All fines assessed under the provisions of law concerning the militia or volunteer corps, when called into the actual service of the United States, shall be certified by the presiding officer of the court-martial, before whom they are assessed, to the marshal of the district in which

Fines assessed, how to be levied.

28 Feb., 1795, c. 36, s. 7, v. 1, p. 424.

2 Feb., 1813, c.
18, s. 1, v. 2, p. 797.
29 July, 1861, c.
25, s. 6, v. 12, p. 282

the delinquent resides, or to one of his deputies, and to the Comptroller of the Treasury, who shall record the certificate in a book to be kept for that purpose. The marshal or his deputy shall forthwith proceed to levy the fines with costs, by distress and sale of the goods and chattels of the delinquent, which costs and the manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the State in which the same may be in other cases of distress. And where any non-commissioned officer or private is adjudged to suffer imprisonment, there being no goods or chattels to be found whereof to levy the fines, the marshal of the district or his deputy shall commit such delinquent to jail, during the term for which he is so adjudged to imprisonment, or until the fine is paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

To be paid into
the Treasury of the
United States.

28 Feb., 1795, c.
36, s. 8, v. 1, p. 425.
2 Feb., 1813, c.
18, s. 2, v. 2, p. 797.
29 July, 1861, c.
25, s. 6, v. 12, p. 282.

Appropriation
for arms and equip-
ments.

23 April, 1808, c.
55, s. 1, v. 2, p. 490.
29 April, 1816, c.
135, s. 1, v. 3, p. 390.

SEC. 1660. The marshal shall pay all fines collected by him or his deputy, under the authority of the preceding section, into the Treasury of the United States, within two months after he has received the same, deducting five per centum for his compensation; and in case of failure, it shall be the duty of the Comptroller of the Treasury to give notice to the district attorney of the United States, who shall proceed against the marshal in the district court, by attachment, for the recovery of the same. [See § 200.]

SEC. 1661. The annual sum of two hundred thousand dollars is appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms and equipments for the whole body of the militia, either by purchase or manufacture, by and on account of the United States.

TITLE XVII.

ARMS, ARMORIES, AND ARSENALS.

<p>Sec. 1662. Armories, officers, workmen. 1663. Pay of officers, clerks, &c., at armories. 1664. When paid ; who to give bond. 1665. Annual accounts to Congress. 1666. Armories may be abolished. 1667. Distribution of arms to States, &c. 1668. Enticing away workmen ; penalty. 1669. Workmen guilty of certain misconduct.</p>	<p>Sec. 1670. Distribution of arms to States which had not received their quota from 1862 to 1869. 1671. Exemption from service as jurors. 1672. Springfield breech-loading system to be used for muskets and carbines. 1673. No royalty to be paid by U. S. to its officers for patent mentioned in preceding section.</p>	
<p>SEC. 1662. At each arsenal there shall be established a national armory, in which there shall be employed one superintendent, who shall be an officer of the Ordnance Department, to be designated by the President ; one master-armoror, who shall be appointed by the President, and as many workmen as the Secretary of War may, from time to time, deem necessary.</p>		<p>Armories, officers, workmen.</p> <hr/> <p>2 April, 1794, c. 14, s. 2, v. 1, p. 352. 23 April, 1808, c. 55, s. 2, v. 2, p. 490. 5 Aug., 1864, c. 267, a. 1, v. 10, p. 578. 6 Aug., 1861, c. 57, s. 5, v. 12, p. 318.</p>
<p>SEC. 1663. The ordnance officer in charge of any national armory shall receive no compensation other than his regular pay as an officer of the corps ; the master-armorers shall receive fifteen hundred dollars per annum each ; the inspectors and clerks, each, eight hundred dollars per annum, except the clerks of the armory at Springfield, Massachusetts, who may receive, at the discretion of the Secretary of War, twelve hundred dollars per annum.</p>		<p>Pay of officers, clerks, &c., at armories.</p> <hr/> <p>23 Aug., 1842, c. 186, s. 2, v. 5, p. 512. 3 March, 1857, c. 106, s. 3, v. 11, p. 203. 5 Aug., 1861, c. 57, s. 5, v. 12, p. 318. 2 March, 1867, c. 107, s. 12, v. 14, p. 467.</p>
<p>SEC. 1664. The several compensations fixed by the preceding section for master-armorers and inspectors shall be paid quarter-yearly. All military store-keepers and paymasters shall give bond and security for the faithful discharge of their duties, in such sum as may be prescribed by the Secretary of War.</p>		<p>When paid ; who to give bond.</p> <hr/> <p>23 Aug., 1842, c. 186, s. 2, v. 5, p. 512.</p>
<p>SEC. 1665. An annual account of the expenses of the national armories shall be laid before Congress, together with an account of the arms made and repaired therein.</p>		<p>Annual accounts to Congress.</p> <hr/> <p>2 April, 1794, c. 14, s. 5, v. 1, p. 352.</p>
<p>SEC. 1666. The Secretary of War is authorized to abolish such of the arsenals of the United States as, in his judgment, may be useless or unnecessary.</p>		<p>Armories may be abolished.</p> <hr/> <p>3 March, 1853, c. 98, s. 1, v. 10, pp. 214, 217.</p>
<p>SEC. 1667. All the arms procured in virtue of any appropriation authorized by law for the purpose of providing arms and equipments for the whole body of the militia of the United States shall be annually distributed to the several States of the Union according to the number of their Representatives and Senators in Congress, respectively ; and all arms for the Territories and for the District of Columbia shall be annually distributed in such quantities, and under such regulations, as the President may prescribe. All such arms are to be transmitted to the several States and Territories by the United States. [See § 1225.]</p>		<p>Distribution of arms to States, &c.</p> <hr/> <p>23 April, 1808, c. 55, s. 3, v. 2, p. 490. 3 March, 1855, c. 169, s. 7, v. 10, p. 639.</p>
<p>SEC. 1668. If any person procures or entices any artificer or workman, retained or employed in any arsenal or armory, to depart from the same during the continuance of his engagement, or to avoid or break his contract with the United States, or if any person, after due notice of the engagement of any such workman or armoror, during the continuance of such engagement, retains, hires, or in anywise employs, harbors, or</p>		<p>Enticing away workmen ; penalty.</p> <hr/> <p>7 May, 1800, c. 46, s. 2, v. 2, p. 61.</p>

conceals such artificer or workman, he shall be fined not more than fifty dollars, or be imprisoned not more than three months.

Workmen guilty of certain misconduct.

7 May, 1800, c. 46, s. 3, v. 2, p. 62.

Distribution of arms to States which had not received their quota from 1862 to 1869.

3 March, 1873, c. 282, v. 17, p. 608.

Exemption from service as jurors.

7 May, 1800, c. 46, s. 4, v. 2, p. 62.

Springfield breech-loading system to be used for muskets and carbines.

6 June, 1872, c. 316, v. 17, p. 261.

No royalty to be paid by U. S. to its officers for patent mentioned in preceding section.

6 June, 1872, c. 316, v. 17, p. 261.

SEC. 1609. If any artificer or workman, hired, retained, or employed in any public arsenal or armory, wantonly and carelessly breaks, impairs, or destroys any implements, tools, or utensils, or any stock, or materials for making guns, the property of the United States, or willfully and obstinately refuses to perform the services lawfully assigned to him, pursuant to his contract, he shall forfeit a sum not exceeding twenty dollars for every such act of disobedience or breach of contract, to be recovered in any court having competent jurisdiction thereof.

SEC. 1670. The Secretary of War is authorized and directed to distribute to such States as did not receive the same, their proper quota of arms and military equipments for each year, from eighteen hundred and sixty-two to eighteen hundred and sixty-nine, under the provisions of section sixteen hundred and sixty-one: *Provided*, That in the organization and equipment of military companies and organizations with such arms, no discrimination shall be made between companies and organizations on account of race, color, or former condition of servitude.

SEC. 1671. All artificers and workmen employed in the armories and arsenals of the United States shall be exempted, during their time of service, from service as jurors in any court.

3 March, 1855, c. 169, s. 7, v. 10, p. 639.

SEC. 1672. The breech-loading system for muskets and carbines adopted by the Secretary of War known as "the Springfield breech-loading system," is the only system to be used by the Ordnance Department in the manufacture of muskets and carbines for the military service.

SEC. 1673. No royalty shall be paid by the United States to any one of its officers or employes for the use of any patent for the system, or any part thereof, mentioned in the preceding section, nor for any such patent in which said officers or employes may be directly or indirectly interested.

TITLE XVIII.

DIPLOMATIC AND CONSULAR OFFICERS.

CHAPTER ONE.

DIPLOMATIC OFFICERS.

Sec.

1674. Definition of official designations employed in this Title.

1675. Salaries.

1676. Commissioners and chargés d'affaires, compensation.

1677. Secretary of legation to Turkey.

1678. Interpreter of legation to Turkey.

1679. Interpreter of legation to Japan.

1680. Secretary of legation to China, and interpreter.

1681. Minister to Uruguay and Paraguay.

1682. Minister to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua.

Sec.

1683. Representatives to Hayti, Liberia, &c.

1684. Condition of compensation of chargé d'affaires or secretary.

1685. Compensation of secretary of legation, acting as chargé d'affaires.

1686. Compensation of persons filling two offices.

1687. Fees at legations to be accounted for.

1688. Uniforms and official costumes.

SEC. 1674. The official designations employed throughout this Title shall be deemed to have the following meanings, respectively:

First. "Consul-general," "consul," and "commercial agent," shall be deemed to denote full, principal, and permanent consular officers, as distinguished from subordinates and substitutes.

Second. "Deputy consul" and "consular agent" shall be deemed to denote consular officers subordinate to such principals, exercising the powers and performing the duties within the limits of their consulates or commercial agencies respectively, the former at the same ports or places, and the latter at ports or places different from those at which such principals are located respectively.

Third. "Vice-consuls" and "vice-commercial agents" shall be deemed to denote consular officers, who shall be substituted, temporarily, to fill the places of consuls-general, consuls, or commercial agents, when they shall be temporarily absent or relieved from duty.

Fourth. "Consular officer" shall be deemed to include consuls-general, consuls, commercial agents, deputy consuls, vice-consuls, vice-commercial agents, and consular agents, and none others.

Fifth. "Diplomatic officer" shall be deemed to include ambassadors, envoys extraordinary, ministers plenipotentiary, ministers resident, commissioners, chargés d'affaires, agents, and secretaries of legation, and none others.

SEC. 1675. Ambassadors, envoys extraordinary, and ministers plenipotentiary, ministers resident, agents, and secretaries, and second secretaries of legation, shall be entitled to salaries as hereinafter provided.

Envoys extraordinary and ministers plenipotentiary to France, Germany, Great Britain, and Russia, seventeen thousand five hundred dollars each; to Austria, Brazil, China, Italy, Japan, Mexico, and Spain, twelve thousand dollars each; to Chili and Peru, ten thousand dollars each.

Minister resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua, ten thousand dollars.

Minister resident at Uruguay, ten thousand dollars.

Ministers resident at Portugal, Switzerland, Greece, Belgium, Netherlands, Denmark, Sweden and Norway, Turkey, Ecuador, Colombia,

Definition of official designations employed in this title.

18 Aug., 1856, c. 127, s. 31, v. 11, p. 64.
20 June, 1854, c. 136, s. 1, v. 13, p. 138.
25 July, 1868, c. 233, v. 14, p. 225.

Salaries.

16 June, 1860, c. 135, s. 1, v. 12, p. 40.
18 Aug., 1856, c. 127, s. 1, v. 11, p. 52.
22 Feb., 1873, c. 184, v. 17, s. 1, pp. 471, 472.

Bolivia, Venezuela, Hawaiian Islands, and the Argentine Republic, seven thousand five hundred dollars each.

Minister resident and consul-general at Hayti, seven thousand five hundred dollars.

Minister resident and consul-general at Liberia, four thousand dollars.

Agent and consul-general at Alexandria, three thousand five hundred dollars.

Secretaries of legation to London, Paris, Berlin, and St. Petersburg, two thousand six hundred and twenty-five dollars each.

Secretary of legation to Japan, two thousand five hundred dollars.

Secretaries of legation to Austria, Brazil, Italy, Mexico, and Spain, one thousand eight hundred dollars each.

The second secretaries of the legations to France, Great Britain, and Germany, two thousand dollars each.

Commissioners and chargés d'affaires, compensation.

18 Aug., 1856, c. 127, s. 1, v. 11, p. 52.

Secretary of legation to Turkey.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

Interpreter of legation to Turkey.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

Interpreter of legation to Japan.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

Secretary of legation to China, and interpreter.

18 Aug., 1856, c. 127, s. 2, v. 11, p. 52.

Minister to Uruguay and Paraguay.

21 Feb., 1871, c. 61, v. 16, p. 417.

Minister to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua.

22 May, 1872, c. 194, s. 1, v. 17, p. 142.

Representatives to Hayti, Liberia, &c.

5 June, 1862, c. 96, v. 12, p. 421.

25 July, 1866, c. 213, v. 14, p. 225.

Condition of compensation of charge d'affaires or secretary.

1 May, 1810, c. 44, s. 2, v. 2, p. 608.

SEC. 1676. A commissioner appointed to any of the countries mentioned in the preceding section shall be entitled to receive seventy-five per centum of the salary therein provided for the envoy extraordinary and minister plenipotentiary or the minister resident to such country; and a chargé d'affaires so appointed shall be entitled to receive fifty per centum of such salary.

SEC. 1677. The consul general at Constantinople shall be the secretary of the legation to Turkey, but shall receive compensation only as consul-general.

SEC. 1678. The interpreter of the legation to Turkey shall be entitled to receive three thousand dollars, and such salary may be paid to an interpreter, notwithstanding he may not be a citizen of the United States.

SEC. 1679. The interpreter to the legation to Japan shall receive a salary of two thousand five hundred dollars.

SEC. 1680. The compensation of the secretary of the legation to China, if acting as interpreter, shall be at the rate of five thousand dollars a year, and if not acting as such, at the rate of three thousand dollars a year. And the President may appoint for the legation to China an interpreter, when the secretary of legation does not act as such, who shall be entitled to compensation at the rate of five thousand dollars a year.

SEC. 1681. The minister at Uruguay is also accredited to Paraguay.

SEC. 1682. There shall be but one minister resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua; and the President may select the place of residence for the minister in any one of those States.

SEC. 1683. There shall be a diplomatic representative of the United States to each of the republics of Hayti and Liberia, who shall be appointed by the President, by and with the advice and consent of the Senate; and shall be accredited as minister resident and consul-general. The representative at Hayti shall be entitled to a salary of seven thousand five hundred dollars a year; and the representative at Liberia to a salary not exceeding four thousand dollars a year.

SEC. 1684. To entitle any chargé d'affaires, or secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, to compensation, they shall respectively be appointed by the President, by and with the advice and consent of the Senate; but in the recess of the Senate the President is authorized to make such appointments, which shall be submitted to the Senate at the next session thereafter, for their advice and consent; and no compensation

shall be allowed to any chargé d'affaires, or any of the secretaries hereinbefore described, who shall not be so appointed.

SEC. 1685. For such time as any secretary of legation shall be lawfully authorized to act as chargé d'affaires ad interim at the post to which he shall have been appointed, he shall be entitled to receive compensation at the rate allowed by law for a chargé d'affaires at such post; but he shall not be entitled to receive, for such time, the compensation allowed for his services as secretary of legation.

SEC. 1686. When to any diplomatic office held by any person there is superadded another, such person shall be allowed additional compensation for his services, in such superadded office, at the rate of fifty per centum of the amount allowed by law for such superadded office, and for such time as shall be actually and necessarily occupied in making the transit between the two posts of duty, at the commencement and termination of the period of such superadded office, and no longer; and such superadded office shall be deemed to continue during the time to which it is limited by the terms thereof.

SEC. 1687. All fees collected at any of the legations shall be accounted for to the Secretary of the Treasury, and held subject to his draft, or other directions.

SEC. 1688. No person in the diplomatic service of the United States shall wear any uniform or official costume not previously authorized by Congress.

Compensation of secretary of legation, acting as chargé d'affaires.

18 Aug., 1865, c. 127, s. 10, v. 11, p. 56.

Compensation of persons filling two offices.

18 Aug., 1856, c. 127, s. 9, v. 11, p. 56.

Fees at legations to be accounted for.

18 Aug., 1856, c. 127, s. 13, v. 11, p. 58.

Uniforms and official costumes.

27 May, 1867, Res. 15, v. 15, p. 23.

CHAPTER TWO.

CONSULAR OFFICERS.

Sec.
1689. Application of general provisions in this Title.
1690. Appointment and salaries of consular officers.
1691. Consuls, &c., not to hold office at different consulates.
1692. Interpreters at Chinese consulates.
1693. Salary of interpreter at Bangkok.
1694. Consul at Trinidad de Cuba.
1695. Extent of consulates, and appointment of vice-consular officers.
1696. Expenses of vice-consulates and consular agencies.
1697. Bonds of consular officers to be furnished and deposited with Secretary of the Treasury.
1698. Bonds of vice-consuls.
1699. Consular officers not to transact business.
1700. Extension of prohibition upon transacting business.
1701. Penalty for illegally transacting business.
1702. Compensation of consuls where fees amount to \$3,000.
1703. Compensation of vice-consuls, vice-commercial agents, and consular agents.
1704. Appointment of consular clerks.
1705. Examination and removal of consular clerks.
1706. Actual expenses may be allowed to consuls-general, &c., who are not allowed to trade.
1707. Protests.
1708. Lists and returns of seamen, vessels, &c.
1709. Estates of decedents.

Sec.
1710. Notification of death.
1711. Decedent's directions to be followed.
1712. Commercial reports.
1713. Prices current.
1714. Construction of powers.
1715. Certifying invoices.
1716. Exacting excessive fees for verifying invoices.
1717. Certificate for goods from countries adjacent to United States.
1718. Fees allowed for official service.
1719. No profit from discharged seamen.
1720. Restriction on amount of fees.
1721. Fees in British North America.
1722. Tonnage fees in Canada.
1723. Exacting excessive fees.
1724. Penalty for omissions to collect fees.
1725. Returns of fees.
1726. Receipts for fees.
1727. Registering receipts for fees.
1728. Verification of account of fees.
1729. Fees of officers not included in Schedules B and C.
1730. Compensation of officers not embraced in Schedules B and C.
1731. Rates of fees to be posted up.
1732. Excess of fees above \$2,500.
1733. Excess of fees above \$1,000.
1734. Embezzlement.
1735. Neglect of duty, &c.
1736. Neglect of duty to seamen; corrupt conduct.
1737. False certificate of property.
1738. When consular officers may perform diplomatic functions.
1739. Compensation of consular officer performing diplomatic functions.

SEC. 1689. The various provisions of this Title which are expressed in terms of general application to any particular classes of consular

Application of general provisions in this Title.

18 Aug., 1856, c. 127, s. 31, v. 11, p. 64.

Appointment and salaries of consular officers.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.

officers, shall be deemed to apply as well to all other classes of such officers, so far as may be consistent with the subject-matter of the same, and with the treaties of the United States.

SEC. 1690. Consuls-general, consuls, and commercial agents appointed to the ports and places specified in Schedules B and C, are entitled to annual salaries respectively, at the rates specified therein. And whenever the President thinks proper to appoint a consul to any port or place named in the Schedules B and C for a commercial agency instead of such commercial agent, or vice versa, and an appointment is made accordingly, the compensation for such consular officer shall be the same in any such case as that fixed for such port or place in the schedule embracing the same; or whenever the President thinks the public interests will be subserved by appointing to any such port or place a consul-general instead of a consul or commercial agent, and an appointment is made accordingly, the compensation for such consul-general shall be the same as that fixed for such port or place in the schedule embracing the same.

SCHEDULE B.

I. CONSUL-GENERAL.

GREAT BRITAIN.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

London, seven thousand five hundred dollars.

BRITISH NORTH AMERICA.

Ibid.; and 18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.

Montreal, four thousand dollars.

Ibid.

BRITISH INDIA.

Calcutta, five thousand dollars.

FRANCE.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

Paris, five thousand dollars.

CUBA.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.

Havana, six thousand dollars.

MEXICO.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

Mexico, one thousand dollars.
Tampico, one thousand five hundred dollars.

NORTH GERMAN UNION.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.

Frankfort-on-the-Main, three thousand dollars.

ITALY.

Rome, one thousand five hundred dollars.

TURKISH DOMINIONS.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
20 June, 1864, c. 136, s. 1, v. 13, pp. 137, 138.

Constantinople, three thousand dollars.
Beirut, two thousand dollars.

CHINA.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

Shanghai, four thousand dollars.

II. CONSULS.

GREAT BRITAIN.

Liverpool, seven thousand five hundred dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Leeds, two thousand dollars.	Ibid.
Manchester, three thousand dollars.	20 June, 1864, c. 136, s. 1, v. 13, pp. 138, 139.
Southampton, two thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Newcastle-upon-Tyne, one thousand five hundred dollars.	4 Feb., 1862, c. 17, s. 1, v. 12, p. 336.
Birmingham, two thousand five hundred dollars.	22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.
Tunstall, one thousand five hundred dollars.	Ibid.
Glasgow, three thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Dundee, two thousand dollars.	Ibid.
Belfast, two thousand dollars.	Ibid.
Cork, two thousand dollars.	Ibid.
Hong-Kong, three thousand five hundred dollars.	Ibid.
Singapore, two thousand five hundred dollars.	Ibid.
Mauritius, two thousand five hundred dollars.	Ibid.
Melbourne, four thousand dollars.	Ibid.
Gibraltar, one thousand five hundred dollars.	20 June, 1864, c. 136, s. 1, v. 13, p. 139.
Malta, one thousand five hundred dollars.	25 July, 1866, c. 233, s. 1, v. 14, p. 225.
St. Helena, one thousand five hundred dollars.	20 June, 1864, c. 136, s. 1, v. 13, p. 139.
Clifton, one thousand five hundred dollars.	Ibid.
Fort Erie, one thousand five hundred dollars.	Ibid.
Goderich, one thousand five hundred dollars.	Ibid.
Kingston, (Canada,) one thousand five hundred dollars.	Ibid.
Prescott, one thousand five hundred dollars.	Ibid.
Port Sarnia, one thousand five hundred dollars.	Ibid.
Toronto, one thousand five hundred dollars.	Ibid.
Windsor, (Ontario,) one thousand five hundred dollars.	Ibid.
Coaticook, one thousand five hundred dollars.	Ibid.
Quebec, one thousand five hundred dollars.	28 Feb., 1867, c. 99, s. 1, v. 14, p. 414.
Halifax, two thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Saint John's, (Quebec,) one thousand five hundred dollars.	25 July, 1866, c. 233, s. 1, v. 14, p. 225.
Pictou, (N. S.,) one thousand five hundred dollars.	4 Feb., 1862, c. 17, s. 1, v. 12, p. 335.
Prince Edward's Island, one thousand five hundred dollars.	25 July, 1866, c. 233, s. 1, v. 14, p. 225.
Winnipeg, one thousand five hundred dollars.	22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.
Kingston, (Jamaica,) two thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Nassau, (West Indies,) two thousand dollars.	Ibid.
Turk's Island, two thousand dollars.	Ibid.
Demerara, two thousand dollars.	Ibid.
Mahé, (Seychelles,) one thousand five hundred dollars.	28 Feb., 1867, c. 99, s. 1, v. 14, p. 412.

RUSSIA.

Odessa, two thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Revel, two thousand dollars.	Ibid.
St. Petersburg, two thousand dollars.	Ibid.
Moscow, two thousand dollars.	Ibid.

FRENCH DOMINIONS.

Havre, six thousand dollars.	Ibid.
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Ibid.	Marseilles, two thousand five hundred dollars.
Ibid.	Bordeaux, two thousand dollars.
20 June, 1864, c. 136, s. 1, v. 13, p. 139.	Lyons, two thousand dollars.
18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	La Rochelle, one thousand five hundred dollars.
25 July, 1866, c. 233, s. 1, v. 14, p. 225.	Nantes, one thousand five hundred dollars.
20 June, 1864, c. 136, s. 1, v. 13, p. 139.	Boulogne, one thousand five hundred dollars.
25 July, 1866, c. 233, s. 1, v. 14, p. 225.	Nice, one thousand five hundred dollars.
22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.	Algiers, one thousand five hundred dollars.

SPANISH DOMINIONS.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Cadiz, one thousand five hundred dollars.
Ibid.	Malaga, one thousand five hundred dollars.
25 July, 1866, c. 233, s. 1, v. 14, p. 225.	Barcelona, one thousand five hundred dollars.
4 Feb., 1862, c. 17, s. 1, v. 12, p. 336.	Port Mahon, one thousand five hundred dollars.
22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.	Valencia, one thousand five hundred dollars.
18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Matanzas, two thousand five hundred dollars.
Ibid.	Trinidad de Cuba, two thousand five hundred dollars.
Ibid.	Santiago de Cuba, two thousand five hundred dollars.
Ibid.	San Juan, (Porto Rico,) two thousand dollars.
Ibid.	Ponce, (Porto Rico,) one thousand five hundred dollars.

PORTUGUESE DOMINIONS.

25 July, 1866, c. 233, s. 1, v. 14, p. 225.	Lisbon, one thousand five hundred dollars.
18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Oporto, one thousand five hundred dollars.
Ibid.	Funchal, one thousand five hundred dollars.

BELGIUM.

Ibid.	Antwerp, two thousand five hundred dollars.
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DOMINIONS OF THE NETHERLANDS.

Ibid.	Amsterdam, one thousand dollars.
Ibid.	Rotterdam, two thousand dollars.

DANISH DOMINIONS.

25 July, 1866, c. 233, s. 1, v. 14, p. 225.	Santa Cruz, one thousand five hundred dollars.
18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Saint Thomas, four thousand dollars.
Ibid.	Elsinore, one thousand five hundred dollars.

NORTH GERMAN UNION.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Aix-la-Chapelle, two thousand five hundred dollars.
28 Feb., 1867, c. 99, v. 14, p. 412.	Chemnitz, two thousand dollars.
18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Leipsic, one thousand five hundred dollars.
28 Feb., 1867, c. 99, v. 14, p. 412.	Munich, one thousand five hundred dollars.
18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Stuttgart, one thousand dollars.
4 Feb., 1862, c. 17, s. 1, v. 12, p. 336.	Bremen, three thousand dollars.

Hamburg, two thousand dollars.

Barmen, one thousand five hundred dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
22 Feb., 1873, c.
184, s. 1, v. 17, p. 472.

AUSTRIA.

Vienna, five thousand dollars.

Trieste, two thousand dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
22 Feb., 1873, c.
184, s. 1, v. 17, p. 472.
Ibid.

SWITZERLAND.

Basle, two thousand dollars.

Geneva, one thousand five hundred dollars.

Zurich, one thousand five hundred dollars.

Ibid.
Ibid.
20 June, 1864, c.
136, s. 1, v. 13, p. 139.

ITALY.

Genoa, one thousand five hundred dollars.

Spezia, one thousand five hundred dollars.

Leghorn, one thousand five hundred dollars.

Brindisi, one thousand five hundred dollars.

Naples, one thousand five hundred dollars.

Palermo, one thousand five hundred dollars.

Messina, one thousand five hundred dollars.

Rome, one thousand five hundred dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
28 Feb., 1867, c.
99, v. 14, p. 414.
18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
20 June, 1864, c.
136, s. 1, v. 13, p. 139.
18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
Ibid.
Ibid.
28 Feb., 1867, c.
99, v. 14, p. 414.

TURKISH DOMINIONS.

Smyrna, two thousand dollars.

Jerusalem, one thousand five hundred dollars.

Port Said, two thousand dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
Ibid.
22 Feb., 1873, c.
184, v. 17, p. 472.

BARBARY STATES.

Tripoli, three thousand dollars.

Tunis, three thousand dollars.

Tangier, three thousand dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
Ibid.
Ibid.

SIAM.

Bangkok, three thousand dollars.

3 March, 1869, c.
125, s. 7, v. 15, p. 322.

JAPAN.

Kanagawa, three thousand dollars.

Nagasaki, three thousand dollars.

Hakodadi, two thousand five hundred dollars.

Osaka and Hioga, three thousand dollars.

28 Feb., 1861, c.
58, s. 1, v. 12, p. 171.
Ibid.
22 Feb., 1873, c.
184, s. 1, v. 17, p. 472.
Ibid.

CHINA.

Canton, four thousand dollars.

Foo-Chow, three thousand five hundred dollars.

Amoy, three thousand dollars.

Ningpo, three thousand dollars.

Hankow, three thousand dollars.

Chin Kiang, three thousand dollars.

Swatow, three thousand five hundred dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
Ibid.
Ibid.
Ibid.
25 July, 1866, c.
233, s. 1, v. 14, p. 225.
20 June, 1864, c.
136, s. 4, v. 13, p. 139.
4 Feb., 1862, c. 17,
s. 1, v. 12, p. 336.

17 May, 1872, c. 169, v. 17, p. 120. Tien-Tsin, three thousand five hundred dollars.

HAWAIIAN ISLANDS.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52. Honolulu, four thousand dollars.
Ibid. Lahaina, three thousand dollars.

MEXICO.

Ibid. Vera Cruz, three thousand five hundred dollars.
Ibid. Acapulco, two thousand dollars.
23 Feb., 1873, c. 184, s. 1, v. 17, p. 472. Matamoras, two thousand dollars.

UNITED STATES OF COLOMBIA.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52. Panama, three thousand five hundred dollars.
Ibid. Aspinwall, two thousand five hundred dollars.

VENEZUELA.

Ibid. Laguyra, one thousand five hundred dollars.

BRAZIL.

Ibid. Pernambuco, two thousand dollars.
Ibid. Rio de Janeiro, six thousand dollars.

ARGENTINE REPUBLIC.

Ibid. Buenos Ayres, two thousand five hundred dollars.

CHILE.

Ibid. Valparaiso, three thousand dollars.

PERU.

Ibid. Callao, three thousand five hundred dollars.

NICARAGUA.

Ibid. San Juan del Sur, two thousand dollars.

III. COMMERCIAL AGENTS.

NICARAGUA.

20 June, 1864, c. 136, s. 1, v. 13, p. 139. San Juan del Norte, two thousand dollars.

MADAGASCAR.

Ibid. Tamatave, two thousand dollars.

SAN DOMINGO.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 473. San Domingo, one thousand five hundred dollars.

SCHEDULE C.

I. CONSULS.

GREAT BRITAIN.

Ibid. Bay of Islands, one thousand dollars.

Cape Town, one thousand dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

Ceylon, one thousand dollars.

20 June, 1864, c.
136, s. 1, v. 13, p. 139.

Falkland Islands, one thousand dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

Windsor, (Nova Scotia,) one thousand dollars.

22 May, 1872, c.
194, v. 17, p. 144.

PORTUGUESE DOMINIONS.

Fayal, seven hundred and fifty dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

Santiago, (Cape Verde,) seven hundred and fifty dollars.

Ibid.

DOMINIONS OF THE NETHERLANDS.

Batavia, one thousand dollars.

Ibid.

NORTH GERMAN UNION.

Stettin, one thousand dollars.

Ibid.

GREECE.

Athens, one thousand dollars.

Ibid.

Piræus, one thousand dollars.

20 June, 1864, c.
136, s. 1, v. 13, p. 139.

ITALY.

Venice, seven hundred and fifty dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

TURKISH DOMINIONS.

Candia, one thousand dollars.

Ibid.

Cypress, one thousand dollars.

Ibid.

MUSCAT.

Zanzibar, one thousand dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

MEXICO.

Tampico, one thousand dollars.

Ibid.

Paso del Norte, five hundred dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

Tabasco, five hundred dollars.

Ibid.

Guaymas, one thousand dollars.

30 March, 1868, c.
38, s. 1, v. 15, p. 57.

UNITED STATES OF COLOMBIA.

Carthagena, five hundred dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

BRAZIL.

Bahia, one thousand dollars.

Ibid.

Maranhã, one thousand dollars.

Ibid.

Para, one thousand dollars.

Ibid.

Rio Grande, one thousand dollars.

Ibid.

Santarem, one thousand dollars.

8 June, 1872, c.
332, v. 17, p. 282.

Saint Catherine, one thousand five hundred dollars.

25 July, 1866, c.
233, s. 1, v. 14, p. 225.

PERU.

Payta, five hundred dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

Ibid. Tumbes, five hundred dollars.

BOLIVIA.

Ibid. Cobija, five hundred dollars.

ECUADOR.

Ibid. Guayaquil, seven hundred and fifty dollars.

CHILE.

Ibid. Talcahuano, one thousand dollars.

HONDURAS.

Ibid. Omca, one thousand dollars.

HAYTI.

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

Aux Cayes, five hundred dollars.
Cape Haytien, one thousand dollars.

URUGUAY.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

Montevideo, one thousand dollars.

SOCIETY ISLANDS.

Ibid. Tahiti, one thousand dollars.

II. COMMERCIAL AGENTS.

RUSSIA.

Ibid. Amoor River, one thousand dollars.

FRENCH DOMINIONS.

Ibid. Gaboon, one thousand dollars.

PORTUGUESE DOMINIONS.

Ibid. Saint Paul de Loando, one thousand dollars.

FEJEE ISLANDS.

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

Lanthala, one thousand dollars.

NAVIGATOR ISLANDS.

Ibid. Apia, one thousand dollars.

UNITED STATES OF COLOMBIA.

Ibid.
Consuls, &c., not
to hold office at dif-
ferent consulates.

Sabanilla, five hundred dollars.
SEC. 1691. No consul-general or consul shall be permitted to hold the
office of consul-general or consul at any other consulate, or exercise the
duties thereof.

3 March, 1869, c. 125, s. 6, v. 15, p. 322.

SEC. 1692. The President is authorized to appoint three interpreters of the Chinese language, who shall be entitled to compensation for their services, respectively, at a rate not to exceed fifteen hundred dollars a year, to be determined by the President, and to assign such interpreters, from time to time, to such consulates in China and with such duties as he may think proper.

Interpreters at Chinese consulates.

18 Aug., 1856, c. 127, s. 6, v. 11, p. 55.

SEC. 1693. The salary of the interpreter at the consulate of Bangkok, in Siam, shall not exceed the sum of five hundred dollars a year; and no salary shall be allowed the marshal at that consulate.

Salary of interpreter at Bangkok.

3 March, 1869, c. 125, s. 7, v. 15, p. 322.

SEC. 1694. The President is authorized, whenever in his judgment the public interest may so require, to discontinue the consulate of the United States at Trinidad de Cuba, and to appoint at Cienfuegos, in that island, a consul with the same salary and emoluments as those now allowed by law to the consul at Trinidad de Cuba.

Consul at Trinidad de Cuba.

3 March, 1863, c. 79, s. 24, v. 12, p. 754.

SEC. 1695. The President is authorized to define the extent of country to be embraced within any consulate or commercial agency, and to provide for the appointment of vice-consuls, vice-commercial agents, deputy consuls, and consular agents, therein, in such manner and under such regulations as he shall deem proper; but no compensation shall be allowed for the services of any such vice-consul, or vice-commercial agent, beyond nor except out of the allowance made by law for the principal consular officer in whose place such appointment shall be made. No vice-consul, vice-commercial agent, deputy consul, or consular agent, shall be appointed otherwise than under such regulations as have been or may be prescribed by the President.

Extent of consulates, and appointment of vice-consular officers.

18 Aug., 1856, c. 127, s. 14, v. 11, p. 57.

SEC. 1696. The only allowance to any vice-consulate or consular agency for expenses shall be an amount sufficient to pay for stationery and postage on official letters.

Expenses of vice-consulates and consular agencies.

3 March, 1869, c. 125, s. 6, v. 15, p. 322.

SEC. 1697. Every consul-general, consul, and commercial agent, before he receives his commission or enters upon the duties of his office, shall give a bond to the United States, with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than one thousand dollars, and in no case less than the annual compensation allowed to such officer, and not more than ten thousand dollars, and in such form as the President shall prescribe, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands, or to the hands of any other person to his use as such consul-general, consul, or commercial agent, under any law now or hereafter enacted; and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such consul-general, consul, or commercial agent. The bonds herein mentioned shall be deposited with the Secretary of the Treasury.

Bonds of consular officers to be furnished and deposited with Secretary of the Treasury.

18 Aug., 1856, c. 127, s. 13, v. 11, p. 56.

SEC. 1698. Every vice-consul shall, before he enters on the execution of his trust, give bond, with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office according to law, and for truly accounting for all moneys, goods, and effects which may come into his possession by virtue of his office. The bond shall be lodged in the office of the Secretary of the Treasury.

Bonds of vice-consuls.

14 Apr., 1792, c. 24, s. 6, v. 1, p. 256.

SEC. 1699. No consul-general, consul, or commercial agent, embraced in Schedule B, shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his consulate or commercial agency, directly or indirectly, either in his own name, or in the name or through the agency of any other person; and he shall, in his official bond, stipulate, as a condition thereof, not to violate this prohibition.

Consular officers not to transact business.

18 Aug., 1856, c. 127, s. 5, v. 11, p. 55.

Extension of prohibition upon transacting business.

18 Aug., 1856, c. 127, s. 15, v. 11, p. 57.

4 Feb., 1862, c. 17, s. 1, v. 12, pp. 335, 336.

Penalty for illegally transacting business.

18 Aug., 1856, c. 127, s. 5, v. 11, p. 55.

Compensation of consuls where fees amount to \$3,000.

30 Mar., 1868, c. 36, s. 1, v. 15, p. 57.

Compensation of vice-consuls, vice-commercial agents, and consular agents.

18 Aug., 1856, c. 127, s. 15, v. 11, p. 57.

Appointment of consular clerks.

20 June, 1864, c. 136, s. 2, v. 13, p. 139.

Examination and removal of consular clerks.

20 June, 1864, c. 136, s. 2, v. 13, p. 139.

Actual expenses may be allowed to consuls-general, &c., who are not allowed to trade.

SEC. 1700. All consular officers whose respective salaries exceed one thousand dollars a year, shall be subject to the prohibition against transacting business contained in the preceding section. And the President may extend the prohibition to any consul or commercial agent not embraced in Schedules B and C, and to any vice-consul, vice-commercial agent, deputy consul, or consular agent, and may require such officer to give a bond not to violate the same.

SEC. 1701. Every consul-general, consul, or commercial agent who violates the prohibition against transacting business, required to be inserted in his official bond, shall be liable to a penalty therefor, for the use of the United States, equal in amount to the annual compensation specified for him in Schedule B, which may be recovered in an action of debt at the suit of the United States, either directly for the penalty, as such, against such consul-general, or consul, or commercial agent, or upon his official bond, as liquidated damages, for the breach of such condition against such consul-general, consul, or commercial agent, and his sureties, or any one or more of them; and in every such case all such actions shall be open to the United States for the collection of such penalty till the same shall be collected in some one of such actions; and every such penalty, when collected, shall be paid into the Treasury of the United States.

SEC. 1702. The compensation of consuls whose annual salaries do not, under existing law, exceed one thousand five hundred dollars, shall, when the fees collected at the consulates where they are located and paid into the Treasury of the United States amount to three thousand dollars, be two thousand dollars a year.

SEC. 1703. Every vice-consul and vice-commercial agent shall be entitled, as compensation for his services as such, to the whole or so much of the compensation of the principal consular officer in whose place he shall be appointed, as shall be determined by the President, and the residue, if any, shall be paid to such principal consular officer; and every consular agent shall be entitled, as compensation for his services, to such fees as he may collect under the regulations prescribed by the President governing the subject of fees, or to so much thereof as shall be determined by the President; and the principal officer of the consulate or commercial agency within the limits of which such consular agent shall be appointed shall be entitled to the residue, if any, in addition to any other compensation allowed him by law for his services therein.

SEC. 1704. The President is authorized, whenever he shall think the public good will be promoted thereby, to appoint consular clerks, not exceeding thirteen in number at any one time, who shall be citizens of the United States, and over eighteen years of age at the time of their appointment, and shall be entitled to compensation for their services respectively at a rate not exceeding one thousand dollars a year each, to be determined by the President; and to assign such clerks, from time to time, to such consulates and with such duties as he shall direct.

SEC. 1705. Before the appointment of any such consular clerk shall be made, it shall be satisfactorily shown to the Secretary of State, after due examination and report by an examining board, that the applicant is qualified and fit for the duties to which he shall be assigned; and such report shall be laid before the President. And no clerk so appointed shall be removed from office, except for cause stated in writing, which shall be submitted to Congress at the session first following such removal.

SEC. 1706. The President may allow consuls-general, consuls, and commercial agents, who are not allowed to trade, actual expenses of office-rent, not to exceed, in any case, twenty per centum of the amount of the annual compensation allowed to such officer, whenever he shall think there is sufficient reason therefor.

SEC. 1707. Consuls and vice-consuls shall have the right, in the ports or places to which they are severally appointed, of receiving the protests or declarations which captains, masters, crews, passengers, or merchants, who are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizen of the United States. Copies of such acts duly authenticated by consuls or vice-consuls, under the seal of their consulates, respectively, shall be received in evidence equally with their originals in all courts in the United States. [See § 896.]

SEC. 1708. Every consular officer shall keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels on which they are shipped and from which they are discharged, and the payments, if any, made on account of each so discharged; also of the number of the vessels arrived and departed, the amounts of their registered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and as nearly as possible the nature and value of their cargoes, and where produced, and shall make returns of the same, with their accounts and other returns, to the Secretary of the Treasury. [See §§ 4501, 4500.]

SEC. 1709. It shall be the duty of consuls and vice-consuls, where the laws of the country permit:

First. To take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any vessel, who shall die within their consulate, leaving there no legal representative, partner in trade, or trustee by him appointed to take care of his effects.

Second. To inventory the same with the assistance of two merchants of the United States, or, for want of them, of any others at their choice.

Third. To collect the debts due the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted.

Fourth. To sell at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and, at the expiration of one year from his decease, the residue.

Fifth. To transmit the balance of the estate to the Treasury of the United States, to be holden in trust for the legal claimant; except that if at any time before such transmission the legal representative of the deceased shall appear and demand his effects in their hands they shall deliver them up, being paid their fees, and shall cease their proceedings.

SEC. 1710. For the information of the representative of the deceased, the consul or vice-consul, in the settlement of his estate, shall immediately notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the State to which the deceased belonged; and he shall, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased, taken as before directed.

SEC. 1711. When any citizen of the United States, dying abroad, leaves, by any lawful testamentary disposition, special directions for the custody and management, by the consular officer of the port or place where he dies, of the personal property of which he dies possessed in such country, such officer shall, so far as the laws of the country permit, strictly observe such directions. When any such citizen so dying, appoints, by any lawful testamentary disposition, any other person than such officer to take charge of and manage such property, it shall be the duty of the officer, whenever required by the person so appointed, to give his official aid in whatever way may be necessary to facilitate the proceedings of such person in the lawful execution of his trust, and, so far as the laws of the country permit, to protect the property of the deceased from any

Protests.

14 April, 1792, c. 24, s. 2, v. 1, p. 255.

Armstrong vs. Lear, 12 Wh., 169.

Lists and returns of seamen, vessels, &c.

18 Aug., 1856, c. 127, s. 27, v. 11, p. 62.

Estates of decedents.

14 April, 1792, c. 24, s. 2, v. 1, p. 255.

Notification of death.

14 April, 1792, c. 24, s. 2, v. 1, p. 255.

Decedent's directions to be followed.

18 Aug., 1856, c. 127, s. 28, v. 11, p. 63.

interference of the local authorities of the country where such citizen dies; and to this end it shall be the duty of such consular officer to place his official seal upon all of the personal property or effects of the deceased, and to break and remove such seal as may be required by such person, and not otherwise.

Commercial re-ports.

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

Prices current.

18 Aug., 1856, c. 127, s. 27, v. 11, p. 62.

Construction of powers.

14 April, 1792, c. 24, s. 9, v. 1, p. 257.

Certifying invoices.

18 Aug., 1856, c. 127, s. 27, v. 11, p. 62.

Exactng excessive fees for verifying invoices.

3 March, 1869, c. 125, s. 3, v. 15, p. 321.

Certificate for goods from countries adjacent to United States.

22 Feb., 1873, c. 184, s. 3, v. 17, p. 474.

Fees allowed for official service.

18 Aug., 1856, c. 127, s. 28, v. 11, p. 63.

No profit from discharged seamen.

18 Aug., 1856, c. 127, s. 20, v. 11, p. 59.

SEC. 1712. Consuls and commercial agents of the United States in foreign countries shall procure and transmit to the Department of State authentic commercial information respecting such countries, of such character, and in such manner and form, and at such times as the Department may from time to time prescribe.

SEC. 1713. Every consular officer shall furnish to the Secretary of the Treasury, as often as shall be required, the prices current of all articles of merchandise usually exported to the United States from the port or place in which he is stationed.

SEC. 1714. The specification in this Title of certain powers to be exercised and duties to be performed by consuls and vice-consuls, shall not be construed as implying the exclusion of others resulting from the nature of their appointments, or prescribed by any treaty or convention under which they may act.

SEC. 1715. No consular officer shall certify any invoice unless he is satisfied that the person making oath thereto is the person he represents himself to be, that he is a credible person, and that the statements made under such oath are true; and he shall, thereupon, by his certificate, state that he was so satisfied. [See § 2302.]

SEC. 1716. The fee provided by law for the verification of invoices by consular officers shall, when paid, be held to be a full payment for furnishing blank forms of declaration to be signed by the shipper, and for making, signing, and sealing the certificate of the consular officer thereto; and any consular officer who, under pretense of charging for blank forms, advice, or clerical services in the preparation of such declaration or certificate, charges or receives any fee greater in amount than that provided by law for the verification of invoices, or who demands or receives for any official services, or who allows any clerk or subordinate to receive for any such service any fee or reward other than the fee provided by law for such service, shall be punishable by imprisonment for not more than one year, or by a fine of not more than two thousand dollars; and shall be removed from his office.

SEC. 1717. That no consular officer of the United States shall hereafter grant a certificate for goods, wares, or merchandise shipped from countries adjacent to the United States, which have passed a consulate after purchase for shipment. [See § 2361.]

SEC. 1718. Whenever any master or commander of a vessel of the United States has occasion for any consular or other official service, which any consular officer of the United States is authorized by law or usage officially to perform, and for which any fees are allowed by the rates or tariffs of fees, he shall apply to the consular officer at the consulate or commercial agency where such service is required to perform such service, and shall pay to such officer the fees allowed for such service by the rates or tariffs of fees. And every such master or commander who omits so to do shall be liable to the United States for the amount of the fees lawfully chargeable for such services when actually performed. All consular officers are authorized and required to retain in their possession all the papers of such vessels, which shall be deposited with them as directed by law, till payment shall be made of all demands and wages on account of such vessels. [See §§ 4207, 4208.]

SEC. 1719. No consular officer, nor any person under any consular officer shall make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner is entitled who is discharged in any foreign country, or for any money advanced

to any such seaman or mariner who seeks relief from any consulate or commercial agency; nor shall any consular officer, or any person under any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner. Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States, from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law. [See §§ 4561, 4577, 4578, 4590, 4591, 4594.]

SEC. 1720. American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, shall not be required to pay fees to consuls for more than four trips in a year.

SEC. 1721. The fee for certifying invoices to be charged by the consul-general for the British North American Provinces, and his subordinate consular officers and agents, for goods not exceeding one hundred dollars in value, shall be one dollar.

SEC. 1722. No consul, vice-consul, or consular agent in the Dominion of Canada, shall be allowed tonnage fees for any services, actual or constructive, rendered any vessel owned and registered in the United States that may touch at a Canadian port; and in the collection of official fees they shall receive foreign moneys at the rate given in the Treasury schedule of the value of foreign coins.

SEC. 1723. Whenever any consular officer collects, or knowingly allows to be collected for any service, any other or greater fees than are allowed by law for such service, he shall, besides his liability to refund the same, be liable to pay to the person by whom or in whose behalf the same are paid, treble the amount of the unlawful charge so collected, as a penalty, to be recovered with costs, in any proper form of action, by such person for his own use. And in any such case the Secretary of the Treasury may retain out of the compensation of such officer, the amount of such overcharge, and of such penalty, and charge the same to such officer in account, and may thereupon refund such unlawful charge, and pay such penalty to the person entitled to the same if he shall think proper so to do.

SEC. 1724. Every consul-general, consul, or commercial agent, mentioned in Schedules B and C, or vice-consul, or vice-commercial agent, appointed to perform the duty of any such officer mentioned in Schedules B and C, who omits to collect any fees which he is entitled to charge for any official service, shall be liable to the United States therefor, as if he had collected the same; unless, upon good cause shown therefor, the Secretary of the Treasury shall think proper to remit the same.

SEC. 1725. All such consuls-general, consuls, commercial agents, and consular agents, as are allowed for their compensation the whole or any part of the fees which they may collect, and all such vice-consuls and vice-commercial agents appointed to perform the duties of such consuls-general, consuls, and commercial agents as are allowed for their compensation the whole or any part of such fees, shall make returns in such manner as the Secretary of State shall prescribe, of all such fees as they or any person in their behalf so collect.

SEC. 1726. Every consular officer shall give receipts for all fees collected for his official services, expressing the particular services for which the same were collected. [See § 4218.]

SEC. 1727. Every consular officer shall number all receipts given by him for fees received for official services, in the order of their dates, beginning with number one at the commencement of the period of his service, and on the first day of January in every year thereafter. He shall also register in a book to be kept by him for that purpose all fees so received by him, in the order in which they are received, specifying each item of service and the amount received therefor, from whom, and the dates when received, and if for any service connected with any vessel,

Restriction on amount of fees.

5 Aug., 1861, c. 49, v. 12, p. 315.

Fees in British North America.

20 June, 1864, c. 136, s. 3, v. 13, p. 140.

Tonnage-fees in Canada.

3 March, 1869, c. 125, s. 3, v. 15, p. 321.

Exactng excessive fees.

18 Aug., 1856, c. 127, s. 17, v. 11, p. 58.

Penalty for omission to collect fees.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

Returns of fees.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

Receipts for fees.

18 Aug., 1856, c. 127, s. 17, v. 11, p. 58.

Registering receipts for fees.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

the name thereof, and indicating what items and amounts are embraced in each receipt given by him therefor, and numbering the same according to the number of the receipts respectively, so that the receipts and register shall correspond with each other; and he shall, in such register, specify the name of the person for whom, and the date when he shall grant, issue, or verify any passport, certify any invoice, or perform any other official service in the entry of the receipt of the fees therefor, and also number each consular act so receipted for with the number of such receipt, and as shown by such register.

Verification of account of fees.

18 Aug., 1866, c. 127, s. 18, v. 11, p. 58.

SEC. 1728. Every consular officer, in rendering his account of fees received shall furnish a full transcript of the register which he is required to keep, and make oath that, to the best of his knowledge, the same is true, and contains a full and accurate statement of all fees received by him, or for his use, for his official services as such consular officer, during the period for which it purports to be rendered. Such oath may be taken before any person having authority to administer oaths at the port or place where the consular officer is located. If any such consular officer willfully and corruptly commits perjury, in any such oath, within the intent and meaning of any act of Congress now or hereafter made, he may be charged, proceeded against, tried, and convicted, and dealt with in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, and shall be subject to the same punishment and disability therefor as are or shall be prescribed for such offense.

Fees of officers not included in Schedules B and C.

25 July, 1866, c. 233, s. 3, v. 14, p. 226.

Compensation of officers not embraced in Schedules B and C.

18 Aug., 1866, c. 127, s. 4, v. 11, p. 56.

Rates of fees to be posted up.

18 Aug., 1866, c. 127, s. 16, v. 11, p. 57.

Excess of fees above \$2,500.

25 July, 1866, c. 233, s. 3, v. 14, p. 226.

Excess of fees above \$1,000.

30 March, 1868, c. 38, s. 1, v. 15, p. 57.

Embezzlement.

3 March, 1869, c. 125, s. 5, v. 15, p. 322.

SEC. 1729. All fees collected by any consul or commercial agent not mentioned in Schedule B or C, or by any vice-consul or commercial agent appointed to perform their duties, or by any other person in their behalf, shall be accounted for to the Secretary of the Treasury in the manner prescribed by the five preceding sections.

SEC. 1730. Consuls-general, consuls, and commercial agents, not embraced in Schedules B and C, shall be entitled, as compensation for their services, to such fees as they may collect under the regulations prescribed by the President governing the subject of fees.

SEC. 1731. It shall be the duty of all consular officers at all times to keep posted up in their offices, respectively, in a conspicuous place, and subject to the examination of all persons interested therein, a copy of such rates or tariffs as shall be in force.

SEC. 1732. Whenever the fees collected by or in behalf of any consul or commercial agent, not mentioned in Schedule B or C, amount to more than twenty-five hundred dollars in any one year, over and above such expenses of office-rent and clerk-hire as are approved by the Secretary of State, of which return shall be made to the Secretary of the Treasury, the excess for that year shall be held subject to the draft or other directions of the Secretary of the Treasury.

SEC. 1733. All moneys received for fees at any vice-consulates or consular agencies of the United States, beyond the sum of one thousand dollars in any one year, and all moneys received by any consul or consul-general from consular agencies or vice-consulates in excess of one thousand dollars in the aggregate from all such agencies or vice-consulates, shall be accounted for to the Secretary of the Treasury, and held subject to his draft or other directions.

SEC. 1734. Every consular officer who willfully neglects to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or who neglects to pay over any balance of such moneys due to the United States at the expiration of any quarter, before the expiration of the next succeeding quarter, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than one year and by a fine of not more than two thousand dollars, and shall be forever disqualified from holding any office of trust or profit under the United States.

SEC. 1735. Whenever any consular officer willfully neglects or omits to perform seasonably any duty imposed upon him by law, or by any order or instruction made or given in pursuance of law, or is guilty of any willful malfeasance or abuse of power, or of any corrupt conduct in his office, he shall be liable to all persons injured by any such neglect, or omission, malfeasance, abuse, or corrupt conduct, for all damages occasioned thereby; and for all such damages, he and his sureties upon his official bond shall be responsible thereon to the full amount of the penalty thereof, to be sued in the name of the United States for the use of the person injured. Such suit, however, shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States, as against any officer, under such bond, for every willful act of malfeasance or corrupt conduct in his office.

Neglect of duty,
&c.

18 Aug., 1856, c. 127, s. 32, v. 11, p. 64.

SEC. 1736. If any consul or commercial agent neglects or omits to perform, seasonably, the duties imposed upon him by the laws regulating the shipment and discharge of seamen, and the reclamation of deserters on board or from vessels in foreign ports, or is guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be punishable by imprisonment for not more than five years and not less than one, and by a fine of not more than ten thousand dollars and not less than one thousand. [See § 4600.]

Neglect of duty
to seamen; cor-
rupt conduct.

20 July, 1840, c. 48, s. 18, v. 5, p. 397.

SEC. 1737. If any consul, vice-consul, commercial agent, or vice-commercial agent falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years and by a fine of not more than ten thousand dollars.

False certificate
of property.

28 Feb., 1803, c. 9, s. 7, v. 2, p. 204.

SEC. 1738. No consular officer shall exercise diplomatic functions, or hold any diplomatic correspondence or relation on the part of the United States, in, with, or to the government or country to which he is appointed, or any other country or government, when there is in such country any officer of the United States authorized to perform diplomatic functions therein; nor in any case, unless expressly authorized by the President so to do. [See § 4324.]

When consular
officers may per-
form diplomatic
functions.

18 Aug., 1856, c. 127, s. 12, v. 11, p. 56.

SEC. 1739. For such time as any consular officer shall be authorized to perform diplomatic functions, in the absence of the regular diplomatic officer in the country to which he shall be appointed, he shall be entitled, in addition to his compensation as such consular officer, to receive compensation for his services while so authorized, at the rate which would be allowed for a secretary of legation in such country.

Compensation of
consular officer per-
forming diplomatic
functions.

18 Aug., 1865, c. 127, s. 11, v. 11, p. 56.

CHAPTER THREE.

PROVISIONS COMMON TO DIPLOMATIC AND CONSULAR OFFICERS.

Sec.

1740. Term during which salary is payable.
1741. Absence.
1742. Salary in case of absence.
1743. Extra compensation prohibited.
1744. Compensation to citizens only.
1745. President to regulate fees.
1746. Fees to be collected in coin.
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Sec.

1748. Expenses of legations, consulates, &c.
1749. Allowance to widow of consular officer deceased in a foreign country.
1750. Depositions.
1751. Certain correspondence by officers prohibited.
1752. Regulations.

SEC. 1740. No ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter to any legation or consulate, or consul-general, consul, or commercial agent, mentioned in Schedules B and C, shall be entitled to compensation for his services, except from the time when he reaches his post and enters upon his offi-

Term during
which salary is
payable.

18 Aug., 1856, c. 127, s. 8, v. 11, p. 55.

cial duties to the time when he ceases to hold such office, and for such time as is actually and necessarily occupied in receiving his instructions, not to exceed thirty days, and in making the direct transit between the place of his residence, when appointed, and his post of duty, at the commencement and termination of the period of his official service, for which he shall in all cases be allowed and paid, except as hereinafter mentioned. And no person shall be deemed to hold any such office after his successor is appointed and actually enters upon the duties of his office at his post of duty, nor after his official residence at such post has terminated if not so relieved. But no such allowance or payment shall be made to any consul-general, consul, or commercial agent, not embraced in Schedules B and C, or to any vice-consul, vice-commercial agent, deputy consul, or consular agent, for the time so occupied in receiving instructions, or in such transit as aforesaid; nor shall any such officer as is referred to in this section be allowed compensation for the time so occupied in such transit, at the termination of the period of his official service, if he has resigned or been recalled therefrom for any malfeasance in his office.

Absence.

18 Aug., 1856, c. 127, s. 19, v. 11, p. 59.

SEC. 1741. No ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter for any legation or consulate, or consul-general, consul, or commercial agent, mentioned in Schedules B and C, or consular agent, shall be absent from his post, or the performance of his duties, for a longer period than ten days at any one time, without the permission previously obtained of the President.

Salary in case of absence.

3 March, 1869, c. 125, s. 2, v. 15, p. 321.

SEC. 1742. No diplomatic or consular officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in any one year; but the time equal to that usually occupied in going to and from the United States in case of the return, on leave, of such diplomatic or consular officer to the United States may be allowed in addition to such sixty days.

Extra compensation prohibited.

18 Aug., 1856, c. 127, s. 20, v. 11, p. 59.

SEC. 1743. The compensation allowed by law to the various diplomatic and consular officers shall be in full for all the services rendered and personal expenses incurred by the persons respectively for whom such compensation is provided, of whatever kind such services or personal expenses may be, or by whatever treaty, law, or instructions they are required; and no allowance, other than such as is so provided, shall be made in any case for the outfit or return home of any such officer or person.

Compensation to citizens only.

18 Aug., 1856, c. 127, s. 21, v. 11, p. 60.

SEC. 1744. No compensation provided for any officer mentioned in section sixteen hundred and seventy-five, or for any assistant secretary of legation, or any appropriation therefor, shall be applicable to the payment of the compensation of any person appointed to or holding any such office who shall not be a citizen of the United States; nor shall any other compensation be allowed in any such case.

President to regulate fees.

18 Aug., 1856, c. 127, s. 16, v. 11, p. 57.

SEC. 1745. The President is authorized to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several legations, consulates, and commercial agencies, and to adapt the same, by such differences as may be necessary or proper, to each legation, consulate, or commercial agency; and it shall be the duty of all officers and persons connected with such legations, consulates, or commercial agencies to collect for such official services such and only such fees as may be prescribed for their respective legations, consulates, and commercial agencies, and such rates or tariffs shall be reported annually to Congress.

Fees to be collected in coin.

18 Aug., 1856, c. 127, s. 30, v. 11, p. 63.

SEC. 1746. All fees collected by diplomatic and consular officers for and in behalf of the United States shall be collected in the coin of the United States, or at its representative value in exchange.

SEC. 1747. All fees collected by the consuls-general, consuls, and commercial agents mentioned in Schedules B and C, and by vice-consuls and vice-commercial agents appointed to perform their duties, or by any other persons in their behalf, shall be accounted for to the Secretary of the Treasury, and held subject to his draft, or other directions.

Officers to account for fees.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

SEC. 1748. The President is authorized to provide at the public expense all such stationery, blanks, record and other books, seals, presses, flags, and signs, as he shall think necessary for the several legations, consulates, and commercial agencies in the transaction of their business.

Expenses of legations, consulates, &c.

18 Aug., 1856, c. 127, s. 22, v. 11, p. 60.

SEC. 1749. Whenever any diplomatic or consular officer of the United States dies in a foreign country in the discharge of his duty, there shall be paid to his widow, or, if no widow survive him, then to his heirs at law, a sum of money equal to the allowance now made to such officer for the time necessarily occupied in making the transit from his post of duty to his residence in the United States.

Allowance to widow of consular officer deceased in a foreign country.

22 Feb., 1873, c. 184, s. 2, v. 17, p. 474.

SEC. 1750. Every secretary of legation and consular officer is hereby authorized, whenever he is required or deems it necessary or proper so to do, at the post, port, place, or within the limits of his legation, consulate, or commercial agency, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to do within the United States. Every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done, by or before any such officer, when certified under his hand and seal of office, shall be as valid, and of like force and effect within the United States, to all intents and purposes, as if administered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto. If any person shall willfully and corruptly commit perjury, or by any means procure any person to commit perjury in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with in any district of the United States, in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined in a sum not to exceed three thousand dollars, and may be charged, proceeded against, tried, convicted, and dealt with, therefore, in the district where he may be arrested or in custody. [See §§ 5392, 5393.]

Depositions.

18 Aug., 1856, c. 127, s. 24, v. 11, p. 61.

Herman vs. Herman, 4 Wash. C. C., p. 555.

Penalty for perjury in such cases.

Evidence of taking the oath.

Penalty for forging certificate of oath.

SEC. 1751. No diplomatic or consular officer shall correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States, nor recommend any person, at home or abroad, for any employment of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind, from any such government.

Certain correspondence by officers prohibited.

18 Aug., 1856, c. 127, s. 19, v. 11, p. 59.

Regulations.

18 Aug., 1856, c.
127, s. 22, v. 11, p.
60.

SEC. 1752. The President is authorized to prescribe such regulations, and make and issue such orders and instructions, not inconsistent with the Constitution or any law of the United States, in relation to the duties of all diplomatic and consular officers, the transaction of their business, the rendering of accounts and returns, the payment of compensation, the safe keeping of the archives and public property in the hands of all such officers, the communication of information, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce, from time to time, as he may think conducive to the public interests. It shall be the duty of all such officers to conform to such regulations, orders, and instructions.

TITLE XIX.

PROVISIONS APPLICABLE TO SEVERAL CLASSES OF OFFICERS.

<p>Sec. 1753. President to regulate admissions to the civil service. 1754. Preference of persons disabled in military or naval service. 1755. Recommendation for employment of such persons. 1756. Form of oath of office. 1757. Oath for certain persons. 1758. Who may administer oath. 1759. Custody of oath. 1760. Unauthorized office, no salary for. 1761. Appointees to fill vacancies during recess of Senate. 1762. Salaries to officers improperly holding over. 1763. Double salaries. 1764. Extra services. 1765. Extra allowances. 1766. Officer in arrears. 1767. Tenure of office. 1768. Suspension and filling vacancies. 1769. Filling vacancies temporarily. 1770. Term of office not to be extended. 1771. Accepting or exercising office contrary to law. 1772. Removing, appointing, or commissioning officer contrary to law. 1773. Commissions. 1774. Notification of appointments to Secretary of Treasury.</p>	<p>Sec. 1775. Notification of nominations, rejections, &c., to Secretary of Treasury. 1776. Removal of office. 1777. Preservation of copies of Statutes at Large. 1778. Taking oaths, acknowledgments, &c. 1779. Restriction upon payments for newspapers, &c. 1780. Failure to make returns or reports. 1781. Prohibition upon taking consideration for procuring contracts, offices, &c. 1782. Upon taking compensation in matters to which United States is a party. 1783. Persons interested not to act as agents of the Government. 1784. Prohibition of contributions, presents, &c., to superiors. 1785. Punishment for aiding, &c., in importing or trading in obscene literature. 1786. Proceedings against persons illegally holding office. 1787. Penalty for illegally holding office. 1788. Disbursing officers forbidden to trade in public funds or property. 1789. Collecting officers forbidden to trade in public property. 1790. Restriction on payment for services.</p>
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SEC. 1753. The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service.

President to regulate admissions to the civil service.

3 March 1871, c. 114, s. 9, v. 16, p. 514.

SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

Preference of persons disabled in military or naval service.

3 Mar., 1865, Res. No. 27, s. 1, v. 13, p. 571.

SEC. 1755. In grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits, to give them the preference for appointments to remunerative situations and employments.

Recommendation for employment of such persons.

3 Mar., 1865, Res. No. 27, s. 2, v. 13, p. 571.

SEC. 1756. Every person elected or appointed to any office of honor or profit, either in the civil, military, or naval service, excepting the President and the persons embraced by the section following, shall, before entering upon the duties of such office, and before being entitled to any part of the salary or other emoluments thereof, take and subscribe

Form of oath of office.

2 July, 1862, c. 128, v. 12, p. 502.

Ex parte Garland, 4 Wall., 333.

the following oath: "I, A B, do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."

Oath for certain persons.

11 July, 1868, c. 139, v. 15, p. 85.
15 Feb., 1871, c. 53, v. 16, p. 412.

SEC. 1757. Whenever any person who is not rendered ineligible to office by the provisions of the fourteenth amendment to the Constitution is elected or appointed to any office of honor or trust under the Government of the United States, and is not able, on account of his participation in the late rebellion, to take the oath prescribed in the preceding section, he shall, before entering upon the duties of his office, take and subscribe in lieu of that oath the following oath: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Who may administer oath.

6 Aug., 1861, c. 64, s. 2, v. 12, p. 326.

SEC. 1758. The oath of office required by either of the two preceding sections may be taken before any officer who is authorized either by the laws of the United States, or by the local municipal law, to administer oaths, in the State, Territory, or District where such oath may be administered. [See § 2617.]

Custody of oath.

2 July, 1862, c. 128, v. 12, p. 502.

SEC. 1759. The oath of office taken by any person pursuant to the requirements of section seventeen hundred and fifty-six, or of section seventeen hundred and fifty-seven, shall be delivered in by him to be preserved among the files of the House of Congress, Department, or court to which the office in respect to which the oath is made may appertain.

Unauthorized office, no salary for.

9 Feb., 1863, c. 25, s. 2, v. 12, p. 646.

SEC. 1760. No money shall be paid from the Treasury to any person acting or assuming to act as an officer, civil, military, or naval, as salary, in any office when the office is not authorized by some previously existing law, unless such office is subsequently sanctioned by law.

No salaries to certain appointees to fill vacancies during recess of Senate.

9 Feb., 1863, c. 25, s. 2, v. 12, p. 646.

SEC. 1761. No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate.

Salaries to officers improperly holding over.

2 March, 1867, c. 154, s. 9, v. 14, p. 431.

SEC. 1762. No money shall be paid or received from the Treasury, or paid or received from or retained out of any public moneys or funds of the United States, whether in the Treasury or not, to or by or for the benefit of any person appointed to or authorized to act in or holding or exercising the duties or functions of any office contrary to sections seventeen hundred and sixty-seven to seventeen hundred and seventy, inclusive; nor shall any claim, account, voucher, order, certificate, warrant, or other instrument providing for or relating to such payment, receipt, or retention, be presented, passed, allowed, approved, certified, or paid by any officer, or by any person exercising the functions or performing the duties of any office or place of trust under the United States, for or in respect to such office, or the exercising or performing the functions

or duties thereof. Every person who violates any of the provisions of this section shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than ten years, or fined not more than ten thousand dollars, or both.

SEC. 1763. No person who holds an office, the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars, shall receive compensation for discharging the duties of any other office, unless expressly authorized by law.

SEC. 1764. No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other Department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law.

SEC. 1765. No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.

maker, 7 Wall., 339; *Stausbury vs. U. S.*, 8 Wall., 33.

SEC. 1766. No money shall be paid to any person for his compensation who is in arrears to the United States, until he has accounted for and paid into the Treasury all sums for which he may be liable. In all cases where the pay or salary of any person is withheld in pursuance of this section, the accounting officers of the Treasury, if required to do so by the party, his agent or attorney, shall report forthwith to the Solicitor of the Treasury the balance due; and the Solicitor shall, within sixty days thereafter, order suit to be commenced against such delinquent and his sureties.

SEC. 1767. Every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

SEC. 1768. During any recess of the Senate the President is authorized, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another, to perform the duties of such suspended officer in the mean time; and the person so designated shall take the oath and give the bond required by law to be taken and given by the suspended officer, and shall, during the time he performs the duties of such officer, be entitled to the salary and emoluments of the office, no part of which shall belong to the officer suspended. The President shall, within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to the same session of the Senate for the office.

SEC. 1769. The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death or resignation or expiration of term of office, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment,

Doublesalaries.

31 Aug., 1852, c. 108, s. 18, v. 10, p. 100.

Extra services.

26 Aug., 1842, c. 202, s. 12, v. 5, p. 525.

Stausbury vs. U. S., 8 Wall., 33.

Extra allowances.

3 March, 1839, c. 82, s. 3, v. 5, p. 349.

23 Aug., 1842, c. 183, s. 2, v. 5, p. 510.

Converse Admr. vs. U. S., 21 How., 463; *U. S. vs. Shoemaker*, 7 Wall., 339; *Stausbury vs. U. S.*, 8 Wall., 33.

Officer in arrears.

25 Jan., 1828, c. 2, v. 4, p. 246.

20 May, 1836, c. 77, v. 5, p. 31.

Tenure of office.

2 March, 1867, c. 154, s. 1, v. 14, p. 430.

5 April, 1869, c. 10, s. 1, v. 16, p. 6.

Suspension and filling vacancies.

2 March, 1867, c. 154, s. 2, v. 14, p. 430.

5 April, 1869, c. 10, s. 2, v. 16, p. 7.

Filling vacancies temporarily.

2 March, 1867, c. 154, s. 3, v. 14, p. 430.

5 April, 1869, c. 10, s. 3, v. 16, p. 7.

by and with the advice and consent of the Senate, is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

Term of office not to be extended.

2 March, 1867, c. 154, s. 4, v. 14, p. 431.

Accepting or exercising office contrary to law.

2 March, 1867, c. 154, s. 5, v. 14, p. 431.

Removing, appointing, or commissioning officer contrary to law.

2 March, 1867, c. 154, s. 6, v. 14, p. 431.

Commissions.

2 March, 1867, c. 154, s. 6, v. 14, p. 431.

Notification of appointments to Secretary of Treasury.

2 March, 1867, c. 154, s. 8, v. 14, p. 431.

Notification of nominations, rejections, &c., to Secretary of Treasury.

2 March, 1867, c. 154, s. 7, v. 14, p. 431.

Removal of office.

21 April, 1866, c. 41, s. 6, v. 2, p. 397.

Preservation of copies of Statutes at Large.

8 Aug., 1846, c. 100, s. 1, v. 9, p. 75.

Taking oaths, acknowledgments, &c.

16 Sept., 1850, c. 52, v. 9, p. 458.

29 July, 1854, c. 159, s. 1, v. 10, p. 515.

SEC. 1770. Nothing in sections seventeen hundred and sixty-seven, seventeen hundred and sixty-eight, or seventeen hundred and sixty-nine shall be construed to extend the term of any office the duration of which is limited by law.

SEC. 1771. Every person who, contrary to the four preceding sections, accepts any appointment to or employment in any office, or holds or exercises, or attempts to hold or exercise, any such office or employment, shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than five years, or fined not more than ten thousand dollars, or both.

SEC. 1772. Every removal, appointment, or employment, made, had, or exercised, contrary to sections seventeen hundred and sixty-seven, to seventeen hundred and seventy, inclusive, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed a high misdemeanor, and every person guilty thereof shall be imprisoned not more than five years, or fined not more than ten thousand dollars, or both.

SEC. 1773. The President is authorized to make out and deliver, after the adjournment of the Senate, commissions for all officers whose appointments have been advised and consented to by the Senate.

SEC. 1774. Whenever the President, without the advice and consent of the Senate, designates, authorizes, or employs any person to perform the duties of any office, he shall forthwith notify the Secretary of the Treasury thereof, and the Secretary of the Treasury shall thereupon communicate such notice to all the proper accounting and disbursing officers of his Department.

SEC. 1775. The Secretary of the Senate shall, at the close of each session thereof, deliver to the Secretary of the Treasury, and to each of the Assistant Secretaries of the Treasury, and to each of the Auditors, and to each of the Comptrollers in the Treasury, and to the Treasurer, and to the Register of the Treasury, a full and complete list, duly certified, of all the persons who have been nominated to and rejected by the Senate during such session, and a like list of all the offices to which nominations have been made and not confirmed and filled at such session.

SEC. 1776. Whenever any public office is removed by reason of sickness which may prevail in the town or city where it is located, a particular account of the cost of such removal shall be laid before Congress. (See §§ 4797-4799.)

SEC. 1777. The various officers of the United States, to whom, in virtue of their offices and for the uses thereof, copies of the United States Statutes at Large, published by Little, Brown and Company, have been or may be distributed at the public expense, by authority of law, shall preserve such copies, and deliver them to their successors respectively as a part of the property appertaining to the office. A printed copy of this section shall be inserted in each volume of the Statutes distributed to any such officers.

SEC. 1778. In all cases in which, under the laws of the United States, oaths or acknowledgments may now be taken or made before any justice of the peace of any State or Territory, or in the District of Columbia, they may hereafter be also taken or made by or before any notary public duly appointed in any State, district, or Territory, or any of the commissioners of the circuit courts, and, when certified under the hand and official seal of such notary or commissioner, shall have the same

force and effect as if taken or made by or before such justice of the peace.

SEC. 1779. No executive officer, other than the heads of Departments, shall apply more than thirty dollars, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office.

Restriction upon payments for newspapers, &c.

3 March, 1839, c. 82, s. 3, v. 5, p. 349.

SEC. 1780. Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any act of Congress or regulation of the Department of the Treasury, other than his accounts, within the time prescribed by such act or regulation, shall be fined not more than one thousand dollars and not less than one hundred.

Failure to make returns or reports.

18 July, 1866, c. 201, s. 42, v. 14, p. 188.

SEC. 1781. Every member of Congress or any officer or agent of the Government who, directly or indirectly, takes, receives, or agrees to receive, any money, property, or other valuable consideration whatever, from any person for procuring, or aiding to procure, any contract, office, or place, from the Government or any Department thereof, or from any officer of the United States, for any person whatever, or for giving any such contract, office, or place to any person whomsoever, and every person who, directly or indirectly, offers or agrees to give, or gives, or bestows any money, property, or other valuable consideration whatever, for the procuring or aiding to procure any such contract, office, or place, and every member of Congress who, directly or indirectly, takes, receives, or agrees to receive any money, property, or other valuable consideration whatever after his election as such member, for his attention to, services, action, vote, or decision on any question, matter, cause, or proceeding which may then be pending, or may by law or under the Constitution be brought before him in his official capacity, or in his place as such member of Congress, shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years and fined not more than ten thousand dollars. And any such contract or agreement may, at the option of the President, be declared absolutely null and void; and any member of Congress or officer convicted of a violation of this section, shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States.

Prohibition upon taking consideration for procuring contracts, offices, &c.

16 July, 1862, c. 180, v. 12, p. 577.

25 Feb., 1863, c. 61, v. 12, p. 696.

SEC. 1782. No Senator, Representative, or Delegate, after his election and during his continuance in office, and no head of a Department, or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any Department, court-martial, Bureau, officer, or any civil, military, or naval commission whatever. Every person offending against this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years, and fined not more than ten thousand dollars, and shall, moreover, by conviction therefor, be rendered forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States.

Upon taking compensation in matters to which United States is a party.

11 June, 1864, c. 119, v. 13, p. 123.

SEC. 1783. No officer or agent of any banking or other commercial corporation, and no member of any mercantile or trading firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation or firm; and every such officer, agent, or member, or person, so interested, who so acts, shall be imprisoned not more than two years, and fined not more than two thousand dollars nor less than five hundred dollars.

Persons interested not to act as agents of the Government.

2 March, 1863, c. 67, s. 8, v. 12, p. 698.

SEC. 1784. No officer, clerk, or employé in the United States Government employ shall at any time solicit contributions from other

Prohibition of contributions, pres

ents, &c., to superiors.

1 Feb., 1870, c. 11, v. 16, p. 63.

Punishment for aiding, &c., in importing or trading in obscene literature.

3 March, 1873, c. 258, s. 4, v. 17, p. 599.

[See §§ 2491, 2492.]

Proceedings against persons illegally holding office.

31 May, 1870, c. 114, s. 14, v. 16, p. 143.

Penalty for illegally holding office.

31 May, 1870, c. 114, s. 15, v. 16, p. 143.

Disbursing officers forbidden to trade in public funds or property.

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

8 May, 1792, c. 37, s. 12, v. 1, p. 281.

2 March, 1799, c. 22, s. 87, v. 1, p. 695.

Collecting officers forbidden to trade in public property.

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

8 May, 1792, c. 37, s. 12, v. 1, p. 281.

2 March, 1799, c. 22, s. 87, v. 1, p. 695.

Restriction on payment for services.

18 July, 1866, c. 201, s. 30, v. 14, p. 186.

officers, clerks, or employés in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ.

SEC. 1785. Whoever, being an officer, agent, or employé of the Government of the United States, shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail, obscene or indecent publications, or representations, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not less than one hundred dollars and not more than five thousand, or by imprisonment at hard labor for not less than one year nor more than ten, or both.

SEC. 1786. Whenever any person holds office, except as a member of Congress or of some State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution, the district attorney for the district in which such person holds office shall proceed against him by writ of quo warranto, returnable to the circuit or district court of the United States in such district, and prosecute the same to the removal of such person from office.

SEC. 1787. Every person who knowingly accepts or holds any office under the United States, or any State, to which he is ineligible under the third section of the fourteenth article of amendment of the Constitution, or who attempts to hold or exercise the duties of any such office, shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than one year, or fined not more than one thousand dollars, or both.

SEC. 1788. Every officer of the United States concerned in the disbursement of the revenues thereof who carries on any trade or business in the funds or debts of the United States, or of any State, or in any public property of either, shall be deemed guilty of a misdemeanor, and punished by a fine of three thousand dollars, and shall, upon conviction, be removed from office, and forever thereafter be incapable of holding any office under the United States.

SEC. 1789. Every officer concerned in the collection of the revenues of the United States who carries on any trade or business in any public property of the United States, or of any State, shall be deemed guilty of a misdemeanor, and punished by a fine of three thousand dollars, and shall, upon conviction, be removed from office, and forever thereafter be incapable of holding any office under the United States.

SEC. 1790. No officer or clerk whose duty it is to make payments on account of the salary or wages of any officer or person employed in connection with the customs or the internal-revenue service, shall make any payment to any officer or person so employed on account of services rendered, or of salary, unless such officer or person so to be paid has made and subscribed an oath that, during the period for which he is to receive pay, neither he, nor any member of his family, has received, either personally or by the intervention of another party, any money or compensation of any description whatever, nor any promises for the same, either directly or indirectly, for services rendered or to be rendered, or acts performed or to be performed, in connection with the customs or internal revenue; or has purchased, for like services or acts, from any importer, if affiant is connected with the customs, or manufacturer, if affiant is connected with the internal-revenue service, consignee, agent, or custom-house broker, or other person whomsoever, any merchandise, at less than regular retail market prices therefor.

TITLE XX.

FLAG AND SEAL.

Sec.

1791. The flag to be 13 stripes and 37 stars.
1792. A star to be added for every new State.

Sec.

1793. Seal of the United States.
1794. Secretary of State to keep and use the seal.

SEC. 1791. The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be thirty-seven stars, white in a blue field.

The flag to be 13 stripes and 37 stars.

13 Jan., 1794, c. 1, v. 1, p. 341. 4 April, 1818, c. 34, s. 1, v. 3, p. 415.

SEC. 1792. On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission.

A star to be added for every new State.

4 April, 1818, c. 34, s. 2, v. 3, p. 415.

SEC. 1793. The seal heretofore used by the United States in Congress assembled is declared to be the seal of the United States.

Seal of the United States.

15 Sept., 1789, c. 14, s. 3, v. 1, p. 68.

SEC. 1794. The Secretary of State shall keep such seal, and shall make out and record, and shall affix the same to, all civil commissions for officers of the United States, to be appointed by the President, by and with the advice and consent of the Senate, or by the President alone. But the seal shall not be affixed to any commission before the same has been signed by the President of the United States, nor to any other instrument, without the special warrant of the President therefor.

Secretary of State to keep and use the seal.

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

Marbury vs. Madison, 1 Cr., 158.

TITLE XXI.

SEAT OF GOVERNMENT, INCLUDING THE PUBLIC BUILDINGS.

Sec.	Sec.
1796. Permanent seat of Government.	1814. Old hall of House of Representatives.
1796. Public offices to be exercised at seat of Government.	1815. Paintings, &c., not to be exhibited in Capitol.
1797. Chief of Engineers to have charge of public buildings and grounds.	1816. Repairs, &c., of Capitol.
1798. Estimates and appropriations.	1817. Electrical apparatus.
1799. Employees in office of public buildings.	1818. Improper appropriation of streets, &c.
1800. Chief of Engineers to have charge of Washington aqueduct.	1819. Laws of District of Columbia extended to Capitol Square.
1801. Chief of Engineers to obey the President.	1820. Protection of public buildings; arrest of offenders.
1802. How moneys for aqueduct, &c., to be expended.	1821. Capitol police.
1803. Unauthorized opening of pipes punishable.	1822. Number and pay.
1804. Willful, &c., breaking, &c., of pipes punishable.	1823. Suspension of members of force.
1805. Laying of pipes for use of public buildings.	1824. Uniform.
1806. Maliciously making water impure punishable.	1825. At whose expense.
1807. Compensation of Chief of Engineers.	1826. Supervision extended over Botanical Garden.
1808. Apartments, stationery, &c.	1827. Superintendent, &c., of Botanical Garden and green-houses.
1809. Record of property to be kept.	1828. Report of warden of penitentiary.
1810. Authority, &c.	1829. Furniture for President's House.
1811. Right of appeal to Secretary of War.	1830. Ailantus trees prohibited.
1812. Reports.	1831. Works of fine arts.
1813. Limitation on contracts of board of public works.	1832. Annual statement of public property.
	1833. Inventory of public property.
	1834. Two last sections not to apply to Library of Congress, &c.
	1835. Extra pay prohibited.

Permanent seat of Government.

16 July, 1790, c. 28, s. 1, v. 1, p. 130.

Public offices to be exercised at seat of Government.

16 July, 1790, c. 28, s. 6, v. 1, p. 130.

Chief of Engineers to have charge of public buildings and grounds.

4 Aug., 1854, c. 242, s. 15, v. 10, p. 573. 2 March, 1867, c. 167, s. 2, v. 14, p. 466.

Estimates and appropriations.

4 Aug., 1854, c. 242, s. 15, v. 10, p. 573.

Employees in office of public buildings.

SEC. 1795. All that part of the territory of the United States included within the present limits of the District of Columbia shall be the permanent seat of Government of the United States.

SEC. 1796. All offices attached to the seat of Government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law. [See §§ 4798, 4799.]

SEC. 1797. The Chief of Engineers shall have charge of the public buildings and grounds in the District of Columbia, under such regulations as may be prescribed by the President through the War Department, except those buildings and grounds which are otherwise provided for by law.

SEC. 1798. All estimates for public buildings and grounds in charge of the Chief of Engineers shall be approved and submitted by the Secretary of War, through the Treasury Department, as other estimates, to the two Houses of Congress; and all appropriations which have been or may be hereafter made for repairs or improvements of the public buildings and grounds in the District of Columbia, and now in charge of the Chief of Engineers, shall be expended under the direction of the Secretary of War.

SEC. 1799. The Chief of Engineers in charge of public buildings and grounds is authorized to employ in his office and about the public buildings and grounds under his control such number of persons for such

employments, and at such rates of compensation, as may be appropriated by Congress from year to year.

3 March, 1871, c. 113, s. 1, v. 16, p. 479. 8 May, 1872, c. 140, s. 1, v. 17, p. 65.

SEC. 1800. The Chief of Engineers shall have the immediate superintendence of the Washington aqueduct, together with all rights, appurtenances, and fixtures connected with the same, and belonging to the United States, and of all other public works and improvements in the District of Columbia in which the Government has an interest, and which are not otherwise specially provided for by law.

Chief of Engineers to have charge of Washington Aqueduct.

3 March, 1859, c. 84, s. 1, v. 11, p. 435. 25 June, 1860, c. 211, s. 1, v. 12, p. 106. 2 March, 1867, c. 167, s. 2, v. 14, p. 466. 30 March, 1867, c. 20, s. 3, v. 15, p. 12.

SEC. 1801. He shall obey, in the discharge of the duties mentioned in the preceding section, such regulations, pursuant to law, as may be prescribed by the President, through the Department of War.

Chief of Engineers to obey the President.

2 May, 1823, c. 45, s. 4, v. 4, p. 266. 3 March, 1859, c. 84, s. 1, v. 11, p. 435. 25 June, 1860, c. 211, s. 1, v. 12, p. 106. 30 March, 1867, c. 20, s. 3, v. 15, p. 12.

SEC. 1802. All moneys appropriated or hereafter appropriated for the Washington Aqueduct, and for the other public works in the District of Columbia, not otherwise expressly provided for by law, shall be expended under the direction of the Secretary of War.

How moneys for aqueduct, &c., to be expended.

3 March, 1859, c. 84, s. 1, v. 11, p. 435. 18 June, 1862, Res. No. 36, v. 12, p. 620. 30 March, 1867, c. 20, s. 3, v. 15, p. 12.

SEC. 1803. No person, unless by consent of the Chief of Engineers in charge of the public buildings and works, shall tap or open the mains or pipes laid or hereafter to be laid by the United States, under a penalty of not less than fifty nor more than five hundred dollars.

Unauthorized opening of pipes punishable.

3 March, 1859, c. 84, s. 5, v. 11, p. 436.

SEC. 1804. Every person who maliciously breaks, injures, defaces, or destroys any main or pipe, bend, branch, valve, hydrant, service-pipe, or any other fixture used for the distribution of water throughout the streets and avenues, or for its introduction into the houses, tenements, or buildings of Washington and Georgetown, shall be punishable by imprisonment in the county jail for not more than two years.

Willful, &c., breaking, &c., of pipes punishable.

3 March, 1859, c. 84, s. 5, v. 11, p. 436.

SEC. 1805. No greater number of main pipes of the Washington Aqueduct shall be laid at the expense of the United States than are sufficient to furnish the public buildings, offices, and grounds with the necessary supply of water. The cost of any main pipe, for the supply of water to the inhabitants of Washington and Georgetown, must be paid by the District of Columbia, in the manner provided by law.

Laying of pipes for use of public buildings.

3 Mar., 1859, c. 84, s. 6, v. 11, p. 436.

SEC. 1806. Every person who maliciously commits any act by reason of which the supply of water, or any part thereof, to the cities of Washington and Georgetown, becomes impure, filthy, or unfit for use, shall be fined not less than five hundred nor more than one thousand dollars, or imprisoned at hard labor in the District of Columbia not more than three years nor less than one year.

Maliciously making water impure punishable.

3 Mar., 1859, c. 84, s. 7, v. 11, p. 437.

SEC. 1807. The Chief of Engineers shall receive no compensation, other than his regular pay as an officer of the Corps of Engineers, for the services required of him under the provisions of this Title.

Compensation of Chief of Engineers.

3 Mar., 1859, c. 84, s. 1, v. 11, p. 435.

SEC. 1808. He shall be furnished official apartments in one of the public buildings in the city of Washington, as may be directed by the President, and shall be supplied by the Government with the stationery, instruments, books, and furniture which may be required for the performance of his duties.

Apartments, stationery, &c.

3 Mar., 1859, c. 84, s. 1, v. 11, p. 435.

SEC. 1809. He shall keep in his office a complete record of all the lands and other property connected with or belonging to the Washington Aqueduct and other public works under his charge, together with accurate plans and surveys of the public grounds and reservations in the District of Columbia.

Record of property to be kept.

3 Mar., 1859, c. 84, s. 1, v. 11, p. 435.

SEC. 1810. He and his necessary assistants are empowered to use all lawful means for the discharge of their duties; and, particularly, he shall have full control over the Washington Aqueduct, to regulate the

Authority, &c.

2 May, 1828, c. 45, s. 4, v. 4, p. 266.

3 Mar., 1859, c. 84, s. 1, v. 11, p. 435.

Right of appeal to Secretary of War.

3 March, 1859, c. 84, s. 1, v. 11, p. 435.

Reports.

3 Mar., 1829, c. 51, s. 3, v. 4, p. 363.

4 Aug., 1854, c. 242, s. 15, v. 10, p. 573.

3 Mar., 1859, c. 84, s. 1, v. 11, p. 435.

25 June, 1860, c. 211, s. 1, v. 12, p. 106.

Limitation on contracts of Board of Public Works.

3 March, 1873, c. 227, s. 1, v. 17, p. 526.

Old hall of House of Representatives.

2 July, 1864, c. 210, s. 2, v. 13, p. 347.

Paintings, &c., not to be exhibited in Capitol.

20 July, 1868, c. 176, s. 6, v. 15, p. 110.

Repairs, &c., of Capitol.

16 April, 1862, Res. No. 28, v. 12, p. 617.

30 March, 1867, c. 24, s. 2, v. 15, p. 13.

20 July, 1869, c. 177, s. 1, v. 15, p. 115.

3 March, 1869, c. 121, s. 1, v. 15, pp. 283, 284. 3 March,

Electrical apparatus.

3 March, 1873, c. 226, s. 1, v. 17, p. 491.

manner in which the authorities of the District of Columbia may tap the supply of water to the inhabitants thereof; and he shall stop the same whenever it is found to be no more than adequate to the wants of the public buildings and grounds.

SEC. 1811. His decision on all questions concerning the supply of water, as provided in the preceding section, shall be subject to appeal to the Secretary of War only.

SEC. 1812. The Chief of Engineers shall, as Superintendent of Public Buildings and Grounds, and as Superintendent of the Washington Aqueduct, annually submit the following reports to the Secretary of War in time to accompany the annual message of the President to Congress, namely:

First. A report of his operations for the preceding year, with an account of the manner in which all appropriations for public buildings and grounds have been applied, including a statement of the number of public lots sold, or remaining unsold each year, of the condition of the public buildings and grounds, and of the measures necessary to be taken for the care and preservation of all public property under his charge.

Second. A report of the condition, progress, repairs, casualties, and expenditures of the Washington Aqueduct and other public works under his charge.

SEC. 1813. The Board of Public Works of said District are prohibited from incurring or contracting liabilities on behalf of the United States in the improvement of streets, avenues, and reservations beyond the amount of appropriations previously made by Congress, and from entering into any contract touching such improvements on behalf of the United States, except in pursuance of appropriations made by Congress.

SEC. 1814. Suitable structures and railings shall be erected in the old hall of Representatives for the reception and protection of statuary, and the same shall be under the supervision and direction of the Chief of Engineers in charge of public buildings and grounds. And the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished, the same shall be placed in the old hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a national statuary hall for the purpose herein indicated.

SEC. 1815. No statuary, painting, or other article, the property of an individual, shall hereafter be allowed to be exhibited in the rotunda or any other portion of the Capitol building.

SEC. 1816. All improvements, alterations, additions, and repairs of the Capitol building shall hereafter be made by the direction and under the supervision of the Architect of the Capitol Extension, and the same shall be paid for by the Secretary of the Interior out of the appropriations for such extension, and from no other appropriation; and no furniture or carpets for either House shall hereafter be purchased without the written order of the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, for the Senate, or without the written order of the chairman of the Committee on Accounts of the House of Representatives, for the House.

1871, c. 114, s. 1, v. 16, p. 500.

SEC. 1817. The electrical apparatus for lighting the hall of the House, the dome, the rotunda, and the old hall of Representatives shall be in charge of the chief engineer of the House of Representatives, and operated by the person or persons under his charge, to be designated

by him, subject to the control and supervision of the Architect of the Capitol and the Chief of Engineers in charge of public buildings and grounds.

SEC. 1818. The Secretary of the Interior is directed to prevent the improper appropriation or occupation of any of the public streets, avenues, squares, or reservations in the city of Washington, belonging to the United States, and to reclaim the same if unlawfully appropriated; and particularly to prevent the erection of any permanent building upon any property reserved to or for the use of the United States, unless plainly authorized by act of Congress, and to report to Congress at the commencement of each session his proceedings in the premises, together with a full statement of all such property, and how, and by what authority, the same is occupied or claimed. Nothing herein contained shall be construed to interfere with the temporary and proper occupation of any portion of such property, by lawful authority, for the legitimate purposes of the United States.

SEC. 1819. All laws and regulations of the District of Columbia for the preservation of the public peace and order shall extend to the Capitol Square, whenever application for the same is requested by the presiding officer of either House of Congress, or by the Chief of Engineers in charge of public buildings and grounds.

SEC. 1820. The Sergeants-at-Arms of the Senate and of the House of Representatives are authorized to make such regulations as they may deem necessary for preserving the peace and securing the Capitol from defacement, and for the protection of the public property therein, and they shall have power to arrest and detain any person violating such regulations, until such person can be brought before the proper authorities for trial.

SEC. 1821. There shall be a Capitol police, the members of which shall be appointed by the Sergeants-at-Arms of the two Houses and the Architect of the Capitol Extension. There shall be a captain of the Capitol police and such other members with such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

SEC. 1822. The Capitol police shall consist of the following members, to be paid at the following rates, respectively, per annum, on the order of the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House, or of either of them, namely:

One captain, at two thousand four hundred and one dollars and twenty cents; three lieutenants, at two thousand and seventy dollars each; twenty-seven privates, at one thousand eight hundred and twenty-one dollars and sixty cents each; and eight watchmen, at one thousand one hundred and fifty dollars each.

SEC. 1823. The captain of the Capitol police may suspend any member of the force, subject to the approval of the two Sergeants-at-Arms and of the Architect of the Capitol Extension.

SEC. 1824. The Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives are directed to select and regulate the pattern for a uniform for the Capitol police and watchmen, and to furnish each member of the force with the necessary belts and arms, at a cost not to exceed twenty dollars per man, payable out of the contingent fund of the Senate and House of Representatives upon the certificate of the officers above named.

SEC. 1825. The members of the Capitol police shall furnish, at their own expense, each his own uniform, which shall be in exact conformity to that required by regulation of the Sergeants-at-Arms.

SEC. 1826. The supervision of the Capitol police shall be extended over the Botanical Garden, and, until otherwise ordered, and especially during the period employed for rebuilding the fence surrounding the grounds, additional police force may be employed, if deemed necessary, the expense for which shall be defrayed from the contingent fund of

Improper appropriation of streets, &c.

30 June, 1864, Res. No. 56, v. 13, p. 412.

Laws of District of Columbia extended to Capitol Square.

2 May, 1828, c. 45, s. 4, v. 4, p. 266.
21 Feb., 1871, c. 62, s. 41, v. 16, p. 428.

Protection of public buildings; arrest of offenders.

30 March, 1867, c. 20, s. 2, v. 15, p. 12.

Capitol police.

2 March, 1867, c. 167, s. 2, v. 14, p. 466.

3 March, 1873, c. 226, v. 17, p. 488.

Number and pay.

30 March, 1867, c. 20, s. 1, v. 15, p. 11.

3 March, 1871, c. 113, s. 1, v. 16, p. 477.

Suspension of members of force.

3 March, 1873, c. 226, v. 17, p. 488.

Uniform.

30 March, 1867, c. 20, s. 1, v. 15, p. 11.

At whose expense.

20 July, 1868, c. 176, s. 1, v. 15, p. 94.

Supervision extended over Botanical Garden.

15 July, 1870, Res. No. 131, v. 16, p. 391.

the Senate and House of Representatives; but the additional number of policemen for this purpose shall not exceed three at any time.

Superintendent, &c., of Botanical Garden and green-houses.

SEC. 1827. There shall be a superintendent, assistants, and two additional laborers, in the Botanical Garden and green-houses, who shall be under the direction of the Joint Committee on the Library.

3 March, 1873, c. 226, s. 1, v. 17, p. 491.

Report of warden of penitentiary.

SEC. 1828. The warden of the penitentiary of the United States for the District of Columbia shall make to the Secretary of the Interior, annually, in time to accompany the annual message of the President to Congress, a report of his operations during the preceding year, and of the manner in which all appropriations have been applied.

4 Aug., 1854, c. 242, s. 15, v. 10, p. 573.

Furniture for President's House.

SEC. 1829. All furniture purchased for the use of the President's House shall be, as far as practicable, of domestic manufacture.

22 May, 1826, c. 154, s. 2, v. 4, p. 194.

Ailantus trees prohibited.

SEC. 1830. No more ailantus trees shall be purchased for or planted in the public grounds.

3 March, 1853, c. 97, s. 1, v. 10, p. 207.

Works of fine arts.

SEC. 1831. The Joint Committee on the Library, whenever, in their judgment, it is expedient, are authorized to accept any work of the fine arts, on behalf of Congress, which may be offered, and to assign the same such place in the Capitol as they may deem suitable, and shall have the supervision of all works of art that may be placed in the Capitol.

10 June, 1872, c. 415, s. 1, v. 17, p. 362.

Annual statement of public property.

SEC. 1832. It shall be the duty of the officer or officers having in charge the property of the United States in and about the Capitol, the President's House, and the Botanical Garden, to furnish an annual statement to the Architect of the Capitol Extension, by the first day of December, setting forth the public property in all the buildings, rooms, and grounds under their charge, purchased during each year, and an account of the disposition of such property during the same period, whether by sale or otherwise.

4 June, 1872, c. 287, v. 17, p. 220.

Inventory of public property.

SEC. 1833. The Architect of the Capitol Extension shall make out and keep, in proper books, a complete inventory of all public property in and about the Capitol, the Botanical Garden, and the President's House, adding thereto, from time to time, an account of such property as may be procured, subsequently to the taking of the first inventory, as well as an account of the sale or other disposal of such property. And he shall submit an annual report of such inventories and accounts, on the first Monday of December, to Congress.

15 July, 1870, c. 300, s. 2, v. 16, p. 364.

Two last sections not to apply to Library of Congress, &c.

SEC. 1834. The two preceding sections shall not apply to the books, pamphlets, papers, and documents in the Library of Congress, nor to the supplies of stationery and fuel in the several public buildings and offices therein referred to.

15 July, 1870, c. 300, s. 3, v. 16, p. 364.

Extra pay prohibited.

SEC. 1835. No pay or compensation other than is fixed by this Title shall be allowed to any officer, employé, or laborer embraced within the provisions hereof.

12 July, 1870, c. 251, s. 4, v. 16, p. 250.

TITLE XXII.

THE STATES.

Sec.

1836. Oath by members of State legislatures and State officers.

1837. By whom administered.

Sec.

1838. Assent of States to purchase of lands for forts, &c.

SEC. 1836. Every member of a State legislature, and every executive and judicial officer of a State, shall, before he proceeds to execute the duties of his office, take an oath in the following form, to wit: "I, A B, do solemnly swear that I will support the Constitution of the United States."

Oath by members of State legislatures and State officers.

1 June, 1789, c. 1, s. 3, v. 1, p. 23.

SEC. 1837. Such oath may be administered by any person who, by the law of the State, is authorized to administer the oath of office; and the person so administering such oath shall cause a record or certificate thereof to be made in the same manner as, by the law of the State, he is directed to record or certify the oath of office.

By whom administered.

1 June, 1789, c. 1, s. 3, v. 1, p. 23.

SEC. 1838. The President of the United States is authorized to procure the assent of the legislature of any State, within which any purchase of land has been made for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings, without such consent having been obtained.

Assent of States to purchase of lands for forts, &c.

28 April, 1828, c. 41, s. 2, v. 4, p. 264.

TITLE XXIII.
THE TERRITORIES.

CHAPTER ONE.

PROVISIONS COMMON TO ALL THE TERRITORIES.

Sec.	Sec.
1839. Right of Indians in person and property not impaired by this Title, &c., boundaries, &c.	1870. Clerk of supreme court.
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1860. At future elections.	1891. Constitution and laws of United States made applicable to all the Territories.
1861. Subordinate officers of legislature.	1892. Penitentiaries.
1862. Delegate to Congress.	1893. Rules for their government.
1863. Time, places, and manner of electing Delegate.	1894. Payment of marshal, &c., and of expenses of subsistence, &c., of offenders.
1864. Supreme courts of Territories.	1895. Imprisonment in penitentiaries.
1865. Judicial districts and courts.	
1866. Jurisdiction of courts.	
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1868. Chancery and common-law jurisdiction.	
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Right of Indians in person and property not impaired by this Title, &c.; boundaries, &c.

N. Mex., 9 Sept., 1850, c. 49, s. 2, v. 9, p. 447.

Utah, 9 Sept., 1850, c. 51, s. 1, v. 9, p. 453.

Colo., 28 Feb., 1861, c. 59, s. 1, v. 12, p. 172. Idaho, 3 March, 1863, c. 117, s. 1, v. 12, p. 808. Dak., 2 March, 1861, c. 86, s. 1, v. 12, p. 239. Ariz., 24 Feb., 1863, c. 56, s. 1, v. 12, p. 664. Mont., 26 May, 1864, c. 95, s. 1, v. 13, p. 85. Wyo., 25 July, 1868, c. 235, s. 1, v. 15, p. 178. Wash., 2 March, 1853, c. 90, s. 1, v. 10, p. 172.

SEC. 1839. Nothing in this Title shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory.

SEC. 1840. Nor shall anything in this Title be construed to affect the authority of the United States to make any regulations respecting the Indians of any Territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed, or is hereafter established, in any such Territory.

SEC. 1841. The executive power of each Territory shall be vested in a governor, who shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. He shall reside in the Territory for which he is appointed, and shall be commander-in-chief of the militia thereof. He may grant pardons and reprieves, and remit fines and forfeitures, for offenses against the laws of the Territory for which he is appointed, and respites for offenses against the laws of the United States, till the decision of the President can be made known thereon. He shall commission all officers who are appointed under the laws of such Territory, and shall take care that the laws thereof be faithfully executed.

Dak., 2 March, 1861, c. 86, s. 2, v. 12, p. 239. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 2, v. 12, p. 809. Mont., 26 May, 1864, c. 95, s. 2, v. 13, p. 86. Wyo., 25 July, 1868, c. 235, s. 2, v. 15, p. 178. American Insurance Co. vs. 356 Bales of Cotton, 1 Pet., 511.

SEC. 1842. Every bill which has passed the legislative assembly of any Territory shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it originated, and that house shall enter the objections at large on its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house. If any bill is not returned by the governor within three days, Sundays excluded, except in Washington and Wyoming, where the term is five days, Sundays excluded, after it has been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly, by adjournment sine die, prevent its return, in which case it shall not be a law.

Mont., 26 May, 1864, c. 95, s. 6, v. 13, p. 88. Wyo., 25 July, 1868, c. 235, s. 6, v. 15, p. 180.

SEC. 1843. There shall be appointed a secretary for each Territory, who shall reside within the Territory for which he is appointed, and shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. In case of the death, removal, resignation, or absence of the governor from the Territory, the secretary shall execute all the powers and perform all the duties of governor during such vacancy or absence or until another governor is appointed and qualified.

Colo., 28 Feb., 1861, c. 59, s. 3, v. 12, p. 172. Dak., 2 March, 1861, c. 86, s. 3, v. 12, p. 240. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 3, v. 12, p. 809. Mont., 26 May, 1864, c. 95, s. 3, v. 13, p. 86. Wyo., 25 July, 1868, c. 235, s. 3, v. 15, p. 179.

SEC. 1844. The secretary shall record and preserve all the laws and proceedings of the legislative assembly, and all the acts and proceedings of the governor in the executive department; he shall transmit one copy of the laws and journals of the legislative assembly, within thirty days after the end of each session thereof, to the President, and two copies of the laws, within like time, to the President of the Senate, and to the Speaker of the House of Representatives, for the use of Congress. He shall transmit one copy of the executive proceedings and official correspondence semi-annually, on the first day of January and July in each year, to the President. He shall prepare the acts passed by the legislative assembly for publication, and furnish a copy thereof to the public printer of the Territory, within ten days after the passage of each act.

Authority to regulate Indians.

Ibid.

Executive power.

N. Mex., 9 Sept., 1850, c. 49, s. 3, v. 9, p. 447.

Utah, 9 Sept., 1850, c. 51, s. 2, v. 9, p. 453.

Wash., 2 March, 1853, c. 90, s. 2, v. 10, p. 173.

Colo., 28 Feb., 1861, c. 59, s. 2, v. 12, p. 172.

Veto power.

N. Mex., 9 Sept., 1850, c. 49, s. 3, v. 9, p. 447.

27 July, 1868, c. 272, s. 1, v. 15, p. 239. Utah, 9 Sept., 1850, c. 51, s. 2, v. 9, p. 453.

Wash., 17 June, 1864, c. 131, v. 13, p. 135.

Colo. and Dak., 2 March, 1863, ss. 1, 2, and 4, v. 12, pp. 700, 701.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Idaho, 3 March, 1863, c. 117, s. 6, v. 12, p. 810.

Secretary.

N. Mex., 9 Sept., 1850, c. 49, s. 4, v. 9, p. 448.

Utah, 9 Sept., 1850, c. 51, s. 3, v. 9, p. 452.

Wash., 2 March, 1853, c. 90, s. 3, v. 10, p. 173.

Colo., 28 Feb., 1861, c. 59, s. 3, v. 12, p. 172. Dak., 2 March, 1861, c. 86, s. 3, v. 12, p. 240. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 3, v. 12, p. 809. Mont., 26 May, 1864, c. 95, s. 3, v. 13, p. 86. Wyo., 25 July, 1868, c. 235, s. 3, v. 15, p. 179.

Secretary's duties.

Ibid.

29 Aug., 1842, c. 259, s. 2, v. 5, p. 541.

Salaries of governors and secretaries.

23 Jan., 1873, c. 48, s. 3, v. 17, p. 416.

Legislative power.

3 March, 1869, c. 121, s. 1, v. 15, p. 300.

N. Mex., 9 Sept., 1850, c. 49, s. 6, v. 9, p. 448.

Utah, 9 Sept., 1850, c. 51, s. 4, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 4, v. 10, p. 173.

Colo., 28 Feb., 1861, c. 59, s. 4, v. 12, p. 173.

1863, c. 56, s. 2, v. 12, p. 665.

1864, c. 95, s. 4, v. 13, p. 809.

Census and election.

N. Mex., 9 Sept., 1850, c. 49, s. 5, v. 9, p. 448.

Utah, 9 Sept., 1850, c. 51, s. 4, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 4, v. 10, p. 173.

Colo., 28 Feb., 1861, c. 59, s. 1, v. 12, p. 172.

Dak., 2 March, 1861, c. 86, s. 4, v. 12, p. 240.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Idaho, 3 March, 1863, c. 117, s. 4, v. 12, p. 809.

Mont., 26 May, 1864, c. 95, s. 4, v. 13, p. 87.

Wyo., 25 July, 1868, c. 235, s. 4, v. 15, p. 179.

Time and place of holding elections.

Ibid.

Apportionment.

Ibid.

15 June, 1844, c. 69, s. 1, v. 5, p. 670.

Laws to be submitted to Congress.

N. Mex., 9 Sept., 1850, c. 49, s. 7, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 6, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 6, v. 10, p. 175.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

SEC. 1845. From and after the first day of July, eighteen hundred and seventy-three, the annual salaries of the governors of the several Territories shall be three thousand five hundred dollars, and the salaries of the secretaries shall be two thousand five hundred dollars each.

SEC. 1846. The legislative power in each Territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The members of both branches of the legislative assembly shall have the qualifications of voters as herein prescribed. They shall be chosen for the term of two years, and the sessions of the respective legislative assemblies shall be biennial. Each legislative assembly shall fix by law the day of the commencement of its regular sessions. The members of the council and of the house of representatives shall reside in the district or county for which they are respectively elected.

Dak., 2 March, 1861, c. 86, s. 4, v. 12, p. 240. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 809. Mont., 26 May, 1864, c. 95, s. 4, v. 13, p. 87. Wyo., 25 July, 1868, c. 235, s. 4, v. 15, p. 179.

SEC. 1847. Previous to the first election for members of the legislative assembly of a Territory in which Congress may hereafter provide a temporary government, the governor shall cause a census of the inhabitants and qualified voters of the several counties and districts of the Territory to be taken by such persons and in such mode as he may designate and appoint, and the persons so appointed shall receive a reasonable compensation for their services. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who superintend such election and the returns thereof, as the governor may direct; and he shall, at the same time, declare the number of members of the council and house of representatives to which each of the counties or districts is entitled under the act providing such temporary government for the particular Territory. The persons having the highest number of legal votes in each of the districts for members of the council shall be declared by the governor to be duly elected to the council; and the persons having the highest number of legal votes for the house of representatives shall be declared by the governor to be duly elected members of that house; but in case two or more persons voted for have an equal number of votes, and in case a vacancy otherwise occurs in either branch of the legislative assembly, the governor shall order a new election; and the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor appoints.

SEC. 1848. After such first election, however, the time, place, and manner of holding elections by the people in any newly-created Territory, as well as of holding all such elections in Territories now organized, shall be prescribed by the laws of each Territory.

SEC. 1849. The apportionment of representation, which the governor is authorized to make by section eighteen hundred and forty-seven, in the case of a Territory hereafter erected by Congress, shall be as nearly equal as practicable among the several districts and counties for such first election of the council and house of representatives, giving to each section of the Territory representation in the ratio of its population, except Indians not taxed; and thereafter in such new Territory, as well as in all Territories now organized, the legislative assemblies, respectively, may re-adjust and apportion the representation to the two houses thereof, among the several counties and districts, in such manner, from time to time, as they deem just and proper; but the number of either house, as authorized by law, shall not be increased.

SEC. 1850. All laws passed by the legislative assembly and governor of any Territory except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress, and, if disapproved, shall be null and of no effect.

SEC. 1851. The legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States. But no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.

Extent of legislative power.

N. Mex., 9 Sept., 1850, c. 49, s. 7, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 6, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 6, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 6, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 6, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 6, v. 12, p. 810. Mont., 26 May, 1864, c. 95, s. 6, v. 13, p. 88. Wyo., 26 July, 1868, c. 235, s. 6, v. 15, p. 180.

SEC. 1852. The sessions of the legislative assemblies of the several Territories of the United States shall be limited to forty days' duration.

Limit of time of sessions.

23 Jan., 1873, c. 43, s. 1, v. 17, p. 416.

SEC. 1853. The members of each branch of the several territorial legislatures shall receive a compensation of six dollars per day during the sessions herein provided for, and they shall receive such mileage as now provided by law: *Provided*, That the president of the council and the speaker of the house of representatives shall each receive a compensation of ten dollars per day.

Compensation of members.

23 Jan., 1873, c. 48, s. 2, v. 17, p. 416.

SEC. 1854. No member of the legislative assembly of any Territory now organized shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first legislative assembly in any Territory hereafter organized; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of any Territory. The exception of postmasters shall not apply in the Territory of Washington.

Members of legislature prohibited from holding certain offices.

N. Mex., 9 Sept., 1850, c. 49, s. 9, v. 6, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 8, v. 9, p. 455.

Wash., 2 March, 1853, c. 90, s. 8, v. 10, p. 175.

Colo., 28 Feb., 1861, c. 59, s. 8, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 8, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 8, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 8, v. 13, p. 88. Wyo., 26 July, 1868, c. 235, s. 8, v. 15, p. 180.

SEC. 1855. No law of any territorial legislature shall be made or enforced by which the governor or secretary of a Territory, or the members or officers of any territorial legislature are paid any compensation other than that provided by the laws of the United States.

Prohibition of extra compensation to certain officers.

23 Jan., 1873, c. 48, s. 4, v. 17, p. 416.

SEC. 1856. Justices of the peace and all general officers of the militia in the several Territories shall be elected by the people in such manner as the respective legislatures may provide by law.

Election of justices of the peace and militia officers.

15 June, 1844, c. 69, s. 2, v. 5, p. 671.

SEC. 1857. All township, district, and county officers, except justices of the peace and general officers of the militia, shall be appointed or elected in such manner as may be provided by the governor and legislative assembly of each Territory; and all other officers not herein otherwise provided for, the governor shall nominate, and by and with the advice and consent of the legislative council of each Territory, shall appoint; but, in the first instance, where a new Territory is hereafter created by Congress, the governor alone may appoint all the officers referred to in this and the preceding section and assign them to their respective townships, districts, and counties; and the officers so appointed shall hold their offices until the end of the first session of the legislative assembly.

Other officers.

N. Mex., 9 Sept., 1850, c. 49, s. 8, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 7, v. 9, p. 455.

Wash., 2 March, 1853, c. 90, s. 7, v. 10, p. 175.

Colo., 28 Feb., 1861, c. 59, s. 7, v. 12, p. 174.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Dak., 2 March, 1861, c. 86, s. 7, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 7, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 7, v. 13, p. 88. Wyo., 26 July, 1868, c. 235, s. 7, v. 15, p. 180.

SEC. 1858. In any of the Territories, whenever a vacancy happens from resignation or death, during the recess of the legislative council, in any office which, under the organic act of any Territory, is to be filled by appointment of the governor, by and with the advice and consent of

Vacancies, how filled.

8 June, 1872, c. 344, v. 17, p. 375.

the council, the governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislative council.

Qualifications of voting and holding office at first election.

N. Mex., 9 Sept., 1850, c. 49, s. 6, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 5, v. 9, p. 454. Wash., 2 March, 1853, c. 90, s. 5, v. 10, p. 174. Colo., 28 Feb., 1861, c. 59, s. 5, v. 12, p. 173. Dak., 2 March, 1861, c. 86, s. 5, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 666. Idaho, 3 March, 1863, c. 117, s. 5, v. 12, p. 810. Mont., 26 May, 1864, c. 95, s. 5, v. 13, p. 87. Wyo., 25 July, 1868, c. 235, s. 5, v. 15, p. 179.

At future elections.

Ibid.

SEC. 1859. Every male citizen above the age of twenty-one, including persons who have legally declared their intention to become citizens in any Territory hereafter organized, and who are actual residents of such Territory at the time of the organization thereof, shall be entitled to vote at the first election in such Territory, and to hold any office therein; subject, nevertheless, to the limitations specified in the next section.

SEC. 1860. At all subsequent elections, however, in any Territory hereafter organized by Congress, as well as at all elections in Territories already organized, the qualifications of voters and of holding office shall be such as may be prescribed by the legislative assembly of each Territory; subject, nevertheless, to the following restrictions on the power of the legislative assembly, namely:

First. The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and by those above that age who have declared on oath, before a competent court of record, their intention to become such, and have taken an oath to support the Constitution and Government of the United States.

25 Jan., 1867, c. 15, v. 14, p. 379.

Second. There shall be no denial of the elective franchise or of holding office to a citizen on account of race, color, or previous condition of servitude.

Third. No officer, soldier, seaman, mariner, or other person in the Army or Navy, or attached to troops in the service of the United States, shall be allowed to vote in any Territory, by reason of being on service therein, unless such Territory is, and has been for the period of six months, his permanent domicile.

Fourth. No person belonging to the Army or Navy shall be elected to or hold any civil office or appointment in any Territory.

Subordinate officers of legislature.

23 Jan., 1873, c. 48, s. 2, v. 17, p. 416.

SEC. 1861. The subordinate officers of each branch of every legislative assembly shall consist of one chief clerk, who shall receive a compensation of eight dollars per day, and of one assistant clerk, one enrolling clerk, one engrossing clerk, one sergeant-at-arms, one doorkeeper, one messenger, and one watchman, who shall each receive a compensation of five dollars per day during the sessions, and no charge for a greater number of officers and attendants, or any larger per diem, shall be allowed or paid by the United States to any Territory.

Delegate to Congress.

3 March, 1817, c. 42, s. 1, v. 3, p. 363.

N. Mex., 9 Sept., 1850, c. 49, s. 14, v. 9, p. 451.

Utah, 9 Sept., 1850, c. 51, s. 13, v. 9, p. 457.

Wash., 2 March, 1853, c. 90, s. 14, v. 10, p. 178. Colo., 28 Feb., 1861, c. 59, s. 13, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 13, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 666. Idaho, 3 March, 1863, c. 117, s. 13, v. 12, p. 813. Mont., 26 May, 1864, c. 95, s. 13, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 13, v. 15, p. 182.

SEC. 1862. Every Territory shall have the right to send a Delegate to the House of Representatives of the United States, to serve during each Congress, who shall be elected by the voters in the Territory qualified to elect members of the legislative assembly thereof. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debating, but not of voting.

Time, places, and manner of electing Delegates.

Ibid.

SEC. 1863. The first election of a Delegate in any Territory for which a temporary government is hereafter provided by Congress shall be held at the time and places and in the manner the governor of such Territory may direct, after at least sixty days' notice, to be given by proclamation; but at all subsequent elections therein, as well as at all elections for a Delegate in organized Territories, such time, places, and

manner of holding the election shall be prescribed by the law of each Territory. [See § 25.]

SEC. 1864. The supreme court of every Territory shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years, and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the Territory for which they are respectively appointed.

Supreme courts of Territories.
N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449.
Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1863, c. 235, s. 9, v. 15, p. 180. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

SEC. 1865. Every Territory shall be divided into three judicial districts; and a district court shall be held in each district of the Territory by one of the justices of the supreme court, at such time and place as may be prescribed by law; and each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 1866. The jurisdiction, both appellate and original, of the courts provided for in section nineteen hundred and seven and nineteen hundred and eight, shall be limited by law.

SEC. 1867. No justices of the peace in any Territory shall have jurisdiction of any case in which the title to land, or the boundary thereof, in anywise comes in question.

Ibid. And see, for Arizona, 23 May, 1870, c. 29, s. 5, v. 16, p. 77.

SEC. 1868. The supreme court and the district courts, respectively, of every Territory, shall possess chancery as well as common law jurisdiction.

Judicial districts and courts.
Ibid.
Jurisdiction of courts.
Ibid.
Jurisdiction of justices of the peace.

SEC. 1869. Writs of error, bills of exception, and appeals shall be allowed, in all cases, from the final decisions of the district courts to the supreme court of all the Territories, respectively, under such regulation as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in that court.

SEC. 1870. The supreme court of each Territory shall appoint its own clerk, who shall hold his office at the pleasure of the court for which he is appointed.

Chancery and common law jurisdiction.
Ibid.
Appellate jurisdiction of supreme court.
Ibid.
Clerk of supreme court.
N. Mex., 9 Sept., 1850, c. 49, s. 10, p. 449. Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1863, c. 235, s. 9, v. 15, p. 180.

SEC. 1871. Each judge of the supreme court of the respective Territories shall designate and appoint one person as clerk of the district over which he presides, where one is not already appointed, and shall designate and retain but one such clerk where more than one is already appointed, and only such district clerk shall be entitled to a compensation from the United States.

SEC. 1872. Every district clerk shall be also the register in chancery, and shall reside and keep his office at the place where the court is held.

Clerk of district court.
Ibid.
16 Aug., 1856, c. 124, s. 10, v. 11, p. 50.

SEC. 1873. Temporarily, and until otherwise provided by law, the governor of every Territory which may be hereafter established shall define, by proclamation, the judicial districts of such Territory, and assign the judges appointed for such Territory to the several districts as well as fix the times and places for holding courts in the respective counties or subdivisions of each judicial district.

Register in chancery; residence and office.
Ibid.
Judicial districts; how defined.
N. Mex., 9 Sept., 1850, c. 49, s. 16, v. 9, p. 452.
Utah, 9 Sept., 1850, c. 51, s. 16, v. 9, p. 458. Wash., 2 March, 1853, c. 90, s. 18, v. 10, p. 179. Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 15, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 15, v. 12, p. 814. Mont., 26 May, 1864, c. 95, s. 15, v. 13, p. 91. Wyo., 25 July, 1863, c. 235, s. 15, v. 15, p. 183.

SEC. 1874. The judges of the supreme court of each Territory are authorized to hold court within their respective districts, in the counties wherein, by the laws of the Territory, courts have been or may be estab-

Judges of supreme court to hear certain causes.

14 June, 1858, c. 106, v. 11, p. 366. lished, for the purpose of hearing and determining all matters and causes, except those in which the United States is a party; but the expense of holding such courts shall be paid by the Territory, or by the counties in which the courts are held, and the United States shall in no case be chargeable therewith.

District attorneys. SEC. 1875. There shall be appointed in each Territory a person learned in the law, to act as attorney for the United States. He shall continue in office for four years, and until his successor is appointed and qualified, unless sooner removed by the President.

27 Feb., 1813, c. 35, v. 2, p. 806. N. Mex., 9 Sept., 1850, c. 49, s. 11, v. 9, p. 450. Utah, 9 Sept., 1850, c. 51, s. 10, v. 9, p. 456. Wash., 2 March, 1853, c. 90, s. 10, v. 10, p. 176. Colo., 28 Feb., 1861, c. 59, s. 10, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 10, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 177, s. 10, v. 12, p. 812. Mont., 26 May, 1864, c. 9, s. 10, v. 13, p. 89. Wyo., 25 July, 1868, c. 235, s. 10, v. 15, p. 181.

Marshals.

Ibid.

SEC. 1876. There shall be appointed a marshal for each Territory. He shall execute all process issuing from the territorial courts when exercising their jurisdiction as circuit and district courts of the United States. He shall have the power and perform the duties, and be subject to the regulations and penalties, imposed by law on the marshals for the several judicial districts of the United States. He shall hold his office for four years and until his successor is appointed and qualified, unless sooner removed by the President.

Appointment of governor, &c.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450.

Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Wash., 2 March, 1853, c. 90, s. 11, v. 10, p. 176. Colo., 28 Feb., 1861, c. 59, s. 11, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90. Wyo., 25 July, 1868, c. 235, s. 11, v. 15, p. 181.

Oath of office; how qualified.

Ibid.

SEC. 1878. The governor and secretary for each Territory shall, before they act as such, respectively take an oath before the district judge, or some justice of the peace in the limits of the Territory for which they are appointed, duly authorized to administer oaths by the laws in force therein, or before the Chief Justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States and faithfully to discharge the duties of their respective offices; and such oaths shall be certified by the person before whom the same are taken; and such certificates shall be received and recorded by the secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers appointed for any Territory, before they act as such, shall take a like oath before the governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, and such oath shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as above directed; but after the first qualification of the officers herein specified in the case of a new Territory, as well as in all organized Territories, the like oath shall be taken, certified, and recorded in such manner and form as may be prescribed by the law of each Territory.

Salaries of justices.

17 June, 1870, c. 130, v. 16, p. 152.

Salary of attorney.

27 Feb., 1813, c. 35, v. 2, p. 806.

Salary of marshal.

SEC. 1879. The annual salary of the chief justice and associate justices of all the Territories now organized shall be three thousand dollars each.

SEC. 1880. The salary of the attorney of the United States for each Territory shall be at the rate of two hundred and fifty dollars annually.

SEC. 1881. The salary of the marshal of the United States for each Territory shall be at the rate of two hundred dollars a year.

N. Mex., 9 Sept., 1850, c. 49, s. 11, v. 9, p. 450; 14 Aug., 1848, c. 177, s. 10, v. 9, p. 327; 20 April, 1836, c. 54, s. 10, v. 5, p. 14; 27 Feb., 1813, c. 35, s. 1, v. 2, p. 806. Utah, 9 Sept., 1850, c. 51, s. 10, v. 9, p. 456. Wash., 2 March, 1853, c. 90, s. 10, v. 10, p. 176. Colo., 28

Feb., 1861, c. 59, s. 10, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 10, v. 12, p. 242; 30 May, 1854, c. 59, s. 11, v. 10, p. 281. Idaho, 3 March, 1863, c. 117, s. 10, v. 12, p. 812. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Mont., 26 May, 1864, c. 95, s. 10, v. 13, p. 69. Wyo., 25 July, 1868, c. 235, s. 10, v. 15, p. 181.

SEC. 1882. The salaries provided for in this Title, to be paid to the governor, secretary, chief justices and associate justices, district attorney, and marshal of the several Territories, shall be paid quarter-yearly at the Treasury of the United States.

When salaries to be paid, &c.

Ibid.

SEC. 1883. The fees and costs to be allowed to the United States attorneys and marshals, to the clerks of the supreme and district courts, and to jurors, witnesses, commissioners, and printers, in the Territories of the United States shall be the same for similar services by such persons as prescribed in chapter sixteen, Title "THE JUDICIARY," and no other compensation shall be taxed or allowed.

Fees of clerks, &c.

See organic acts cited to sections 1877, 1880, and 1881; and also the following sections and pages of such acts: N. Mex., s. 10, p. 449. Wash., s. 9, p. 175. Colo., s. 9, p. 174, and act 2 March, 1863, c. 70, s. 3, v. 12, p. 700. Dak., s. 9, p. 241. Ariz., s. 2, p. 665. Idaho, s. 9, p. 811. Mont., s. 9, p. 88. Wyo., s. 9, p. 180; 26 Feb., 1853, c. 80, s. 1, v. 10, p. 161; 3 March, 1855, c. 175, s. 12, v. 10, p. 671.

Sec organic acts cited to sections 1877, 1880, and 1881; and also the

Utah, s. 9, p. 455. s. 3, v. 12, p. 700. Wyo., s. 9, p. 180; 26 Feb., 1853, c. 80, s. 1, v. 10, p. 161; 3 March, 1855, c. 175, s. 12, v. 10, p. 671.

SEC. 1884. When any officer of a Territory is absent therefrom, and from the duties of his office, no salary shall be paid him during the year in which such absence occurs, unless good cause therefor be shown to the President, who shall officially certify his opinion of such cause to the proper accounting officer of the Treasury, to be filed in his office.

Salary not to be paid when officer is absent.

15 June, 1852, c. 49, s. 1, v. 10, p. 10.

SEC. 1885. The legislative assembly of every Territory hereafter organized shall hold its first session at such time and place in the Territory as the governor thereof shall appoint and direct; and at the first session of the legislative assembly, or as soon thereafter as it may be deemed expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government for the Territory at such place as they may think proper; but such place shall thereafter be subject to be changed by the governor and legislative assembly.

Seat of government in a new Territory.

N. Mex., 9 Sept., 1850, c. 49, s. 13, v. 9, p. 451.

Utah, 9 Sept., 1850, c. 51, s. 12, v. 9, p. 457. Wash., 2 March, 1853, c. 90,

s. 13, v. 10, p. 177. Colo., 26 Feb., 1861, c. 59, s. 12, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 12, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 12, v. 12, p. 813. Mont., 26 May, 1864, c. 95, s. 12, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 12, v. 15, p. 182.

SEC. 1886. All accounts for disbursements, in the Territories of the United States, of money appropriated by Congress for the support of government therein, shall be settled and adjusted at the Treasury Department; and no act, resolution, or order of the legislature of any Territory, directing the expenditure of the sum, shall be deemed a sufficient authority for such disbursement, but sufficient vouchers and proof for the same shall be required by the accounting officers of the Treasury. No payment shall be made or allowed, unless the Secretary of the Treasury has estimated therefor and the object been approved by Congress. No session of the legislature of a Territory shall be held until the appropriation for its expenses has been made.

Accounts of the Territories, no payments unless approved by Congress.

29 Aug., 1842, c. 259, s. 2, v. 5, p. 541.

SEC. 1887. Hereafter no expense for printing, exceeding four thousand dollars, including printing laws, journals, bills, and necessary printing of the same nature, shall be incurred for any session of the legislature of any of the Territories.

Limitation on expenses of printing.

8 May, 1872, c. 140, s. 1, v. 17, p. 73.

Limitation on expenses of legislature.

SEC. 1888. No legislative assembly of a Territory shall, in any instance or under any pretext, exceed the amount appropriated by Congress for its annual expenses.

18 May, 1842, c. 29, No. 117, v. 5, p. 480.

SEC. 1889. The legislative assemblies of the several Territories shall not grant private charters or especial privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits, or the construction or operation of railroads, wagon-roads, irrigating-ditches, and the colonization and improvement of lands

Legislatures not to grant special charters.

2 March, 1867, c. 150, s. 1, v. 14, p. 426.

10 June, 1872, c. 434, v. 17, p. 390.

in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable or scientific association.

Limitation on right of religious corporations to hold real estate.

1 July, 1862, c. 126, s. 3, v. 12, p. 501.

Constitution and laws of United States made applicable to all the Territories.

SEC. 1890. No corporation or association for religious or charitable purposes shall acquire or hold real estate in any Territory, during the existence of the territorial government, of a greater value than fifty thousand dollars; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States; but existing vested rights in real estate shall not be impaired by the provisions of this section.

SEC. 1891. The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized as elsewhere within the United States.

N. Mex., 9 Sept., 1850, c. 49, s. 17, v. 9, p. 452. Utah, 9 Sept., 1850, c. 51, s. 17, v. 9, p. 458. Colo., 28 Feb., 1861, c. 59, s. 16, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 16, v. 12, p. 244. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 13, v. 12, p. 813. Mont., 26 May, 1864, c. 95, s. 13, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 16, v. 15, p. 183.

Penitentiaries.

10 Jan., 1871, c. 15, s. 1, v. 16, p. 398.

SEC. 1892. Any penitentiary which has been, or may hereafter be, erected by the United States in an organized Territory shall, when the same is ready for the reception of convicts, be placed under the care and control of the marshal of the United States for the Territory or District in which such penitentiary is situated; except as otherwise provided in the case of the penitentiaries in Montana, Idaho, Wyoming, and Colorado.

Rules for their government.

10 Jan., 1871, c. 15, s. 2, v. 16, p. 398.

SEC. 1893. The Attorney-General of the United States shall prescribe all needful rules and regulations for the government of such penitentiary, and the marshal having charge thereof shall cause them to be duly and faithfully executed and obeyed, and the reasonable compensation of the marshal and of his deputies for their services under such regulations shall be fixed by the Attorney-General.

Payment of marshal, &c., and of expenses of subsistence, &c., of offenders.

Ibid.

SEC. 1894. The compensation, as well as the expense incident to the subsistence and employment of offenders against the laws of the United States, who have been, or may hereafter be, sentenced to imprisonment in such penitentiary, shall be chargeable on, and payable out of, the fund for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States; but nothing herein shall be construed to increase the maximum compensation now allowed by law to those officers.

Imprisonment in penitentiaries.

10 Jan., 1871, c. 15, s. 3, v. 16, p. 398.

SEC. 1895. Any person convicted by a court of competent jurisdiction in a Territory, for a violation of the laws thereof, and sentenced to imprisonment, may, at the cost of such Territory, on such terms and conditions as may be prescribed by such rules and regulations, be received, subsisted, and employed in such penitentiary during the term of his imprisonment, in the same manner as if he had been convicted of an offense against the laws of the United States.

CHAPTER TWO.

OF PROVISIONS CONCERNING PARTICULAR ORGANIZED TERRITORIES.

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SEC. 1896. All that portion of the territory of the United States bounded as follows: Beginning at a point in the Colorado River where the boundary-line with the republic of Mexico crosses the same; thence eastwardly with that boundary-line to the Rio Grande; thence following the main channel of the Rio Grande to the parallel of the thirty-second degree of north latitude; thence east with that degree to its intersection with the one hundred and third degree of longitude west of Greenwich; thence north with that degree of longitude to the parallel of thirty-eighth degree of north latitude; thence west with that parallel to the summit of Sierra Madre; thence south with the crest of those mountains to the thirty-seventh parallel of north latitude; thence west with that parallel to its intersection with the boundary-line of the State of California; thence with such boundary-line to the place of beginning, is erected into a temporary government by the name of the Territory of New Mexico.

SEC. 1897. All that part of the territory of the United States included within the following limits, to wit: Bounded on the west by the State of California, on the north by the State of Oregon, and on the east by the summit of the Rocky Mountains, and on the south by the thirty-seventh parallel of north latitude, is created into a temporary government by the name of the Territory of Utah.

SEC. 1898. All that portion of Oregon, while that State was a Territory, lying and being south of the forty-ninth degree of north latitude, and north of the middle of the main channel of the Columbia River,

Boundaries and establishment of New Mexico.

9 Sept., 1850, c. 49, s. 2, v. 9, p. 447.

Of Utah.

9 Sept., 1850, c. 51, s. 1, v. 9, p. 453.

Of Washington.

2 March, 1853, c. 90, s. 1, v. 10, p. 172.

from its mouth to where the forty-sixth degree of north latitude crosses that river, near Fort Walla-Walla; thence with the forty-sixth degree of latitude to the summit of the Rocky Mountains, is organized into a temporary government by the name of the Territory of Washington.

Of Colorado.

28 Feb., 1861, c. 59, s. 1, v. 12, p. 172.

SEC. 1899. All that part of the territory of the United States included within the following limits, viz: Commencing on the thirty-seventh parallel of north latitude, where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north on that meridian to the forty-first parallel of north latitude; thence along that parallel west to the thirty-second meridian of longitude west from Washington; thence south on that meridian to the northern line of New Mexico; thence along the thirty-seventh parallel of north latitude to the place of beginning, is erected into a temporary government by the name of the Territory of Colorado.

Of Dakota.

2 March, 1861, c. 86, s. 1, v. 12, p. 239.

SEC. 1900. All that part of the territory of the United States included within the following limits, namely: Commencing at a point in the main channel of the Red River of the North, where the forty-ninth degree of north latitude crosses the same; thence up the main channel of the same, and along the boundary of the State of Minnesota to Big Stone Lake; thence along the boundary-line of the State of Minnesota to the Iowa line; thence along the boundary line of the State of Iowa to the point of intersection between the Big Sioux and Missouri Rivers; thence up the Missouri River, and along the boundary-line of the State of Nebraska, to the mouth of the Niobrara or Running Water River; thence following up the same, in the middle of the main channel thereof, to the mouth of the Keha Paha or Turtle Hill River; thence up that river to the forty-third parallel of north latitude; thence due west to the twenty-seventh meridian of longitude west from Washington; thence due north on that meridian, to the forty-ninth degree of north latitude; thence east, along the forty-ninth degree of north latitude, to the place of beginning, is organized into a temporary government by the name of the Territory of Dakota.

Of Arizona.

24 Feb., 1863, c. 56, s. 1, v. 12, p. 664.

SEC. 1901. All that part of the present Territory of New Mexico situate west of a line running due south from the point where the southwest corner of the Territory of Colorado joins the northern boundary of the Territory of New Mexico to the southern boundary-line of the Territory of New Mexico, is erected into a temporary government by the name of the Territory of Arizona.

Of Idaho.

3 March, 1863, c. 117, s. 1, v. 12, p. 808.

SEC. 1902. All that part of the territory of the United States included within the following limits, to wit: Beginning at a point in the middle channel of the Snake River, where the northern boundary of Oregon intersects the same; then follow down the channel of Snake River to a point opposite the mouth of the Kooskooskia or Clear Water River; thence due north to the forty-ninth parallel of latitude; thence east, along that parallel, to the thirty-ninth degree of longitude west of Washington; thence south along that degree of longitude to the crest of the Bitter Root Mountains; thence southward along the crest of the Bitter Root Mountains till its intersection with the Rocky Mountains; thence southward along the crest of the Rocky Mountains to the thirty-fourth degree of longitude west of Washington; thence south along that degree of longitude to the forty-second degree of north latitude; thence west, along that parallel, to the eastern boundary of the State of Oregon; thence north, along that boundary, to the place of beginning, is created into a temporary government by the name of the Territory of Idaho.

Of Montana.

26 May, 1864, c. 95, s. 1, v. 13, p. 85.

SEC. 1903. All that part of the territory of the United States included within the following limits, to wit: Commencing at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude; thence due west, on the forty-fifth degree of latitude, to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington; thence due south, along the thirty-fourth degree of longitude,

to a point formed by its intersection with the crest of the Rocky Mountains; thence following the crest of the Rocky Mountains northward till its intersection with the Bitter Root Mountains; thence northward, along the crest of the Bitter Root Mountains, to its intersection with the thirty-ninth degree of longitude west from Washington; thence along the thirty-ninth degree of longitude northward to the boundary-line of the British Possessions; thence eastward, along that boundary-line to the twenty-seventh degree of longitude west from Washington; thence southward, along the twenty-seventh degree of longitude, to the place of beginning, is created into a temporary government by the name of the Territory of Montana.

SEC. 1904. All that part of the United States described as follows: Commencing at the intersection of the twenty-seventh meridian of longitude west from Washington with the forty-fifth degree of north latitude, and running thence west to the thirty-fourth meridian of west longitude, thence south to the forty-first degree of north latitude, thence east to the twenty-seventh meridian of west longitude, and thence north to the place of beginning, is organized into a temporary government by the name of the Territory of Wyoming.

Of Wyoming.

25 July, 1866, c. 235, s. 1, v. 15, p. 178.

SEC. 1905. The elections in the Territories of Washington and Idaho for Delegates to the House of Representatives shall be held biennially on the Tuesday next following the first Monday in November; and all elective territorial, county, and precinct officers shall hereafter be elected at the times herein specified, unless otherwise provided by legislation subsequent hereto, in either of such Territories. [See § 25.]

Elections in Washington and Idaho.

9 May, 1872, c. 147, v. 17, p. 90.

SEC. 1906. The Delegate to the House of Representatives from each of the Territories of Washington, Idaho, and Montana, must be a citizen of the United States.

Delegate to Congress from Washington, Idaho, and Montana must be a citizen of the United States.

2 March, 1853, c. 90, s. 14, v. 10, p. 178. 3 March, 1863, c. 117, s. 13, v. 12, p. 813. 26 May, 1864, c. 95, s. 13, v. 13, p. 91.

SEC. 1907. The judicial power in New Mexico, Utah, Washington, Colorado, Dakota, Idaho, Montana, and Wyoming, shall be vested in a supreme court, district courts, probate courts, and in justices of the peace.

The judicial power, how vested in all the Territories except Arizona.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449. Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180.

SEC. 1908. The judicial power in Arizona shall be vested in a supreme court and such inferior courts as the legislative council may by law prescribe.

The judicial power, how vested in Arizona.

24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

SEC. 1909. Writs of error and appeals from the final decisions of the supreme court of either of the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming, shall be allowed to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of other competent witnesses, exceeds one thousand dollars, except that a writ of error or appeal shall be allowed to the Supreme Court of the United States from the decision of the supreme courts created by this Title, or of any judge thereof, or of the district courts created by this Title, or of any judge thereof, upon writs of habeas corpus involving the question of personal freedom. [See § 702.]

Writs of error to United States Supreme Court.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455.

Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175.

Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174.

Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180. Arizona, 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

SEC. 1910. Each of the district courts in the Territories mentioned in the preceding section shall have and exercise the same jurisdiction, in all cases arising under the Constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and

Jurisdiction of district courts under Constitution, &c.

Ibid.

the first six days of every term of the respective district courts, or so much thereof as is necessary, shall be appropriated to the trial of causes arising under such Constitution and laws; but writs of error and appeals in all such cases may be had to the supreme court of each Territory, as in other cases. (See Title 13, cc. 3 and 7.)

Writs of error, &c., in Washington Territory, to Supreme Court United States.

Jurisdiction of district courts.

2 March, 1853, c. 90, s. 9, v. 10, p. 175.

SEC. 1911. Writs of error and appeals from the final decisions of the supreme court of Washington Territory shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of any other competent witness, exceeds two thousand dollars; and such writs of error and appeals shall be allowed, in all cases, where the Constitution of the United States, or a treaty thereof, or acts of Congress are brought in question; and each of the district courts shall have the same jurisdiction in all cases arising under the Constitution of the United States, and the laws of the Territory, as is vested in the circuit and district courts of the United States; but writs of error and appeals in all such cases may be had from the district courts to the supreme court of the Territory, as in other cases. (See § 702.)

Writ of habeas corpus.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180.

SEC. 1912. The supreme and district courts of each Territory, and the respective judges thereof, except for Idaho and Montana, may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia.

(See Title 13, c. 12.)

Certain Territories may modify judicial districts.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 452.

Utah, 9 Sept., 1850, c. 51, s. 16, v. 9, p. 458. Wash., 2 March, 1853, c. 90, s. 18, v. 10, p. 179. Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 15, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Wyo., 25 July, 1868, c. 235, s. 15, v. 15, p. 183.

SEC. 1913. The legislative assemblies of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming Territories, respectively, may organize, alter, or modify, the several judicial districts thereof, in such manner as each legislative assembly deems proper and convenient.

Judges of supreme court in Idaho and Montana to define judicial districts, &c.

Idaho, 2 March, 1867, c. 151, s. 1, v. 14, p. 427.

Mont., 2 March, 1867, c. 150, s. 4, v. 14, p. 426.

SEC. 1914. The judges of the supreme courts of the Territories of Idaho and Montana, or a majority of them, shall, when assembled at their respective seats of government, define the judicial districts of each of such Territories, and assign the judges who may be appointed for each of such Territories to the several districts; and shall also fix the times and places for holding court in the several counties or subdivisions in each of such judicial districts, and alter the times and places of holding the courts, as to them may seem proper and convenient; but not less than two terms a year shall be held at each place of holding court in the Territory of Montana.

Judges of supreme courts in New Mexico and Arizona may fix the times and places for holding their courts.

16 Aug., 1856, c. 124, s. 5, v. 11, p. 49.

SEC. 1915. The judges of the supreme court in each of the Territories of New Mexico and Arizona, or a majority of them, shall, when assembled at their respective seats of government, fix and appoint the several times and places of holding the courts in their respective districts, and limit the duration of the terms thereof; but such courts shall not be held at more than three places in any one Territory; and a judge holding court may adjourn the same, without day, at any time before the expiration of a term, whenever in his opinion the further continuance thereof is not necessary.

Assignment of district judges in Utah.

27 July, 1868, c. 276, v. 15, p. 242.

SEC. 1916. The governor of Utah Territory shall assign the district judges of that Territory to their respective districts, and appoint the time and place of holding court in each of such districts, not exceeding two terms in each district in any one year.

SEC. 1917. The district court for the several districts in the Territory of Washington shall be held at such times and places in the districts not exceeding three places in each district, as the legislative assembly of that Territory may by law determine; but until the legislative assembly otherwise provides, the courts shall be held as provided by law on the ninth of February, eighteen hundred and sixty-three.

Terms of district court in Washington.

9 Feb., 1863, c. 27, v. 12, p. 648.

SEC. 1918. The legislative assemblies of New Mexico, Washington, Colorado, Dakota, Arizona, and Wyoming Territories may assign the judges appointed for such Territories, respectively, to the several judicial districts thereof, in such manner as each legislative assembly deems proper and convenient.

Assignment of judges.

N. Mex., 9 Sept., 1850, c. 49, s. 16, v. 9, p. 452.

Wash., 2 March, 1853, c. 90, s. 18, v. 10, p. 179. Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 15, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Wyo., 25 July, 1868, c. 235, s. 15, v. 15, p. 183.

SEC. 1919. The legislative assemblies of Colorado, Dakota, and Wyoming Territories may fix or alter the times and places of holding the district courts for such Territories, respectively, in such manner as each legislative assembly deems proper and convenient.

Times and places of holding district courts in Colorado, Dakota, and Wyoming; how fixed.

Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 15, v. 12, p. 243. Wyo., 25 July, 1868, c. 235, s. 15, v. 15, p. 183.

SEC. 1920. The secretary of the Territory of New Mexico shall be ex-officio superintendent of public buildings and grounds, and shall have full control and management of all public buildings now erected, in process of erection, or to be hereafter erected, and of all grounds pertaining thereto; and he shall be under the direction of the Secretary of the Interior, who shall establish such rules in relation to the public buildings and grounds as he may deem necessary.

Secretary of New Mexico to be superintendent of public buildings.

27 July, 1868, c. 272, s. 2, v. 15, p. 240.

SEC. 1921. The secretary of New Mexico Territory, upon the convening of the legislature thereof, shall administer the oath of office to the members elect of the two houses, and the officers thereof, when chosen; and no other person shall be competent to administer such oath, save in the absence of the secretary; in which case any one member of either house may administer the oath to the presiding officer elect, and he shall administer the same to the members and other officers.

May administer oath of office.

27 July, 1868, c. 272, s. 2, v. 15, p. 240.

SEC. 1922. The councils of New Mexico and Utah shall each consist of thirteen members, and the house of representatives of twenty-six members. The council of Washington Territory shall consist of nine members, and the house of representatives of eighteen members, which may be increased to thirty. The councils of Colorado and Dakota shall each consist of nine members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-six. The council of Arizona shall consist of nine members, and the house of representatives of eighteen members. The councils of Idaho and Montana shall each consist of seven members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-six. The council of Wyoming shall consist of nine members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-seven.

Number of council and house of representatives in each Territory.

N. Mex., 9 Sept., 1850, c. 49, s. 5, v. 9, p. 448.

Utah, 9 Sept., 1850, c. 51, s. 4, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 4, v. 10, p. 173.

Colo., 28 Feb., 1861, c. 59, s. 4, v. 12, p. 173.

Dak., 2 March, 1861, c. 86, s. 4, v. 12, p. 240.

Idaho, 3 March, 1864, c. 95, s. 4, v. 13, p. 87.

Wyo., 25 July, 1868, c. 235, s. 4, v. 15, p. 179.

SEC. 1923. In each of the Territories of Washington, Idaho, and Montana, the governor shall have power to call the legislative assembly together by proclamation, on an extraordinary occasion, at any time.

Extra sessions legislative assembly in Washington, Idaho, and Montana.

2 March, 1853, c. 90, s. 4, v. 10, p. 103. 3 March, 1863, c. 117, s. 4, v. 12, p. 809. 26 May, 1864, c. 95, s. 4, v. 13, p. 87.

SEC. 1924. In addition to the restrictions upon the legislative power of the Territories contained in the preceding chapter, section eighteen hundred and fifty-one, the legislative assembly of Washington shall have no power to incorporate a bank or any institution with banking

Restrictions on legislative power of Washington Territory.

2 March, 1853, c. 90, s. 6, v. 10, p. 1

powers, or to borrow money in the name of the Territory, or to pledge the faith of the people of the same for any loan whatever, directly or indirectly. No charter granting any privileges of making, issuing, or putting into circulation any notes or bills in the likeness of bank-notes, or any bonds, scrip, drafts, bills of exchange, or obligations, or granting any other banking powers or privileges, shall be passed by the legislative assembly; nor shall the establishment of any branch or agency of any such corporation, derived from other authority, be allowed in the Territory; nor shall the legislative assembly authorize the issue of any obligation, scrip, or evidence of debt, by the Territory, in any mode or manner whatever, except certificates for service to the Territory. And all taxes shall be equal and uniform, and no distinctions shall be made in the assessments between different kinds of property, but the assessments shall be according to the value of the property. To avoid improper influences, which may result from intermixing in the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

Of Colorado, Dakota, and Wyoming.

Colo., 28 Feb., 1861, c. 59, s. 6, v. 12, p. 174.

Dak., 2 March, 1861, c. 86, s. 6, v. 12, p. 241.

Jurisdiction of justices of the peace in New Mexico and other Territories.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449.

In Colorado and Arizona

Colo., 2 March, 1863, c. 70, s. 3, v. 12, p. 700.

Jurisdiction of district court of New Mexico.

3 March, 1863, c. 86, s. 2, v. 12, p. 761.

U. S. vs. Hart, 6 Wall., 770.

Jurisdiction of probate court in Colorado.

2 March, 1863, c. 70, s. 3, v. 12, p. 700.

Writs of error from probate court in Colorado.

2 March, 1863, c. 70, s. 3, v. 12, p. 700.

Appeal.

4 May, 1870, c. 73, s. 1, v. 16, p. 96.

SEC. 1925. In addition to the restrictions upon the legislative power of the Territories, contained in the preceding chapter, section eighteen hundred and fifty-one, the legislative assemblies of Colorado, Dakota, and Wyoming shall not pass any law impairing the rights of private property, nor make any discrimination in taxing different kinds of property; but all property, subject to taxation, shall be taxed in proportion to its value.

SEC. 1926. Justices of the peace, in the Territories of New Mexico, Utah, Washington, Dakota, Idaho, Montana, and Wyoming, shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds one hundred dollars.

SEC. 1927. Justices of the peace in the Territories of Colorado and Arizona shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds three hundred dollars.

SEC. 1928. The jurisdiction of the district court of New Mexico shall extend over the citizens of El Paso County, Texas, only in cases not instituted by indictment, and the trial and proceedings for violations of the revenue laws in such district court shall be the same as in other district courts of the United States invested with admiralty powers.

SEC. 1929. The probate court of Colorado Territory shall possess chancery as well as common-law jurisdiction, and authority for the redress of all wrongs committed against the laws of the Territory, affecting persons and property; but such court shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds the sum of two thousand dollars.

SEC. 1930. Writs of error shall be allowed, from any decision of a probate court in Colorado, to the supreme court of the Territory, under such regulations as are or may be prescribed by law.

SEC. 1931. An appeal from any final order, judgment, or decree of a probate court in Colorado, shall be allowed to the district court of the district in which such probate court is held, under such regulations as are or may be prescribed by the law of the Territory.

SEC. 1932. The probate courts of the Territory of Montana, in their respective counties, in addition to their probate jurisdiction, are authorized to hear and determine civil causes wherein the damage or debt claimed does not exceed five hundred dollars, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury; but they shall not have jurisdiction of any matter in controversy when the title or right to the peaceable possession of land may be in dispute, or of chancery or divorce causes; and in all cases an appeal may be taken from any order, judgment, or decree of the probate courts to the district court.

Jurisdiction of probate courts in Montana.

2 March, 1867, c. 150, s. 2, v. 14, p. 426.

SEC. 1933. Each clerk of a district court in Washington Territory shall exercise the powers now provided by law for the clerk of the supreme court of the Territory, and be subject to all provisions of law, not inconsistent with this act, applicable to the clerk of such supreme court.

Clerks of district courts in Washington Territory.

26 July, 1866, c. 268, v. 14, p. 288.

SEC. 1934. The supreme court of the Territory of Arizona may hold adjourned terms thereof at any time and place in the Territory agreed upon by a majority of the judges of the court at any regular term thereof. The order for an adjourned term shall be signed by a majority of the judges thereof at a regular term of the court, and entered upon the minutes of the court, and any business which such court might do at any regular term thereof may be done at such adjourned term; and the clerk of the court shall be entitled to such mileage for attendance at such adjourned term as is by law allowed the marshal of the district of Arizona for his attendance upon the courts in the Territory.

Adjourned terms of the supreme court of Arizona; mileage of clerk.

24 Dec., 1872, c. 14, v. 17, p. 404.

SEC. 1935. There shall be appropriated, annually, one thousand dollars, to be expended by the respective governors, to defray the contingent expenses of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming, including the salary of the clerk in the executive departments of those Territories.

Contingent expenses of certain Territories.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450.

Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Colo., 28 Feb., 1861, c. 59, s. 11, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 96, s. 11, v. 13, p. 90. Wyo., 25 July, 1868, c. 235, s. 11, v. 15, p. 181.

SEC. 1936. The care and custody of the penitentiaries in Montana, Idaho, Wyoming, and Colorado, and the personal property thereunto belonging, and the use and occupation thereof, are transferred to such Territories, respectively, until otherwise ordered by the Attorney-General; but the legal title to such penitentiaries and the property shall continue to vest in the United States.

Control of penitentiaries in Montana, Idaho, &c., transferred to said Territories.

24 Jan., 1873, c. 63, s. 1, v. 17, p. 418.

SEC. 1937. The Territories named in the preceding section shall keep and maintain, in the penitentiaries transferred to their custody and control, all persons convicted in such Territories of violations of the laws of the United States, and sentenced to imprisonment therefor, and all persons held to answer for alleged violations of the laws of the United States in such Territories, at the rate and price, to be paid by the United States out of the judiciary fund, of one dollar per day for each person so imprisoned.

Expenses of maintenance of prisoners to be paid from judiciary fund.

Ibid, p. 419.

SEC. 1938. There shall be appropriated, annually, fifteen hundred dollars for Washington Territory, to be expended in like manner and for like purposes as specified in section nineteen hundred and thirty-five.

Contingent expenses of Washington Territory.

2 March, 1853, c. 90, s. 11, v. 10, p. 176.

SEC. 1939. There shall be appropriated, respectively, for the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, and Wyoming, annually, a sufficient sum, to be expended by the secretary of each Territory herein named, upon an estimate to be made by the Secretary of the Treasury, to defray the expenses of the legislative assembly and other incidental expenses; and the secretary of each Territory above specified shall, annually, account to the Secretary of the Treasury for the manner in which such sum has been expended.

Expenses for printing laws, &c., in New Mexico, Utah, Colorado, Dakota, Arizona, and Wyoming.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450.

Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Colo., 28 Feb., 1861, c. 59, s. 11, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90. Wyo., 25 July, 1868, c. 235, s. 11, v. 15, p. 181. 8 May, 1872, c. 140, s. 1, v. 17, p. 73.

In Washington, Idaho, and Montana.

Wash., 2 March, 1853, c. 90, s. 11, v. 10, p. 176.

Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812.

Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90.

No payment of salaries in certain Territories until officers enter on their duties.

Wash., 2 March, 1853, c. 90, s. 11, v. 10, p. 176. Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90.

Pay of members of legislative assembly in New Mexico, Utah, Dakota, and Arizona.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450. Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Dak., 2 March, 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

In Idaho and Montana.

Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812.

Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90.

Seat of government, how changed in certain Territories.

N. Mex., 9 Sept., 1850, c. 49, s. 13, v. 9, p. 451. Utah, 9 Sept., 1850, c. 51, s. 12, v. 9, p. 457. Wash., 2 March, 1853, c. 90, s. 13, v. 10, p. 177. Dak., 2 March, 1861, c. 86, s. 12, v. 12, p. 243. Colo., 28 Feb., 1861, c. 59, s. 12, v. 12, p. 176. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Wyo., 25 July, 1868, c. 235, s. 12, v. 15, p. 182.

In Idaho and Montana.

Idaho, 3 March, 1863, c. 117, s. 12, v. 12, p. 813.

Mont., 26 May, 1864, c. 95, s. 12, v. 13, p. 91.

School lands in certain Territories.

N. Mex., 9 Sept., 1850, c. 49, s. 15, v. 9, p. 452.

Utah, 9 Sept., 1850, c. 51, s. 15, v. 9, p. 457. Colo., 28 Feb., 1861, c. 59, s. 14, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 14, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 14, v. 12, p. 814. Mont., 26 May, 1864, c. 96, s. 14, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 14, v. 15, p. 183.

Certain sections in Washington Territory to be reserved.

2 March, 1853, c. 90, s. 20, v. 10, p. 173.

SEC. 1940. There shall be appropriated, respectively, for the Territories of Washington, Idaho, and Montana, annually, a sufficient sum, to be expended by the secretary of each Territory herein named upon an estimate to be made by the Secretary of the Treasury, to defray the expenses of the legislative assembly and other incidental expenses. The governor and secretary of each Territory above specified shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury, and shall, semi-annually, account to such Secretary for the manner in which such sums of money have been expended.

SEC. 1941. No payment of salary shall be made to the governor, secretary, chief justice, and associate justices of Washington, Idaho, and Montana Territories until such officers have entered upon the duties of their respective appointments.

SEC. 1942. The members of the legislative assemblies of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming Territories shall each receive three dollars for every twenty miles' travel in going to and returning from the sessions of their respective bodies, estimated according to the nearest usually traveled route.

SEC. 1943. The members of the legislative assembly of Idaho and Montana Territories shall each receive four dollars for every twenty miles' travel in going to and returning from the sessions of their respective bodies, estimated according to the nearest usually traveled route.

SEC. 1944. The seat of government of the Territories of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming may be changed by the governors and legislative assemblies thereof, respectively.

SEC. 1945. The seat of government, when once fixed by the governor and legislative assembly of Idaho and Montana, respectively, shall not be at any time changed except by an act of such assembly for each Territory, respectively, duly passed and approved, after due notice, at the first general election thereafter, by a majority of the legal votes cast on that question.

SEC. 1946. Sections numbered sixteen and thirty-six, in each township of the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming shall be reserved for the purpose of being applied to schools in the several Territories herein named, and in the States and Territories hereafter to be erected out of the same.

SEC. 1947. Sections numbered sixteen and thirty-six in each township of Washington Territory shall be reserved for the purpose of being applied to common schools in that Territory. In all cases where sections sixteen and thirty-six, or either or any of them, are occupied by actual settlers prior to survey thereof, the county commissioners of the counties in which such sections so occupied are situated are authorized to locate

other lands, to an equal amount, in sections or fractional sections, as the case may be, within their respective counties, in lieu of the sections so occupied.

SEC. 1948. All general territorial laws of the Territory of Dakota in force in any portion of the Territory of Wyoming on the 25th July, 1868, shall continue in force throughout the Territory of Wyoming until repealed by the legislative authority of that Territory, except such laws as relate to the possession or occupation of mines or mining claims.

SEC. 1949. The existing agencies and superintendencies of the Indians inhabiting the Territories of Idaho and Montana shall be continued with the same powers and duties now prescribed by law, except that the President may, at his discretion, change the location of the office of such agents or superintendents.

Mont., 26 May, 1864, c. 95, s. 17, v. 13, p. 91.

SEC. 1950. The State of Oregon and the Territory of Washington shall have concurrent jurisdiction over all offenses committed on the Columbia River, where that river forms a common boundary between the State and Territory.

Certain laws of Dakota continued in force.

25 July, 1868, c. 235, s. 17, v. 15, p. 183.

Agencies, &c., continued.

Idaho, 3 March, 1863, c. 117, s. 17, v. 12, p. 814.

s. 17, v. 13, p. 91.

Concurrent jurisdiction over the Columbia River.

2 March, 1853, c. 90, s. 21, v. 10, p. 179.

SEC. 1951. All officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territories of Washington, Idaho, and Montana, who, by virtue of the provisions of any law now existing, or which may be enacted by Congress, are required to give security for moneys that may be intrusted to them for disbursement, shall give such security at such time and in such manner as the Secretary of the Treasury may prescribe.

Disbursing officers in Washington, Idaho, and Montana to give security.

26 May, 1864, c. 95, s. 16, v. 13, p. 91.

Wash., 2 March, 1853, c. 90, s. 12, v. 10, p. 177.

1853, c. 90, s. 19, v. 10, p. 179. Idaho, 3 March, 1863, c. 117, s. 16, v. 12, p. 814. Mont., 26 May, 1864, c. 95, s. 16, v. 13, p. 91.

SEC. 1952. The laws now in force in the Territory of Washington, by virtue of the legislation of Congress in reference to Oregon, when that State was a Territory, which were enacted and passed subsequent to the first day of September, eighteen hundred and forty-eight, applicable to the Territory of Washington, together with the legislative enactments of Oregon, while a Territory, enacted and passed prior to March 2, 1853, and not inconsistent with the provisions of this Title, and applicable to the Territory of Washington, are continued in force in that Territory until repealed or amended by future legislation, unless such laws have been repealed or amended by legislation subsequent to the second day of March, eighteen hundred and fifty-three.

Certain laws of Washington continued in force.

2 March, 1853, c. 90, s. 12, v. 10, p. 177.

SEC. 1953. The libraries heretofore purchased by appropriations of Congress for the Territories of Utah and Washington shall be kept at the respective seats of government of those Territories for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal, and attorney of each Territory, and such other persons and under such regulations as may be prescribed by law.

Library for Utah and Washington to be kept.

Utah, 9 Sept., 1850, c. 51, s. 14, v. 9, p. 457.

Wash., 2 March, 1853, c. 90, s. 17, v. 10, p. 179.

CHAPTER THREE.

PROVISIONS RELATING TO THE UNORGANIZED TERRITORY OF ALASKA.

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1954. Customs, &c., laws extended to Alaska.
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27 July, 1868, c.
 273, s. 1, v. 15, p.
 240.

Importation and
 use of fire-arms and
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27 July, 1868, c.
 273, s. 4, v. 15, p.
 241.

Killing of fur-
 bearing animals
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27 July, 1868, c.
 273, s. 6, v. 15, p.
 246.

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 of offenses.

27 July, 1868, c.
 273, s. 7, v. 15, p.
 241.

1 July, 1870, c.
 189, s. 7, v. 16, p.
 182.

SEC. 1954. The laws of the United States relating to customs, commerce, and navigation are extended to and over all the main-land, islands, and waters of the territory ceded to the United States by the Emperor of Russia by treaty concluded at Washington on the thirtieth day of March, anno Domini eighteen hundred and sixty-seven, so far as the same may be applicable thereto.

SEC. 1955. The President shall have power to restrict and regulate or to prohibit the importation and use of fire-arms, ammunition, and distilled spirits into and within the Territory of Alaska. The exportation of the same from any other port or place in the United States, when destined to any port or place in that Territory, and all such arms, ammunition, and distilled spirits, exported or attempted to be exported from any port or place in the United States and destined for such Territory, in violation of any regulations that may be prescribed under this section, and all such arms, ammunition, and distilled spirits landed or attempted to be landed or used at any port or place in the Territory, in violation of such regulations, shall be forfeited; and if the value of the same exceeds four hundred dollars the vessel upon which the same is found, or from which they have been landed, together with her tackle, apparel, and furniture and cargo, shall be forfeited; and any person willfully violating such regulations shall be fined not more than five hundred dollars, or imprisoned not more than six months. Bonds may be required for a faithful observance of such regulations from the master or owners of any vessel departing from any port in the United States having on board fire-arms, ammunition, or distilled spirits, when such vessel is destined to any place in the Territory, or if not so destined, when there is reasonable ground of suspicion that such articles are intended to be landed therein in violation of law; and similar bonds may also be required on the landing of any such articles in the Territory from the person to whom the same may be consigned.

SEC. 1956. No person shall kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur-seals, under such regulation as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur-seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law; nor shall he grant any special privileges under this section.

SEC. 1957. Until otherwise provided by law, all violations of this chapter, and of the several laws hereby extended to the Territory of Alaska and the waters thereof, committed within the limits of the same, shall be prosecuted in any district court of the United States in California or Oregon, or in the district courts of Washington; and the collector and deputy collectors appointed for Alaska Territory, and any person authorized in writing by either of them, or by the Secretary of the Treasury, shall have power to arrest persons and seize vessels and merchandise liable to fines, penalties, or forfeitures under this and the other laws extended over the Territory, and to keep and deliver the same to the marshal of some one of such courts; and such courts shall

have original jurisdiction, and may take cognizance of all cases arising under this act and the several laws hereby extended over the Territory, and shall proceed therein in the same manner and with the like effect as if such cases had arisen within the district or Territory where the proceedings are brought.

SEC. 1958. In all cases of fine, penalty, or forfeiture, embraced in the act approved March 3, 1797, ch. 13, or mentioned in any act in addition to or amendatory of such act, that have occurred or may occur in the collection district of Alaska, the Secretary of the Treasury is authorized, if in his opinion the fine, penalty, or forfeiture was incurred without willful negligence or intention of fraud, to ascertain the facts in such manner and under such regulations as he may deem proper without regard to the provisions of the act above referred to, and upon the facts so to be ascertained, he may exercise all the power of remission conferred upon him by that act, as fully as he might have done had such facts been ascertained under and according to the provisions of that act. [See §§ 5292, 5293.]

SEC. 1959. The islands of Saint Paul and Saint George, in Alaska, are declared a special reservation for Government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on either of those islands, except by the authority of the Secretary of the Treasury; and any person found on either of those islands contrary to the provisions hereof shall be summarily removed; and it shall be the duty of the Secretary of War to carry this section into effect.

SEC. 1960. It shall be unlawful to kill any fur-seal upon the islands of Saint Paul and Saint George, or in the waters adjacent thereto, except during the months of June, July, September, and October in each year; and it shall be unlawful to kill such seals at any time by the use of firearms, or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months, and also such old seals as may be required for their own clothing, and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of the Treasury.

SEC. 1961. It shall be unlawful to kill any female seal, or any seal less than one year old, at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the islands of Saint Paul and Saint George, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offense by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section, shall be forfeited to the United States.

SEC. 1962. For the period of twenty years from the first of July, eighteen hundred and seventy, the number of fur-seals which may be killed for their skins upon the island of Saint Paul is limited to seventy-five thousand per annum; and the number of fur-seals which may be killed for their skins upon the island of Saint George is limited to twenty-five thousand per annum; but the Secretary of the Treasury may limit the right of killing, if it becomes necessary for the preservation of such seals, with such proportionate reduction of the rents reserved to the Government as may be proper; and every person who knowingly violates either of the provisions of this section shall be punished as provided in the preceding section.

SEC. 1963. When the lease heretofore made by the Secretary of the Treasury to "The Alaska Commercial Company," of the right to engage in taking fur-seals on the islands of Saint Paul and Saint George, pur-

Remission of fines,
&c.

27 July, 1868, c.
273, s. 8, v. 15, p.
242.

Saint Paul and
Saint George Isl-
ands declared spe-
cial reservations.

3 Mar., 1869, Res.
No. 22, v. 15, p. 348.

Killing of seal
upon them pro-
hibited except in
certain months.

1 July, 1870, c.
189, s. 1, v. 16, p.
180.

Killing of certain
seal prohibited.

1 July, 1870, c.
189, s. 2, v. 16, p.
180.

Limit to number
of seals to be
killed.

1 July, 1870, c.
189, s. 3, v. 16, p.
180.

Right to take
seal may be leased.

1 July, 1870, c.

189, ss. 4, 5, and 6,
v. 16, pp. 180, 181.

suant to the act of July 1, 1870, chapter 189, or when any future similar lease expires, or is surrendered, forfeited, or terminated, the Secretary shall lease to proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in trade and the protection of the fisheries, the right of taking fur-seals on the islands herein named, and of sending a vessel or vessels to the islands for the skins of such seal, for the term of twenty years, at an annual rental of not less than fifty thousand dollars, to be reserved in such lease and secured by a deposit of United States bonds to that amount; and every such lease shall be duly executed in duplicate, and shall not be transferable.

Bond.

1 July, 1870, c.
189, s. 4, v. 16, p.
180.

SEC. 1964. The Secretary of the Treasury shall take from the lessees of such islands in all cases a bond, with securities, in a sum not less than five hundred thousand dollars, conditioned for the faithful observance of all the laws and requirements of Congress, and the regulations of the Secretary of the Treasury, touching the taking of fur-seals and the disposing of the same, and for the payment of all taxes and dues accruing to the United States connected therewith.

Who may lease.

1 July, 1870, c.
189, s. 5, v. 16, p.
181.

SEC. 1965. No persons other than American citizens shall be permitted, by lease or otherwise, to occupy the islands of Saint Paul and Saint George, or either of them, for the purpose of taking the skins of fur-seals therefrom, nor shall any foreign vessels be engaged in taking such skins; and the Secretary of the Treasury shall vacate and declare any lease forfeited if the same be held or operated for the use, benefit, or advantage, directly or indirectly, of any persons other than American citizens.

Covenants in lease.

1 July, 1870, c.
189, s. 5, v. 16, p.
181.

SEC. 1966. Every lease shall contain a covenant on the part of the lessee that he will not keep, sell, furnish, give, or dispose of any distilled spirits or spirituous liquors on either of those islands to any of the natives thereof, such person not being a physician and furnishing the same for use as medicine; and every revenue officer, officially acting as such, on either of the islands, shall seize and destroy any distilled or spirituous liquors found thereon; but such officer shall make detailed reports of his doings in that matter to the collector of the port.

Penalty.

1 July, 1870, c.
189, s. 5, v. 16, p.
181.

SEC. 1967. Every person who kills any fur-seal on either of those islands, or in the waters adjacent thereto, without authority of the lessees thereof, and every person who molests, disturbs, or interferes with the lessees, or either of them, or their agents or employes, in the lawful prosecution of their business, under the provisions of this chapter, shall for each offense be punished as prescribed in section nineteen hundred and sixty-one; and all vessels, their tackle, apparel, appurtenances, and cargo, whose crews are found engaged in any violation of the provisions of sections nineteen hundred and sixty-five to nineteen hundred and sixty-eight, inclusive, shall be forfeited to the United States.

Penalty upon lessees.

1 July, 1870, c.
189, s. 5, v. 16, p.
181.

SEC. 1968. If any person or company, under any lease herein authorized, knowingly kills, or permits to be killed, any number of seals exceeding the number for each island in this chapter prescribed, such person or company shall, in addition to the penalties and forfeitures herein provided, forfeit the whole number of the skins of seals killed in that year, or, in case the same have been disposed of, then such person or company shall forfeit the value of the same.

Tax upon seal-skins.

1 July, 1870, c.
189, s. 6, v. 16, p.
181.

SEC. 1969. In addition to the annual rental required to be reserved in every lease, as provided in section nineteen hundred and sixty-three, a revenue tax or duty of two dollars is laid upon each fur-seal skin taken and shipped from the islands of Saint Paul and Saint George, during the continuance of any lease, to be paid into the Treasury of the United States; and the Secretary of the Treasury is empowered to make all needful regulations for the collection and payment of the same, and to secure the comfort, maintenance, education, and protection of the na-

tives of those islands, and also to carry into full effect all the provisions of this chapter except as otherwise prescribed.

SEC. 1970. The Secretary of the Treasury may terminate any lease given to any person, company, or corporation on full and satisfactory proof of the violation of any of the provisions of this chapter or the regulations established by him.

SEC. 1971. The lessees shall furnish to the several masters of vessels employed by them certified copies of the lease held by them respectively, which shall be presented to the Government revenue-officer for the time being who may be in charge at the islands as the authority of the party for landing and taking skins.

SEC. 1972. Congress may at any time hereafter alter, amend, or repeal sections from nineteen hundred and sixty to nineteen hundred and seventy-one, both inclusive, of this chapter.

SEC. 1973. The Secretary of the Treasury is authorized to appoint one agent and three assistant agents, who shall be charged with the management of the seal fisheries in Alaska, and the performance of such other duties as may be assigned to them by the Secretary of the Treasury.

SEC. 1974. The agent shall receive the sum of ten dollars each day, one assistant agent the sum of eight dollars each day, and two assistant agents the sum of six dollars each day while so employed; and they shall also be allowed their necessary traveling expenses in going to and returning from Alaska, for which expenses vouchers shall be presented to the proper accounting officers of the Treasury, and such expenses shall not exceed in the aggregate six hundred dollars each in any one year.

SEC. 1975. Such agents shall never be interested, directly or indirectly, in any lease of the right to take seals, nor in any proceeds or profits thereof, either as owner, agent, partner, or otherwise.

SEC. 1976. Such agents are empowered to administer oaths in all cases relating to the service of the United States, and to take testimony in Alaska for the use of the Government in any matter concerning the public revenues.

Lease may be terminated.

1 July, 1870, c. 189, s. 6, v. 16, p. 182.

Lessees to furnish copies to masters of their vessels.

1 July, 1870, c. 189, s. 4, v. 16, p. 180.

Certain sections may be altered.

1 July, 1870, c. 189, s. 3, v. 16, p. 182.

Agent and assistants to manage seal fisheries.

5 March, 1872, c. 31, s. 1, v. 17, p. 35.

Their pay, &c.

5 March, 1872, c. 31, s. 1, v. 17, p. 35.

Not to be interested in right to take seals.

5 March, 1872, c. 31, s. 1, v. 17, p. 35.

Agents may administer certain oaths and take testimony.

5 March, 1872, c. 31, s. 3, v. 17, p. 35.

TITLE XXIV.

CIVIL RIGHTS.

Sec.

1977. Equal rights under the law.
 1978. Rights of citizens in respect to real and personal property.
 1979. Civil action for deprivation of rights.
 1980. Conspiracy.
 1981. Action for neglect to prevent conspiracy.
 1982. District attorney, &c., to prosecute.
 1983. Commissioners.

Sec.

1984. They may appoint persons to execute warrants, &c.
 1985. Marshals to obey precepts, &c.
 1986. Fees of district attorney, &c.
 1987. Of persons appointed to execute process, &c.
 1988. Speedy trial.
 1989. Aid of the military and naval forces.
 1990. Peonage abolished.
 1991. Foregoing section, how enforced.

Equal rights under the law.

31 May, 1870, c. 114, s. 16, v. 16, p. 144.

Rights of citizens in respect to real and personal property.

9 April, 1868, c. 31, s. 1, v. 14, p. 27.

Civil action for deprivation of rights.

20 April, 1871, c. 22, s. 1, v. 17, p. 13.

Conspiracy.

31 July, 1861, c. 33, v. 12, p. 284.

20 April, 1871, c. 22, s. 2, v. 17, p. 13.

SEC. 1977. All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. [See § 538.]

SEC. 1978. All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

SEC. 1979. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. [See §§ 563, 629.]

SEC. 1980. First. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

Second. If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

Third. If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. [See § 543, 629.]

SEC. 1981. Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued. [See § 629.]

SEC. 1982. The district attorneys, marshals, and deputy marshals, the commissioners appointed by the circuit and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of chapter seven of the Title "CRIMES," and to cause such persons to be arrested, and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense.

SEC. 1983. The circuit courts of the United States and the district courts of the Territories, from time to time, shall increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with the crimes referred to in the preceding section; and such commissioners are authorized and required to exercise all the powers and duties conferred on them herein with regard to such offenses in like manner as they are authorized by law to exercise with regard to other offenses against the laws of the United States.

SEC. 1984. The commissioners authorized to be appointed by the preceding section are empowered, within their respective counties, to appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the commissioners may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to

Action for neglect to prevent conspiracy.

20 April, 1871, c. 22, s. 6, v. 17, p. 15.

District attorney, &c., to prosecute.

31 May, 1870, c. 114, s. 9, v. 16, p. 142.

9 April, 1866, c. 31, s. 4, v. 14, p. 28.

Commissioners.

9 April, 1866, c. 31, s. 4, v. 14, p. 28.

31 May, 1870, c. 114, s. 9, v. 16, p. 142.

They may appoint persons to execute warrants, &c.

9 April, 1866, c. 31, s. 5, v. 14, p. 28.

31 May, 1870, c. 114, s. 10, v. 16, p. 142.

their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued. (See § 5516.)

Marshal to obey precepts, &c.

9 April, 1866, c. 31, s. 5, v. 14, p. 28.

Fees of district attorney, &c.

9 April, 1866, c. 31, s. 7, v. 14, p. 29.
31 May, 1870, c. 114, s. 12, v. 16, p. 143.

Of persons appointed to execute process, &c.

9 April, 1866, c. 31, s. 7, v. 14, p. 29.
31 May, 1870, c. 114, s. 12, v. 16, p. 143.

Speedy trial.

9 April, 1866, c. 31, s. 8, v. 14, p. 29.

Aid of the military and naval forces.

9 April, 1866, c. 31, s. 9, v. 14, p. 29.
31 May, 1870, c. 114, s. 13, v. 16, p. 143.

Peonage abolished.

2 March, 1867, c. 187, s. 1, v. 14, p. 546.

Foregoing section, how enforced.

2 March, 1867, c. 187, s. 2, v. 14, p. 546.

SEC. 1985. Every marshal and deputy marshal shall obey and execute all warrants or other process, when directed to him, issued under the provisions hereof. (See § 5516.)

31 May, 1870, c. 114, s. 10, v. 16, p. 142.

SEC. 1986. The district attorneys, marshals, their deputies, and the clerks of the courts of the United States and territorial courts shall be paid for their services, in cases under the foregoing provisions, the same fees as are allowed to them for like services in other cases; and where the proceedings are before a commissioner he shall be entitled to a fee of ten dollars for his services in each case, inclusive of all services incident to the arrest and examination.

SEC. 1987. Every person appointed to execute process under section nineteen hundred and eighty-four shall be entitled to a fee of five dollars for each party he may arrest and take before any commissioner, with such other fees as may be deemed reasonable by the commissioner for any additional services necessarily performed by him, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of the commissioner; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction.

SEC. 1988. Whenever the President has reason to believe that offenses have been, or are likely to be committed against the provisions of chapter seven of the Title CRIMES, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons so charged, and it shall be the duty of every judge or other officer, when any such requisition is received by him, to attend at the place and for the time therein designated.

SEC. 1989. It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding provisions, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this Title.

SEC. 1990. The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of the Territory of New Mexico, or of any other Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void.

SEC. 1991. Every person in the military or civil service in the Territory of New Mexico shall aid in the enforcement of the preceding section.

TITLE XXV.
CITIZENSHIP.

Sec.
1992. Who are citizens.
1993. Citizenship of children of citizens born abroad.
1994. Citizenship of married women.
1995. Of persons born in Oregon.
1996. Rights as citizens forfeited for desertion, &c.
1997. Certain soldiers and sailors not to incur the forfeitures of the last section.

Sec.
1998. Avoiding the draft.
1999. Right of expatriation declared.
2000. Protection to naturalized citizens in foreign states.
2001. Release of citizens imprisoned by foreign governments to be demanded.

SEC. 1992. All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

Who are citizens.
9 April, 1866, c. 31, s. 1, v. 14, p. 27
Citizenship of children of citizens born abroad.

SEC. 1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

10 Feb., 1855, c. 71, s. 1, v. 10, p. 604.
14 April, 1802, c. 23, s. 4, v. 2, p. 155.

SEC. 1994. Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

Citizenship of married women.

10 Feb., 1855, c. 71, s. 2, v. 10, p. 604.—Kelly vs. Owen, 7 Wall., 490.

SEC. 1995. All persons born in the district of country formerly known as the Territory of Oregon, and subject to the jurisdiction of the United States on the 18th May, 1872, are citizens in the same manner as if born elsewhere in the United States.

Of persons born in Oregon.

18 May, 1872, c. 172, s. 3, v. 17, p. 134.

SEC. 1996. All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost-marshal within sixty days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof.

Rights as citizens forfeited for desertion, &c.

3 March, 1865, c. 79, s. 21, v. 13, p. 490.

SEC. 1997. No soldier or sailor, however, who faithfully served according to his enlistment until the 19th day of April, 1865, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date, shall be held to be a deserter from the Army or Navy; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred, under the preceding section, by the loss of citizenship and of the right to hold office, in consequence of his desertion.

Certain soldiers and sailors not to incur the forfeitures of the last section.

19 July, 1867, c. 23, v. 15, p. 14.

SEC. 1998. Every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section nineteen hundred and ninety-six.

Avoiding the draft.

3 March, 1865, c. 79, s. 21, v. 13, p. 490.

SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition

Right of expatriation declared.

27 July, 1863, c. 249, s. 1, v. 15, p. 223.

of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.

Protection to naturalized citizens in foreign states.

27 July, 1868, c. 249, s. 2, v. 15, p. 234.

Release of citizens imprisoned by foreign governments to be demanded.

27 July, 1868, c. 249, s. 3, v. 15, p. 234.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

TITLE XXVI.

THE ELECTIVE FRANCHISE.

<p>Sec. 2002. Bringing armed troops to places of election. 2003. Interference with freedom of election by officers of Army or Navy. 2004. Race, color, or previous condition not to affect the right to vote. 2005. Nor the performance of any prerequisite. 2006. Penalty for refusing to give full effect to preceding section. 2007. What shall entitle a person to vote. 2008. Penalty for wrongfully refusing to receive a vote. 2009. For unlawfully hindering a person from voting. 2010. Remedy for deprivation of office. 2011. In cities or towns of over 20,000 inhabitants, upon written application of two citizens, the circuit judge to open court. 2012. Supervisors of election. 2013. Court to be kept open. 2014. District judge may perform duties of circuit judge.</p>	<p>Sec. 2015. Construction of preceding section. 2016. Duties of supervisors of elections. 2017. Attendance at elections. 2018. To personally scrutinize and count each ballot. 2019. Their positions. 2020. When molested. 2021. Special deputies. 2022. Duties of marshals. 2023. Persons arrested to be taken forth with before a judge, &c. 2024. Assistance of bystanders. 2025. Chief supervisors of elections. 2026. Their duties. 2027. Marshals to forward complaint to chief supervisors. 2028. Supervisors and deputy marshals to be qualified voters, &c. 2029. Certain supervisors not to make arrests, &c. 2030. No more marshals or deputy marshals to be appointed than now authorized. 2031. Pay of supervisors.</p>
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SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls. [See §§ 5523, 5529, 5532.]

Bringing armed troops to places of election.
25 Feb., 1865, c. 52, s. 1, v. 13, p. 437.

SEC. 2003. No officer of the Army or Navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State. [See §§ 5530-5532.]

Interference with freedom of elections by officers of Army or Navy.
25 Feb., 1865, c. 52, s. 1, v. 13, p. 437.

SEC. 2004. All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

Race, color, or previous condition not to affect the right to vote.
31 May, 1870, c. 114, s. 1, v. 16, p. 140.

2 Abb. U. S., 120.
McKay vs. Campbell, 1 Saw., 374.

SEC. 2005. When, under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote.

Nor the performance of any prerequisite.
31 May, 1870, c. 114, s. 2, v. 16, p. 140.

McKay vs. Campbell, 1 Saw., 374.

SEC. 2006. Every person or officer charged with the duty specified in the preceding section, who refuses or knowingly omits to give full effect to that section, shall forfeit the sum of five hundred dollars to the party aggrieved by such refusal or omission, to be recovered by an action on

Penalty for refusing to give full effect to preceding section.

31 May, 1870, c. 114, s. 2, v. 16, p. 140. the case, with costs, and such allowance for counsel fees as the court may deem just.

What shall entitle a person to vote.

31 May, 1870, c. 114, s. 3, v. 16, p. 140.

Penalty for wrongfully refusing to receive a vote.

31 May, 1870, c. 114, s. 3, v. 16, p. 140.

For unlawfully hindering a person from voting.

31 May, 1870, c. 114, s. 4, v. 16, p. 141.

10 June, 1872, c. 415, s. 1, v. 17, p. 349.

Remedy for deprivation of office.

31 May, 1870, c. 114, s. 23, v. 16, p. 146.

Ex parte War-month, 17 Wall, 64.

In cities or towns of over 20,000 inhabitants, &c., upon written application of two citizens, the circuit judge to open court.

28 Feb., 1871, c.

SEC. 2007. Whenever under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done by a citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing to vote, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act.

SEC. 2008. Every judge, inspector, or other officer of election whose duty it is to receive, count, certify, register, report, or give effect to the vote of such citizen, who wrongfully refuses or omits to receive, count, certify, register, report, or give effect to the vote of such citizen upon the presentation by him of his affidavit, stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall forfeit the sum of five hundred dollars to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

SEC. 2009. Every officer or other person, having powers or duties of an official character to discharge under any of the provisions of this Title, who by threats, or any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall forfeit the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

SEC. 2010. Whenever any person is defeated or deprived of his election to any office, except elector of President or Vice-President, Representative or Delegate in Congress, or member of a State legislature, by reason of the denial to any citizen who may offer to vote, of the right to vote, on account of race, color, or previous condition of servitude, his right to hold and enjoy such office, and the emoluments thereof, shall not be impaired by such denial; and the person so defeated or deprived may bring any appropriate suit or proceeding to recover possession of such office, and in cases where it appears that the sole question touching the title to such office arises out of the denial of the right to vote to citizens who so offered to vote, on account of race, color, or previous condition of servitude, such suit or proceeding may be instituted in the circuit or district court of the United States of the circuit or district in which such person resides. And the circuit or district court shall have, concurrently with the State courts, jurisdiction thereof, so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the fifteenth article of amendment to the Constitution of the United States, and secured herein. [See §§ 562, 620.]

SEC. 2011. Whenever, in any city or town having upward of twenty thousand inhabitants, there are two citizens thereof, or whenever, in any county or parish, in any congressional district, there are ten citizens thereof, of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city

or town, county or parish, is situated, their desire to have such registration, or such election, or both, guarded and scrutinized, the judge, within not less than ten days prior to the registration, if one there be, or, if no registration be required, within not less than ten days prior to the election, shall open the circuit court at the most convenient point in the circuit.

SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election. [See §§ 5521-5522.]

SEC. 2013. The circuit court, when opened by the judge as required in the two preceding sections, shall therefrom and thereafter, and up to and including the day following the day of election, be always open for the transaction of business under this Title, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time; and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court.

SEC. 2014. Whenever, from any cause, the judge of the circuit court in any judicial circuit is unable to perform and discharge the duties herein imposed, he is required to select and assign to the performance thereof, in his place, such one of the judges of the district courts within his circuit as he may deem best; and upon such selection and assignment being made, the district judge so designated shall perform and discharge, in the place of the circuit judge, all the duties, powers, and obligations imposed and conferred upon the circuit judge by the provisions hereof.

SEC. 2015. The preceding section shall be construed to authorize each of the judges of the circuit courts of the United States to designate one or more of the judges of the district courts within his circuit to discharge the duties arising under this Title.

SEC. 2016. The supervisors of election, so appointed, are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a Representative or Delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists, or either of them, provided for in section two thousand and twenty-six, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name.

SEC. 2017. The supervisors of election are authorized and required to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting the votes cast at such elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt; to be and remain where the ballot-boxes are kept at all times after the polls are

99, a. 2, v. 16, p. 433.
10 June, 1872, c. 415, a. 1, v. 17, p. 348.

Supervisors of election.

Ibid.

Court to be kept open.

Ibid.

District judge may perform duties of circuit judge.

28 Feb., 1871, c. 99, a. 3, v. 16, p. 434.

Construction of preceding section.

10 June, 1872, c. 415, a. 1, v. 17, p. 349.

Duties of supervisors of elections.

28 Feb., 1871, c. 99, a. 4, v. 16, p. 434.

Attendance at elections.

28 Feb., 1871, c. 99, a. 5, v. 16, p. 434.

open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, territorial, or municipal law, and to personally inspect and scrutinize, from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll-books, registry-lists, and tallies or check-books, whether the same are required by any law of the United States, or any State, territorial, or municipal law, are kept.

To personally
scrutinize and
count each ballot.

28 Feb., 1871, c.
99, s. 5, v. 16, p.
434.

SEC. 2018. To the end that each candidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of election are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry-list, and any and all copies thereof and to any certificate, statement, or return, whether the same, or any part or portion thereof, be required by any law of the United States, or of any State, territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known.

Their positions.

28 Feb., 1871, c.
99, s. 6, v. 16, p. 435.

SEC. 2019. The better to enable the supervisors of election to discharge their duties, they are authorized and directed, in their respective election districts or voting precincts, on the day of registration, on the day when registered voters may be marked to be challenged, and on the day of election, to take, occupy, and remain in such position, from time to time, whether before or behind the ballot-boxes, as will, in their judgment, best enable them to see each person offering himself for registration or offering to vote, and as will best conduce to their scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes, they are required to place themselves in such position, in relation to the ballot-boxes, for the purpose of engaging in the work of canvassing the ballots, as will enable them to fully perform the duties in respect to such canvass provided herein, and shall there remain until every duty in respect to such canvass, certificates, returns, and statements has been wholly completed. (See § 5521.)

When molested.

28 Feb., 1871, c.
99, s. 7, v. 16, p. 435.

SEC. 2020. When in any election district or voting precinct in any city or town, for which there have been appointed supervisors of election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within ten days after the day of election to the officer who, in accordance with the provisions of section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report, the chief supervisor, acting both in such capacity and officially as a commissioner of the circuit court, shall forthwith examine into all the facts; and he shall have power to subpoena

and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and, prior to the assembling of the Congress for which any such Representative or Delegate was voted for, he shall file with the Clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made. [See § 5522.]

SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times and places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration. [See §§ 5521, 5522.]

SEC. 2023. Whenever any arrest is made under any provision of this Title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this Title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or posse comitatus of his district.

SEC. 2025. The circuit courts of the United States for each judicial circuit shall name and appoint, on or before the first day of May, in the year eighteen hundred and seventy-one, and thereafter as vacancies may from any cause arise, from among the circuit court commissioners for each judicial district in each judicial circuit, one of such officers, who shall be known for the duties required of him under this Title as the chief supervisor of elections of the judicial district for which he is a commissioner, and shall, so long as faithful and capable, discharge the duties in this Title imposed. [See § 627.]

Special deputies

28 Feb., 1871, c. 99, s. 8, v. 16, p. 436.

Duties of marshals.

28 Feb., 1871, c. 99, s. 8, v. 16, p. 436.

Persons arrested to be taken forthwith before a judge, &c.

28 Feb., 1871, c. 99, s. 9, v. 16, p. 436.

Assistance of bystanders.

28 Feb., 1871, c. 99, s. 12, v. 16, p. 437.

Chief supervisors of elections.

28 Feb., 1871, c. 99, s. 13, v. 16, p. 437.

Their duties.

28 Feb., 1871, c. 99, s. 13, v. 16, p. 437.

SEC. 2026. The chief supervisor shall prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of election in the several cities and towns in their respective districts; he shall receive the applications of all parties for appointment to such positions; upon the opening, as contemplated in section two thousand and twelve, of the circuit court for the judicial circuit in which the commissioner so designated acts, he shall present such applications to the judge thereof, and furnish information to him in respect to the appointment by the court of such supervisors of election; he shall require of the supervisors of election, when necessary, lists of the persons who may register and vote, or either, in their respective election districts or voting precincts, and cause the names of those upon any such list whose right to register or vote is honestly doubted to be verified by proper inquiry and examination at the respective places by them assigned as their residences; and he shall receive, preserve, and file all oaths of office of supervisors of election, and of all special deputy marshals appointed under the provisions of this Title, and all certificates, returns, reports, and records of every kind and nature contemplated or made requisite by the provisions hereof, save where otherwise herein specially directed. (Sec. 637.)

Marshals to forward complaint to chief supervisors.

Ibid.

SEC. 2027. All United States marshals and commissioners who in any judicial district perform any duties under the preceding provisions relating to, concerning, or affecting the election of Representatives or Delegates in the Congress of the United States, from time to time, and, with all due diligence, shall forward to the chief supervisor in and for their judicial district, all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal, in order that the same may be properly preserved and filed.

Supervisors and deputy marshals to be qualified voters, &c.

10 June, 1872, c. 415, s. 1, v. 17, p. 349.

Certain supervisors not to make arrests, &c.

10 June, 1872, c. 415, s. 1, v. 17, p. 349.

No more marshals or deputy marshals to be appointed than now authorized.

10 June, 1872, c. 415, s. 1, v. 17, p. 349.

Pay of supervisors.

28 Feb., 1871, c. 99, s. 14, v. 16, p. 438.

10 June, 1872, c. 415, s. 1, v. 17, p. 349.

SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal, under the preceding provisions, who is not, at the time of his appointment, a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed.

SEC. 2029. The supervisors of election appointed for any county or parish in any congressional district, at the instance of ten citizens, as provided in section two thousand and eleven, shall have no authority to make arrests, or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes and the making of a return thereof.

SEC. 2030. Nothing in this Title shall be construed to authorize the appointment of any marshals or deputy marshals in addition to those authorized by law, prior to the tenth day of June, eighteen hundred and seventy-two.

SEC. 2031. There shall be allowed and paid to the chief supervisor, for his services as such officer, the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as circuit court commissioner: For filing and caring for every return, report, record, document, or other paper required to be filed by him under any of the preceding provisions, ten cents; for affixing a seal to any paper, record, report, or instrument, twenty cents; for entering and indexing the records of his office, fifteen cents per folio; and for arranging and transmitting to Congress, as provided for in section two thousand and twenty, any report, statement, record, return, or examination, for each folio, fifteen cents; and for any copy thereof, or of any paper on file, a like sum. And there shall be allowed and paid to each supervisor of election, and each special deputy marshal who is appointed and performs his duty under the preceding provisions, compensation at

the rate of five dollars per day for each day he is actually on duty, not exceeding ten days; but no compensation shall be allowed, in any case, to supervisors of election, except to those appointed in cities or towns of twenty thousand or more inhabitants. And the fees of the chief supervisors shall be paid at the Treasury of the United States, such accounts to be made out, verified, examined, and certified as in the case of accounts of commissioners, save that the examination or certificate required may be made by either the circuit or district judge.

TITLE XXVII.

THE FREEDMEN.

See.

2032. Certain acts continued in force.
 2033. Such laws to be enforced by Secretary of War.
 2034. Accounts for expenditures, &c., to be paid from what fund, and how.
 2035. Secretary of War appointed trustee of a retained-bounty fund, &c.

See.

2036. May invest the fund, and for what purpose.
 2037. Who to be deemed wife and children of colored soldiers.
 2038. Freedmen's Hospital in District of Columbia, continued, &c.

Certain acts continued in force.

10 June, 1872, c. 415, s. 1, v. 17, p. 366.

Such laws to be enforced by Secretary of War.

Ibid.

Accounts for expenditures, &c., to be paid from what fund, and how.

15 June, 1866, c. 121, s. 2, v. 14, p. 66.

Secretary of War appointed trustee of a retained-bounty fund, &c.

2 March, 1867, c. 186, s. 1, v. 14, p. 545

May invest the fund, and for what purpose.

2 March, 1867, c. 186, s. 2, v. 14, p. 545.

Who to be deemed wife and children of colored soldiers.

3 March, 1865, Res. No. 29, v. 13, p. 571.

Freedmen's Hospital in District of Columbia continued, &c.

10 June, 1872, c. 415, s. 1, v. 17, p. 366.

3 March, 1871, c. 114, v. 16, p. 506.

SEC. 2032. All laws and parts of laws pertaining to the collection and payment of bounty, prize-money, and other legitimate claims of colored soldiers, sailors, and marines, or their heirs, shall remain in force until otherwise ordered by Congress.

SEC. 2033. The Secretary of War is authorized to carry into effect all laws and parts of laws referred to in the preceding section, and to this end he may employ such clerical force as he deems necessary.

SEC. 2034. Where accounts have been rendered for necessary expenditures incurred for refugees or freedmen, under the sanction of the proper officers, but which cannot be settled for want of specific appropriations, the same may be paid out of the fund for the relief of refugees and freedmen, on the approval of the Secretary War.

SEC. 2035. The Secretary of War is constituted the lawful custodian of a retained bounty fund, which has been derived from a portion of the State bounties of certain colored soldiers enlisted in Virginia and North Carolina, during the years 1864 and 1865, and which, by virtue of General Orders No. 90, Department of Virginia and North Carolina, was held by the Superintendent of Freedmen's Affairs, but was turned over to the Bureau upon its organization; and the Secretary of War shall hold the fund as trustee for the benefit of such colored soldiers or their legal representatives, to whom the same shall be paid upon their application or discovery.

SEC. 2036. The Secretary of War is empowered to invest the fund, or any portion thereof, in bonds of the United States, for the exclusive benefit of such colored soldiers or their legal representatives; but a sufficient amount of the same in cash may be retained uninvested to meet all lawful claims thereupon that will probably be presented for payment.

SEC. 2037. In determining who is the wife or child of any colored soldier, within the meaning of this Title, evidence that the soldier and the woman claimed to be his wife cohabited or associated as husband and wife, and so continued to cohabit or associate at the time of enlistment, or evidence that a form of marriage, whether such marriage was authorized or recognized by law or not, was entered into by them, and that the parties thereafter lived together as husband and wife, and so continued to live together at the time of the enlistment, shall be deemed sufficient proof of marriage; and the children born of any such marriage shall be taken to be the children embraced within the provisions of this Title, whether such marriage was or was not dissolved at the time of the enlistment.

SEC. 2038. The Freedmen's Hospital and Asylum in the District of Columbia is, until otherwise ordered by Congress, continued under the control and supervision of the Secretary of War, who shall make all estimates, pass all accounts, and be responsible to the Treasury for all expenditures; but no part of any appropriation shall be used in support of, or to pay the expenses on account of, any person hereafter to be admitted to such Hospital and Asylum, unless persons removed thither from some other Government hospital.

TITLE XXVIII.

INDIANS.

CHAPTER ONE.

OFFICERS OF INDIAN AFFAIRS; THEIR DUTIES AND COMPENSATION.

Sec.	Sec.
2039. Board of Indian commissioners.	2061. Limitation on visits to Washington by agents for Indians in California.
2040. Secretary to the commissioners.	2062. Officers of the Army may be required to act as Indian agents.
2041. Duties of the commissioners.	2063. Compensation for extra services performed by agents and sub-agents.
2042. Power to investigate contracts.	2064. Acknowledgment of deeds, &c., by agents.
2043. Appointment of Indian inspectors; term of office.	2065. Appointment of sub-Indian agents.
2044. Salary and expenses.	2066. Limits of superintendencies, agencies, and sub-agencies.
2045. Powers and duties of inspectors.	2067. Special agents and commissioners.
2046. Superintendents, appointment, and salaries.	2068. Interpreters to the agencies.
2047. Four superintendents abolished, assignment, &c., of those retained.	2069. Preference to Indians for interpreters.
2048. Term of office.	2070. Salaries of interpreters.
2049. Bond.	2071. Instruction of Indians.
2050. Duties of superintendents.	2072. When tribes may direct the employment of blacksmiths, &c.
2051. Temporary clerks for superintendents.	2073. Discontinuance of the offices of sub-agents, interpreters, &c.
2052. Indian agents, appointments, salaries.	2074. No person to hold two offices; leave of absence.
2053. Services of certain agents and superintendents to be dispensed with.	2075. Additional security.
2054. Indian agents to report to Commissioner in certain cases.	2076. Compensation prescribed to be in full.
2055. Salary of Indian agents.	2077. Allowance for traveling expenses.
2056. Term of office.	2078. Persons employed in Indian affairs not to trade with the Indians.
2057. Bond of Indian agents.	
2058. Duties of Indian agents.	
2059. Discontinuance and transfer of agencies.	
2060. Residence of Indian agents.	

SEC. 2039. There shall be a board of Indian commissioners, composed of not more than ten persons, appointed by the President solely, from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation.

Board of Indian commissioners.

10 April, 1869, c. 16, s. 4, v. 16, p. 40.

15 July, 1870, c. 296, s. 3, v. 16, p. 360.

SEC. 2040. The board of commissioners mentioned in the preceding section shall have power to appoint one of their own number as secretary, who shall be entitled to such reasonable compensation as the board may designate, payable from any moneys appropriated for the expenses of the board.

Secretary to the commissioners.

15 July, 1870, c. 296, s. 3, v. 16, p. 360.

SEC. 2041. The board of commissioners mentioned in section two thousand and thirty-nine shall supervise all expenditures of money appropriated for the benefit of Indians within the limits of the United States; and shall inspect all goods purchased for Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult the commission in making purchases of such goods.

Duties of the commissioners.

15 July, 1870, c. 296, s. 3, v. 16, p. 360.

SEC. 2042. Any member of the board of Indian commissioners is empowered to investigate all contracts, expenditures, and accounts in connection with the Indian service, and shall have access to all books and papers relating thereto in any Government office; but the examination of vouchers and accounts by the executive committee of said board shall not be a prerequisite of payment.

Power to investigate contracts.

29 May, 1872, c. 233, s. 1, v. 17, p. 186

Appointment of
Indian inspectors;
term of office.

14 Feb., 1873, c.
138, s. 6, v. 17, p.
463.

Salary and ex-
penses.

Ibid.

Powers and du-
ties of inspectors.

Ibid

Superintendents,
appointment, and
salaries.

14 Feb., 1873, c.
138, s. 1, v. 17, p.
437.

27 Feb., 1851, c.
14, s. 2, v. 9, p. 586.

3 March, 1857, c.
90, s. 3, v. 11, p. 185.

5 June, 1850, c.
16, s. 2, v. 9, p. 437.

8 Feb., 1861, c.
30, s. 1, v. 12, p. 130.

8 April, 1864, c.
48, s. 1, v. 13, p. 39.

Four superin-
tendents abol-
ished, assignment,
&c., of those re-
tained.

14 Feb., 1873, c.
138, s. 6, v. 17, p.
463.

SEC. 2043. There shall be appointed by the President, by and with the advice and consent of the Senate, a sufficient number of Indian inspectors, not exceeding five in number, to perform the duties required of such inspectors by the provisions of this Title. Each inspector shall hold his office for four years, unless sooner removed by the President.

SEC. 2044. Each inspector shall receive an annual salary of three thousand dollars and his necessary traveling expenses, not exceeding ten cents a mile for actual travel while in the discharge of his duty, a statement of which expenses as to each inspector shall accompany the annual report of the Secretary of the Interior.

SEC. 2045. Each Indian superintendency and agency shall be visited and examined as often as twice a year by one or more of the inspectors. Such examination shall extend to a full investigation of all matters pertaining to the business of the superintendency or agency, including an examination of accounts, the manner of expending money, the number of Indians provided for, contracts of all kinds connected with the business, the condition of the Indians, their advancement in civilization, the extent of the reservations, and what use is made of the lands set apart for that purpose, and, generally, all matters pertaining to the Indian service. For the purpose of making such investigations, each inspector shall have power to examine all books, papers, and vouchers, to administer oaths, and to examine on oath all officers and persons employed in the superintendency or agency, and all such other persons as he may deem necessary or proper. The inspectors, or any of them, shall have power to suspend any superintendent or agent or employé, and to designate some person in his place temporarily, subject to the approval of the President, making immediate report of such suspension and designation; and upon the conclusion of each examination a report shall be forwarded to the President without delay. The inspectors, in the discharge of their duties, jointly and individually, shall have power, by proper legal proceedings, which it shall be the duty of the district attorney of the United States for the appropriate district duly to effectuate, to enforce the laws, and to prevent the violation of law in the administration of affairs in the several agencies and superintendencies. So far as practicable, the examinations of the agencies and superintendencies shall be made alternately by different inspectors, so that the same agency or superintendency may not be examined twice in succession by the same inspector or inspectors.

SEC. 2046. The President is authorized to appoint, from time to time, by and with the advice and consent of the Senate, the following superintendents of Indian affairs, who shall be entitled to receive the salaries mentioned below:

Two superintendents for the tribes east of the Rocky Mountains, at a salary of two thousand dollars a year, each.

One superintendent for Oregon, at a salary of two thousand five hundred dollars a year.

One superintendent for Washington Territory, at a salary of two thousand five hundred dollars a year.

One superintendent for the Territory of New Mexico, at a salary of two thousand dollars a year.

Two superintendents for California, at a salary of three thousand six hundred dollars a year.

One superintendent for the Territory of Arizona, at a salary of two thousand dollars a year.

One superintendent for the Territory of Montana, at a salary of two thousand five hundred dollars a year.

SEC. 2047. After the thirtieth of June, eighteen hundred and seventy-three, the offices of four of the superintendents enumerated in the preceding section are abolished; and any money appropriated for the salaries of such superintendents or their clerks, shall, after that date, be applied to pay the salaries and traveling expenses of the inspectors. The President may assign the remaining four superintendents to juria-

diction over such agencies as he may deem proper; or he is authorized, in his discretion, to dispense with any or all of the superintendents and their clerks.

SEC. 2048. Each superintendent shall hold his office for the term of four years.

SEC. 2049. Each superintendent, before entering on the duties of his office, shall give bond in such penalties and with such security as the President or the Secretary of the Interior may require.

SEC. 2050. Each superintendent of Indian affairs shall, within his superintendency, exercise a general supervision and control over the official conduct and accounts of all officers and persons employed by the Government in Indian affairs, under such regulations as shall be established by the President; and may suspend such officers and persons from their offices or employments, for reasons forthwith to be communicated to the Secretary of the Interior, and shall also perform within his superintendency such duties as are or may be assigned to superintendents of Indian affairs.

SEC. 2051. The Secretary of the Interior may authorize, in his discretion, the employment of temporary clerks by superintendents of Indian affairs, on such occasions and for such periods of time as he may deem necessary to the public service.

SEC. 2052. The President is authorized to appoint from time to time, by and with the advice and consent of the Senate, the following Indian agents:

Three for the tribes in Oregon.

Fourteen for the tribes east of the Rocky Mountains, and north of New Mexico and Texas.

Seven for the tribes in New Mexico.

Three for the tribes in the Territory of Washington.

One for the tribes in Kansas.

One for the Kickapoos.

One for the Delawares.

Two for the tribes in Utah.

One for the Poncas.

One for the Pawnees in Nebraska, each with an annual salary of fifteen hundred dollars.

Four for the tribes in California, at an annual salary of eighteen hundred dollars, each.

Three for the tribes in Texas.

One for the Wichitas and neighboring tribes west of the Choctaws and Chickasaws, at an annual salary of one thousand dollars.

SEC. 2053. It shall be the duty of the President to dispense with the services of such Indian agents and superintendents as may be practicable; and where it is practicable he shall require the same person to perform the duties of two agencies or superintendencies for one salary.

SEC. 2054. Whenever any one or more of the superintendencies is abolished by law, or discontinued by the President, the Indian agents in such superintendencies shall report directly to the Commissioner of Indian Affairs.

SEC. 2055. Each Indian agent shall be entitled to receive a salary at the rate of fifteen hundred dollars a year.

SEC. 2056. Each Indian agent shall hold his office for the term of four years.

Term of office.
27 Feb., 1851, c. 14, s. 6, v. 9, p. 587.
Bond.

Ibid.

Duties of superintendents.

27 Feb., 1851, c. 14, s. 2, v. 9, p. 586.
30 June, 1834, c. 162, s. 3, v. 4, p. 735.

Temporary clerks for superintendents.

3 March, 1855, c. 175, s. 22, v. 10, p. 673.

Indian agents, appointments, salaries.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 437.

Services of certain agents and superintendents to be dispensed with.

Ibid., p. 438.

Indian agents to report to Commissioner in certain cases.

15 July, 1870, c. 296, s. 6, v. 16, p. 360.

Salary of Indian agents.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 438.

Term of office.

27 Feb., 1851, c. 14, s. 6, v. 9, p. 587. 8 April, 1864, c. 49, s. 4, v. 13, p. 40.

Bond of Indian agents.

27 Feb., 1851, c. 14, s. 6, v. 9, p. 587.

Duties of Indian agents.

30 June, 1834, c. 162, s. 7, v. 4, p. 736.

5 June, 1850, c. 16, s. 4, v. 9, p. 437.

27 Feb., 1851, c. 14, s. 5, v. 9, p. 587.—

Discontinuance and transfer of agencies.

30 June, 1834, c. 162, s. 4, v. 4, p. 735.

Residence of Indian agents.

Ibid.

Limitation on visits to Washington by agents for Indians in California.

8 April, 1864, c. 48, s. 7, v. 13, p. 41.

Officers of the Army may be required to act as Indian agents.

30 June, 1834, c. 162, ss. 4, 12, v. 4, pp. 735-737.

Compensation for extra services performed by agents and sub-agents.

31 May, 1832, c. 109, s. 2, v. 4, p. 520.

Acknowledgment of deeds, &c., by agents.

3 March, 1855, c. 204, s. 10, v. 10, p. 701.

Appointment of sub-Indian agents.

30 June, 1834, c. 162, s. 5, v. 4, p. 736.

Limits of superintendencies, agencies, and sub-agencies.

3 March, 1847, c. 66, s. 1, v. 9, p. 203.

Special agents and commissioners.

3 March, 1863, c. 99, s. 1, v. 12, p. 792.

Interpreters to the agencies.

30 June, 1834, c. 162, s. 9, v. 4, p. 737.

SEC. 2057. Each Indian agent, before entering upon the duties of his office, shall give bond in such penalties and with such security as the President or the Secretary of the Interior may require.

SEC. 2058. Each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians, agreeably to law; and execute and perform such regulations and duties, not inconsistent with law, as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the superintendent of Indian affairs.

Minis vs. U. S., 15 Pet., 423.

SEC. 2059. The President shall, whenever he may judge it expedient, discontinue any Indian agency, or transfer the same, from the place or tribe designated by law, to such other place or tribe as the public service may require.

SEC. 2060. Every Indian agent shall reside and keep his agency within or near the territory of the tribe for which he may be agent, and at such place as the President may designate, and shall not depart from the limits of his agency without permission.

SEC. 2061. All Indian agents appointed for California shall reside at their respective agencies, and shall in no case be permitted to visit the city of Washington except when ordered to do so by the Commissioner of Indian Affairs. The Commissioner shall report all cases of the violation of this section to the President, with the request that the agents offending be at once removed from office.

SEC. 2062. The President may require any military officer of the United States to execute the duties of an Indian agent; and when such duties are required of any military officer, he shall perform the same without any other compensation than his actual traveling expenses.

[See § 1224.]

SEC. 2063. No compensation beyond their actual expenses for extra services shall be allowed any Indian agent or sub-agent for services when doing duty under the order of the Government, detached from their agency and the boundary of the tribe to which they are agents or sub-agents.

SEC. 2064. Indian agents are authorized to take acknowledgments of deeds, and other instruments of writing, and to administer oaths in investigations committed to them in Indian country, pursuant to such rules and regulations as may be prescribed for that purpose, by the Secretary of the Interior; and acknowledgments so taken shall have the same effect as if taken before a justice of the peace.

SEC. 2065. A competent number of sub-Indian agents shall be appointed by the President, with a salary of one thousand dollars a year each, to be employed, and to reside wherever the President may direct, and who shall give bonds, with one or more sureties, in the penal sum of one thousand dollars, for the faithful execution of their duties. But no sub-agent shall be appointed who shall reside within the limits of any agency where there is an agent appointed.

SEC. 2066. The limits of each superintendency, agency, and sub-agency shall be established by the Secretary of the Interior, either by tribes or geographical boundaries.

30 June, 1834, c. 162, s. 7, v. 4, p. 736.

SEC. 2067. All special agents and commissioners not appointed by the President shall be appointed by the Secretary of the Interior.

SEC. 2068. An interpreter shall be allowed to each agency. Where there are different tribes in the same agency, speaking different languages, one interpreter may be allowed, at the discretion of the Secretary of the Interior, for each of such tribes. Interpreters shall be nomi-

nated, by the proper agents, to the Department of the Interior for approval, and may be suspended by the agent from pay and duty, and the circumstances reported to the Department of the Interior for final action.

SEC. 2069. In all cases of the appointments of interpreters or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties.

SEC. 2070. The salaries of interpreters lawfully employed in the service of the United States, in Oregon, Utah, and New Mexico, shall be five hundred dollars a year each, and of all so employed elsewhere, four hundred dollars a year each.

SEC. 2071. The President may, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced with their own consent, employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties. A report of the proceedings adopted in the execution of this provision shall be annually laid before Congress.

SEC. 2072. Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe.

SEC. 2073. The Secretary of the Interior shall, under the direction of the President, cause to be discontinued the services of such sub-agents, interpreters, and mechanics, as may from time to time become unnecessary, in consequence of the immigration of the Indians, or other causes.

SEC. 2074. No person shall hold more than one office at the same time under this Title, nor shall any agent, sub-agent, interpreter, or person employed under this Title, receive his salary while absent from his agency or employment, without leave of the superintendent, or Secretary of the Interior; but such absence shall at no time exceed sixty days.

SEC. 2075. The President may, from time to time, require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects of any kind, on account of Indian affairs.

SEC. 2076. The several compensations prescribed by this Title shall be in full of all emoluments or allowances whatsoever. But where necessary, a reasonable allowance or provision may be made for offices and office contingencies.

SEC. 2077. Where persons are required, in the performance of their duties, under this Title, to travel from one place to another, their actual expenses, or a reasonable sum in lieu thereof, may be allowed them, except that no allowance shall be made to any person for travel or expenses in coming to the seat of Government to settle his accounts, unless thereto required by the Secretary of the Interior.

SEC. 2078. No person employed in Indian affairs shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States; and any person offending herein, shall be liable to a penalty of five thousand dollars, and shall be removed from his office.

Preference to Indians for interpreters.

30 June, 1834, c. 162, s. 9, v. 4, p. 737.

Salaries of interpreters.

27 Feb., 1851, c. 14, s. 8, v. 9, p. 547.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 437.

Instruction of Indians.

3 March, 1819, c. 85, v. 3, p. 516.

When tribes may direct the employment of blacksmiths, &c.

30 June, 1834, c. 162, s. 9, v. 4, p. 737.

Discontinuance of the offices of sub-agents, interpreters, &c.

9 July, 1832, c. 174, s. 5, v. 4, p. 564.

No person to hold two offices; leave of absence.

30 June, 1834, c. 162, s. 10, v. 4, p. 737.

Additional security.

30 June, 1834, c. 162, s. 8, v. 4, p. 737.

Compensation prescribed to be in full.

30 June, 1834, c. 162, s. 10, v. 4, p. 737.

Allowance for traveling expenses.

30 June, 1834, c. 162, s. 10, v. 4, p. 737.

Minis vs. U. S., 15 Pet., 423.

Persons employed in Indian affairs not to trade with the Indians.

30 June, 1834, c. 162, s. 14, v. 4, p. 738.

CHAPTER TWO.

PERFORMANCE OF ENGAGEMENTS BETWEEN THE UNITED STATES AND INDIANS.

Sec.	Sec.
2079. No future treaties with Indian tribes.	2097. Misapplication of funds belonging to the Indians prohibited.
2080. Abrogation of treaties.	2098. Indian depredations, how paid.
2081. Payment of certain annuities in coin.	2099. Funds for education.
2082. Payment of annuities in goods.	2100. Annuities of Indians hostile to United States.
2083. Purchase of goods for the Indians.	2101. Goods withheld from chiefs who have violated treaty stipulations.
2084. Manner of purchase.	2102. Moneys due Indians holding American captives.
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2088. Persons to be present at delivery of annuities.	2106. Assignments of contracts restricted.
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2090. Mode of distribution of goods.	2108. Moneys due incompetent or orphan Indians.
2091. Annual accounts of disbursements, &c.	2109. Number of Indians present and receiving food, &c., to be reported.
2092. Restriction on advances to superintendents, &c.	2110. Rations for Indians.
2093. Disposal of proceeds of sales of Indian lands.	
2094. Appropriation of moneys to carry out Indian treaties.	
2095. Investments of stock required by treaties.	
2096. Investment of proceeds of lands.	

No future treaties with Indian tribes.

3 March, 1871, c. 120, s. 1, v. 16, p. 566.

Abrogation of treaties.

5 July, 1862, c. 135, s. 1, v. 12, p. 528.

Payment of certain annuities in coin.

3 March, 1865, c. 127, s. 3, v. 13, p. 561.

Payment of annuities in goods.

30 June, 1834, c. 162, s. 12, v. 4, p. 737.

Purchase of goods for the Indians.

30 June, 1834, c. 162, s. 13, v. 4, p. 737.

Manner of purchase.

5 July, 1862, c. 135, s. 5, v. 12, p. 529.

SEC. 2079. No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March third, eighteen hundred and seventy-one, shall be hereby invalidated or impaired.

SEC. 2080. Whenever the tribal organization of any Indian tribe is in actual hostility to the United States, the President is authorized, by proclamation, to declare all treaties with such tribe abrogated by such tribe, if in his opinion the same can be done consistently with good faith and legal and national obligations.

SEC. 2081. The Secretary of the Treasury is authorized to pay in coin such of the annuities as by the terms of any treaty of the United States with any Indian tribe are required to be paid in coin.

SEC. 2082. The President may, at the request of any Indian tribe, to which any annuity is payable in money, cause the same to be paid in goods, purchased as provided in the next section.

SEC. 2083. All merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the Secretary of the Interior, upon proposals to be received, to be based on notices previously to be given; and all merchandise required at the making of any Indian treaty shall be purchased under the order of the Commissioner of Indian Affairs by such person as he shall appoint. All other purchases on account of the Indians, and all payments to them of money or goods, shall be made by such person as the President shall designate for that purpose.

SEC. 2084. No goods shall be purchased by the Office of Indian Affairs, or its agents, for any tribe, except upon the written requisition of the superintendent in charge of the tribe, and only upon public bids in the mode prescribed by the preceding section.

SEC. 2085. No claims for supplies for Indians, purchased without authority of law, shall be paid out of any appropriation for expenses of the Office of Indian Affairs, or for Indians.

Claims for supplies for Indians.

15 July, 1870, c. 296, s. 2, v. 16, p. 360.

SEC. 2086. The payment of all moneys and the distribution of all goods stipulated to be furnished to any Indians, or tribe of Indians, shall be made in one of the following ways, as the President or the Secretary of the Interior may direct:

Modes of paying annuities and distributing goods.

First. To the chiefs of a tribe, for the tribe.

30 June, 1834, c. 162, s. 11, v. 4, p. 737.

Second. In cases where the imperious interest of the tribe or the individuals intended to be benefited, or any treaty stipulation, requires the intervention of an agency, then to such person as the tribe shall appoint to receive such moneys or goods; or if several persons be appointed, then upon the joint order or receipt of such persons.

3 March, 1847, c. 66, s. 3, v. 9, p. 203.

30 Aug., 1852, c. 103, s. 3, v. 10, p. 66.

15 July, 1870, c. 296, ss. 2, 3, v. 16, p. 360.

Third. To the heads of the families and to the individuals entitled to participate in the moneys or goods.

Fourth. By consent of the tribe, such moneys or goods may be applied directly, under such regulations, not inconsistent with treaty stipulations, as may be prescribed by the Secretary of the Interior, to such purposes as will best promote the happiness and prosperity of the members of the tribe, and will encourage able-bodied Indians in the habits of industry and peace.

SEC. 2087. No annuities, or moneys, or goods, shall be paid or distributed to Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons leading the officers or agents, whose duty it may be to make such payments or distribution, to believe that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and head-men of the tribe shall have pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country.

Withholding of annuities on account of intoxicating liquors.

3 March, 1847, c. 66, s. 3, v. 9, p. 203.

SEC. 2088. The superintendent, agent, or sub-agent, together with such military officer as the President may direct, shall be present, and certify to the delivery of all goods and money required to be paid or delivered to the Indians.

Persons to be present at delivery of annuities.

30 June, 1834, c. 162, s. 13, v. 4, p. 737.—*Minis vs. U. S.*, 15 Pet., 423.

SEC. 2089. At the discretion of the President all disbursements of moneys, whether for annuities or otherwise, to fulfill treaty stipulations with individual Indians or Indian tribes, shall be made in person by the superintendents of Indian affairs, where superintendencies exist, to all Indians or tribes within the limits of their respective superintendencies, in the presence of the local agents and interpreters, who shall witness the same, under such regulations as the Secretary of the Interior may direct.

Modes of disbursements.

3 March, 1857, c. 90, s. 1, v. 11, p. 169.

SEC. 2090. Whenever goods and merchandise are delivered to the chiefs of a tribe, for the tribe, such goods and merchandise shall be turned over by the agent or superintendent of such tribe to the chiefs in bulk, and in the original package, as nearly as practicable, and in the presence of the head-men of the tribe, if practicable, to be distributed to the tribe by the chiefs in such manner as the chiefs may deem best, in the presence of the agent or superintendent.

Modes of distribution of goods.

10 April, 1869, c. 16, s. 2, v. 16, p. 39.

SEC. 2091. All persons whatsoever, charged or trusted with the disbursement or application of money, goods, or effects of any kind for the benefit of the Indians, shall settle their accounts, annually, at the Department of the Interior on the first day of October; and copies of the same shall be laid before Congress at the commencement of the ensuing session, by the proper accounting officers; together with a list of the names of all persons to whom money, goods, or effects have been delivered within the preceding year, for the benefit of the Indians, specifying the amount and object for which they were intended, and showing who are delinquents, if any, in forwarding their accounts according to the provisions of this section; and, also, with a list of the

Annual accounts of disbursements, &c.

30 June, 1834, c. 162, s. 13, v. 4, p. 737.

names of all persons appointed or employed under this Title, with the dates of their appointment or employment, and the salary and pay of each.

Restriction on advances to superintendents, &c.

27 June, 1846, c. 34, s. 1, v. 9, p. 20.

SEC. 2092. No superintendent of Indian affairs, or Indian agent, or other disbursing officer in such service, shall have advanced to him, on Indian or public account, any money to be disbursed in future, until such superintendent, agent, or officer in such service has settled his accounts of the preceding year, and has satisfactorily shown that all balances in favor of the Government, which may appear to be in his hands, are ready to be paid over on the order of the Secretary of the Interior.

Disposal of proceeds of sales of Indian lands.

9 Jan., 1837, c. 1, s. 1, v. 5, p. 135.

SEC. 2093. All moneys received from the sales of lands that have been, or may be hereafter, ceded to the United States by Indian tribes, by treaties providing for the investment or payment to the Indians, parties thereto, of the proceeds of the lands ceded by them, respectively, after deducting the expenses of survey and sale, any sums stipulated to be advanced, and the expenses of fulfilling any engagements contained therein, shall be paid into the Treasury in the same manner that moneys received from the sales of public lands are paid into the Treasury.

Appropriation of moneys to carry out Indian treaties.

9 Jan., 1837, c. 1, s. 2, v. 5, p. 135.

SEC. 2094. All sums that are or may be required to be paid, and all moneys that are or may be required to be invested by the treaties mentioned in the preceding section, are appropriated in conformity to them, and shall be drawn from the Treasury as other public moneys are drawn therefrom, under such instructions as may from time to time be given by the President.

Investments of stock required by treaties.

9 Jan., 1837, c. 1, s. 3, v. 5, p. 135.

SEC. 2095. All investments of stock, that are or may be required by treaties with the Indians, shall be made under the direction of the President; and special accounts of the funds under such treaties shall be kept at the Treasury, and statements thereof be annually laid before Congress.

Investment of proceeds of lands.

9 Jan., 1837, c. 1, s. 4, v. 5, p. 135.

SEC. 2096. The Secretary of the Interior shall invest in a manner which shall be in his judgment most safe, and beneficial for the fund, all moneys that may be received under treaties containing stipulations for the payment to the Indians, annually, of interest upon the proceeds of the lands ceded by them; and he shall make no investment of such moneys, or of any portion, at a lower rate of interest than five per centum per annum.

Misapplication of funds belonging to the Indians prohibited.

26 July, 1866, c. 286, s. 2, v. 14, p. 280.

SEC. 2097. No funds belonging to any Indian tribe with which treaty relations exist shall be applied in any manner not authorized by such treaty, or by express provisions of law; nor shall money appropriated to execute a treaty be transferred or applied to any other purpose, unless expressly authorized by law.

Indian depredations, how paid.

15 July, 1870, c. 296, s. 4, v. 16, p. 360.

SEC. 2098. No part of the moneys which may be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses incurred in Indian affairs, to pay annuities due to or to be used and expended for the care and benefit of any tribe or tribes of Indians, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes, or any member or members thereof. No claims for Indian depredations shall be paid until Congress shall make special appropriation therefor.

Funds for education.

29 July, 1848, c. 118, s. 2, v. 9, p. 264.

SEC. 2099. No moneys which may be appropriated for the purposes of education among the Indian tribes shall be expended for any such object elsewhere than in Indian country. But this provision shall not apply to appropriations the expenditure of which is authorized by treaty stipulations, to be made under the direction either of the President or of the Indian tribes, respectively.

Annuities of Indians hostile to United States.

2 March, 1867, c. 173, s. 2, v. 14, p. 515.

SEC. 2100. No moneys or annuities stipulated by any treaty with an Indian tribe for which appropriations are made shall be expended for, or paid, or delivered to any tribe which, since the next preceding payment under such treaty, has engaged in hostilities against the United

States, or against its citizens peacefully or lawfully sojourning or traveling within its jurisdiction at the time of such hostilities; nor in such case shall such stipulated payments or deliveries be resumed until new appropriations shall have been made therefor by Congress. And the Commissioner of Indian Affairs shall report to Congress, at each session, any case of hostilities, by any tribe with which the United States has treaty stipulations, which has occurred since his next preceding report.

SEC. 2101. No delivery of goods or merchandise shall be made to the chiefs of any tribe, by authority of any treaty, if such chiefs have violated the stipulations contained in such treaty upon their part.

Goods withheld from chiefs who have violated treaty stipulations.

10 April, 1869, c. 16, s. 2, v. 16, p. 39.

SEC. 2102. The Secretary of the Interior shall withhold from any tribe of Indians who may hold American captives, any moneys due them from the United States, until such captives have been surrendered to the lawful authorities of the United States.

Moneys due Indians holding American captives.

15 May, 1870, Res. No. 62, s. 3, v. 16, p. 377.

SEC. 2103. No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows:

Contracts with the Indians.

3 March, 1871, c. 120, s. 3, v. 16, p. 570.

21 May, 1872, c. 177, ss. 1, 2, v. 17, p. 136.

First. Such agreement shall be in writing, and a duplicate of it delivered to each party.

Second. It shall be executed before a judge of a court of record, and bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

Third. It shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe, by their tribal authorities, the scope of authority and the reason for exercising that authority, shall be given specifically.

Fourth. It shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per centum of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

Fifth. It shall have a fixed limited time to run, which shall be distinctly stated.

Sixth. The judge before whom such contract or agreement is executed shall certify officially the time when and place where such contract or agreement was executed, and that it was in his presence, and who are the interested parties thereto, as stated to him at the time; the parties present making the same; the source and extent of authority claimed at the time by the contracting parties to make the contract or agreement, and whether made in person or by agent or attorney of either party or parties.

All contracts or agreements made in violation of this section shall be null and void, and all money or other thing of value paid to any person by any Indian or tribe, or any one else, for or on his or their behalf, on account of such services, in excess of the amount approved by the Commissioner and Secretary for such services, may be recovered by suit in the name of the United States in any court of the United States, regardless of the amount in controversy; and one-half thereof shall be paid to the person suing for the same, and the other half shall be paid into the Treasury for the use of the Indian or tribe by or for whom it was so paid.

Payments under contracts restricted.

21 May, 1872, c. 177, s. 2, v. 17, p. 136.

SEC. 2104. No money shall be paid to any agent or attorney by an officer of the United States under any such contract or agreement, other than the fees due him for services rendered thereunder; but the moneys due the tribe, Indian, or Indians, as the case may be, shall be paid by the United States, through its own officers or agents, to the party or parties entitled thereto; and no money or thing shall be paid to any person for services under such contract or agreement, until such person shall have first filed with the Commissioner of Indian Affairs a sworn statement, showing each particular act of service under the contract, giving date and fact in detail, and the Secretary of the Interior and Commissioner of Indian Affairs shall determine therefrom whether, in their judgment, such contract or agreement has been complied with or fulfilled; if so, the same may be paid, and, if not, it shall be paid in proportion to the services rendered under the contract.

Penalty for receiving moneys from Indians under prohibited contracts.

3 March, 1871, c. 120, s. 3, v. 16, p. 570.

SEC. 2105. The person so receiving such money contrary to the provisions of the two preceding sections, and his aiders and abettors, shall, in addition to the forfeiture of such sum, be punishable by imprisonment for not less than six months, and by a fine of not less than one thousand dollars. And it shall be the duty of all district attorneys to prosecute such cases when applied to to do so, and their failure and refusal shall be ground for their removal from office. Any Indian agent, or other person in the employment of the United States, who shall, in violation of the provisions of the preceding section, advise, sanction, or in any way aid in the making of such contracts or agreements, or in making such payments as are here prohibited, shall, in addition to the punishment herein imposed on the person making such contract, or receiving such money, be, on conviction, dismissed from the service of the United States, and be forever disqualified from holding any office of profit or trust under the same.

Assignments of contracts restricted.

21 May, 1872, c. 177, s. 2, v. 17, p. 136.

SEC. 2106. No assignment of any contracts embraced by section twenty-one hundred and three, or of any part of one shall be valid, unless the names of the assignees and their residences and occupations be entered in writing upon the contract, and the consent of the Secretary of the Interior and the Commissioner of Indian Affairs to such assignment be also indorsed thereon.

Restriction on payments to contractors, &c., until accounts and vouchers submitted, &c.

3 March, 1871, c. 120, s. 1, v. 16, p. 568.

SEC. 2107. No payments shall be made by any officer of the United States to contractors for goods or supplies of any sort furnished to the Indians, or for the transportation thereof, or for any buildings or machinery erected or placed on their reservations, under or by virtue of any contract entered into with the Department of the Interior, or any branch thereof, on the receipts or certificates of the Indian agents or superintendents for such supplies, goods, transportation, buildings, or machinery beyond fifty per cent. of the amount due, until the accounts and vouchers shall have been submitted to the executive committee of the board of Indian commissioners appointed by the President for examination, revision, and approval; and such board of commissioners shall, without unnecessary delay, forward the accounts and vouchers so submitted to them to the Secretary of the Interior, with the reasons for their approval or disapproval of the same, in whole or in part, attached thereto; and the Secretary shall have power to sustain, set aside, or modify the action of the board, and cause payment to be made or withheld, as he may determine.

Moneys due incompetent or orphan Indians.

5 July, 1862, c. 135, s. 6, v. 12, p. 529.

SEC. 2108. The Secretary of the Interior is directed to cause settlements to be made with all persons appointed by Indian councils to receive moneys due to incompetent or orphan Indians, and to require all moneys found due to such incompetent or orphan Indians to be returned to the Treasury; and all moneys so returned shall bear interest at the rate of six per centum per annum, until paid by order of the Secretary of the Interior to those entitled to the same. No money shall be paid to any person appointed by any Indian council to receive moneys due to incompetent or orphan Indians, but the same shall remain in the Treasury of the United States until ordered to be paid by

the Secretary to those entitled to receive the same, and shall bear six per centum interest until so paid.

SEC. 2109. Whenever the issue of food, clothing, or supplies of any kind to Indians is provided for, it shall be the duty of the agent or commissioner issuing the same, at such issue thereof, whether it be both of food and clothing, or either of them, or of any kind of supplies, to report to the Commissioner of Indian Affairs the number of Indians present and actually receiving the same.

SEC. 2110. The President is authorized to cause such rations as he deems proper, and as can be spared from the Army provisions without injury to the service, to be issued, under such regulations as he shall think fit to establish, to Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations; and a special account of these issues shall be kept and rendered.

Number of Indians present and receiving food, &c., to be reported.

14 Feb., 1873, c. 138, s. 7, v. 17, pp. 463-464.

Rations for Indians.

30 June, 1834, c. 162, s. 16, v. 4, p. 738.

CHAPTER THREE.

GOVERNMENT AND PROTECTION OF INDIANS.

Sec.	Sec.
2111. Sending seditious messages, penalty.	2119. Protection of Indians desiring civilized life.
2112. Carrying seditious messages, penalty.	2120. Indians trespassing on lands of civilized Indians.
2113. Correspondence with foreign nations to excite Indians to war, penalty.	2121. Suspension of chief for trespass.
2114. General superintendence by President over tribes removed west of the Mississippi.	2122. Sale of buildings belonging to the United States.
2115. Survey of Indian reservations.	2123. Sale of lands with buildings.
2116. Purchases or grants from Indians.	2124. Penalties, how recovered.
2117. Driving stock to feed on Indian lands.	2125. Proceedings against goods.
2118. Settling on or surveying lands belonging to Indians by treaty.	2126. Burden of proof.

SEC. 2111. Every person who sends any talk, speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquility of the United States, is liable to a penalty of two thousand dollars.

Sending seditious messages; penalty.

30 June, 1834, c. 161, s. 13, v. 4, p. 731.

SEC. 2112. Every person who carries or delivers any talk, message, speech, or letter, intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace or tranquility of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or state, is liable to a penalty of one thousand dollars.

Carrying seditious messages; penalty.

30 June, 1834, c. 161, s. 14, v. 4, p. 731.

SEC. 2113. Every person who carries on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual, to war against the United States, or to the violation of any existing treaty; or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the Government of the United States, is liable to a penalty of one thousand dollars. [See § 5325.]

Correspondence with foreign nations, to excite Indians to war; penalty.

30 June, 1834, c. 161, s. 15, v. 4, p. 731.

SEC. 2114. The President is authorized to exercise general superintendence and care over any tribe or nation which was removed upon an exchange of territory under authority of the act of May twenty-eighth, eighteen hundred and thirty, "to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi;" and to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

General superintendence by the President over tribes removed west of the Mississippi.

28 May, 1830, c. 148, ss. 7, 8, v. 4, p. 412.

Survey of Indian reservations.

8 April, 1864, c. 48, s. 6, v. 13, p. 41.

Purchases or grants from Indians.

30 June, 1834, c. 161, s. 12, v. 4, p. 730.

Johnson's Lessee vs. McIntosh, 8 Wh., 543.

Driving stock to feed on Indian lands.

30 June, 1834, c. 161, s. 9, v. 4, p. 730.

Settling on or surveying lands belonging to Indians by treaty.

30 June, 1834, c. 161, s. 11, v. 4, p. 730.

Worcester vs. Georgia, 6 Pet., 515; *Clark vs. Smith*, 13 Pet., 195; *Lattimer vs. Poteet*, 14 Pet., 4; *Lowry vs. Weaver*, 4 McLean, 82.

Protection of Indians desiring civilized life.

14 June, 1862, c. 101, s. 1, v. 12, p. 427.

Indians trespassing upon lands of civilized Indians.

14 June, 1862, c. 101, s. 2, v. 12, p. 427.

Suspension of chief for trespass.

14 June, 1862, c. 101, s. 3, v. 12, p. 427.

SEC. 2115. Whenever it becomes necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the General Land-Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

SEC. 2116. No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution. Every person who, not being employed under the authority of the United States, attempts to negotiate such treaty or convention, directly or indirectly, or to treat with any such nation or tribe of Indians for the title or purchase of any lands by them held or claimed, is liable to a penalty of one thousand dollars. The agent of any State who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner of the United States appointed to hold the same, may, however, propose to, and adjust with, the Indians the compensation to be made for their claim to lands within such State, which shall be extinguished by treaty.

SEC. 2117. Every person who drives or otherwise conveys any stock of horses, mules, or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of one dollar for each animal of such stock.

SEC. 2118. Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, is liable to a penalty of one thousand dollars. The President may, moreover, take such measures and employ such military force as may judge necessary to remove any such person from the lands.

SEC. 2119. Whenever any Indian, being a member of any band or tribe with whom the Government has or shall have entered into treaty stipulations, being desirous to adopt the habits of civilized life, has had a portion of the lands belonging to his tribe allotted to him in severalty, in pursuance of such treaty stipulations, the agent and superintendent of such tribe shall take such measures, not inconsistent with law, as may be necessary to protect such Indian in the quiet enjoyment of the lands so allotted to him.

SEC. 2120. Whenever any person of Indian blood belonging to a band or tribe which receives or is entitled to receive annuities from the United States, and who has not adopted the habits and customs of civilized life, and received his lands in severalty by allotment, as mentioned in the preceding section, commits any trespass upon the lands or premises of any Indian who has so received his lands by allotment, the superintendent and agent of such band or tribe shall ascertain the damages resulting from such trespass, and the sum so ascertained shall be withheld from the payment next thereafter to be made, either to the band or tribe to which the party committing such trespass shall belong, as in the discretion of the superintendent he shall deem proper; and the sum so withheld shall, if the Secretary of the Interior approves, be paid over by the agent or superintendent to the party injured.

SEC. 2121. Whenever such trespasser as is mentioned in the preceding section is the chief or head-man of a band or tribe, the superintendent of Indian affairs in his district shall also suspend the trespasser from his office for three months, and shall during that time deprive him of all the benefits and emoluments connected therewith; but the chief or head-man may be sooner restored to his former standing if the superintendent shall so direct.

SEC. 2122. The Secretary of the Interior is authorized to cause all such buildings belonging to the United States, as have been, or hereafter shall be, erected for the use of their agents, teachers, farmers, mechanics, and other persons employed amongst the Indians, to be sold whenever the lands on which the same are erected have become the property of the United States, and are no longer necessary for such purposes.

Sale of buildings belonging to the United States.

3 March, 1843, c. 78, s. 1, v. 5, p. 611.

SEC. 2123. The Secretary of the Interior is authorized to cause to be sold, at his discretion, with each of such buildings as are mentioned in the preceding section, a quantity of land not exceeding one section; and on the payment of the consideration agreed for into the Treasury of the United States by the purchaser, the Secretary shall make, execute, and deliver to the purchaser a title in fee-simple for such lands and tenements.

Sale of lands with buildings.

3 March, 1843, c. 78, s. 2, v. 5, p. 611.

SEC. 2124. All penalties which shall accrue under this Title shall be sued for and recovered in an action in the nature of an action of debt, in the name of the United States, before any court having jurisdiction of the same, in any State or Territory in which the defendant shall be arrested or found, the one-half to the use of the informer and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

Penalties, how recovered.

30 June, 1834, c. 161, s. 27, v. 4, p. 733.

SEC. 2125. When goods or other property shall be seized for any violation of this Title, it shall be lawful for the person prosecuting on behalf of the United States to proceed against such goods, or other property, in the manner directed to be observed in the case of goods, wares, or merchandise brought into the United States in violation of the revenue laws.

Proceedings against goods.

30 June, 1834, c. 161, s. 28, v. 4, p. 734.

SEC. 2126. In all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.

Burden of proof.

30 June, 1834, c. 161, s. 22, v. 4, p. 733.

CHAPTER FOUR.

GOVERNMENT OF INDIAN COUNTRY.

Sec.
2127. Sale of cattle, &c., of the Indians by agents.
2128. Trading with Indians.
2129. License to trade.
2130. Refusal of license.
2131. Revocation of license.
2132. Prohibition of trade by the President.
2133. Penalty for trading without a license.
2134. Penalty upon foreigners entering Indian country without passports.
2135. Prohibited purchases and sales.
2136. Trading or selling arms, &c., in any district occupied by uncivilized or hostile Indians.
2137. Prohibition of hunting on Indian lands.
2138. Penalty for removing cattle from Indian country.
2139. Penalty for selling spirituous liquors in Indian country.
2140. Powers of superintendents, &c., to search for concealed liquors.
2141. Penalty for setting up distillery in Indian country.
2142. Assault.

Sec.
2143. Arson.
2144. The laws defining, &c., forgery and depredations on mails extended to Indian country.
2145. General laws as to punishment of crimes extended to the Indian country.
2146. Exception to the operation of the preceding section.
2147. Removal of persons.
2148. Penalty for return.
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2150. Employment of the military in apprehending persons violating the law.
2151. Detention of persons apprehended by the military.
2152. Arrest of absconding Indians guilty of crime.
2153. Executing process.
2154. Reparation for injured property.
2155. Payment where the offender is unable.
2156. Injuries to property by Indians.
2157. Superintendents authorized to take depositions.

SEC. 2127. The agent of each tribe of Indians, lawfully residing in the Indian country, is authorized to sell for the benefit of such Indians any

Sale of cattle, &c., of the Indians by agents.

3 March, 1866, c. 127, s. 9, v. 13, p. 563.

Trading with Indians.

26 July, 1866, c. 266, s. 4, v. 14, p. 260.

License to trade.

30 June, 1834, c. 161, s. 2, v. 4, p. 729.

U. S. vs. Ciana, 1 McLean, 254.

Refusal of license.

30 June, 1834, c. 161, s. 3, v. 4, p. 729.

Revocation of license.

30 June, 1834, c. 161, s. 2, v. 4, p. 729.

Prohibition of trade by the President.

30 June, 1834, c. 161, s. 3, v. 4, p. 729.

Penalty for trading without a license.

30 June, 1834, c. 161, s. 4, v. 4, p. 729.

Penalty upon foreigners entering Indian country without passports.

30 June, 1834, c. 161, s. 6, v. 4, p. 730.

cattle, horses, or other live stock belonging to the Indians, and not required for their use and subsistence, under such regulations as shall be established by the Secretary of the Interior. But no such sale shall be made so as to interfere with the execution of any order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops.

SEC. 2128. Any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe upon giving bond to the United States in the penal sum of not less than five nor more than ten thousand dollars, with at least two good sureties, to be approved by the superintendent of the district within which such person proposes to trade, or by the United States district judge or district attorney for the district in which the obligor resides, renewable each year, conditioned that such person will faithfully observe all laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same.

SEC. 2129. No person shall be permitted to trade with any of the Indians in the Indian country without a license therefor from a superintendent of Indian affairs, or Indian agent, or sub-agent, which license shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river.

SEC. 2130. Any superintendent or agent may refuse an application for a license to trade, if he is satisfied that the applicant is a person of bad character, or that it would be improper to permit him to reside in the Indian country, or if a license, previously granted to such applicant, has been revoked, or a forfeiture of his bond decreed. But an appeal may be had from the agent or the superintendent to the Commissioner of Indian Affairs.

SEC. 2131. The superintendent of the district shall have power to revoke and cancel any license to trade within the Indian country whenever the person licensed has, in his opinion, transgressed any of the laws or regulations provided for the government of trade and intercourse with the Indian tribes, or whenever, in his opinion, it is improper to permit such person to remain in the Indian country. No trade with the tribes shall be carried on within their boundary, except at certain suitable and convenient places, to be designated from time to time by the superintendents, agents, and sub-agents, and to be inserted in the license. The persons granting or revoking such licenses shall forthwith report the same to the Commissioner of Indian Affairs, for his approval or disapproval.

SEC. 2132. The President is authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked, and all applications therefor to be rejected. No trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued.

SEC. 2133. Any person other than an Indian who shall attempt to reside in the Indian country as a trader, or to introduce goods, or to trade therein without such license, shall forfeit all merchandise offered for sale to the Indians, or found in his possession, and shall moreover be liable to a penalty of five hundred dollars.

SEC. 2134. Every foreigner who shall go into the Indian country without a passport from the Department of the Interior, superintendent, agent, or sub-agent of Indian affairs, or officer of the United States commanding the nearest military post on the frontiers, or who shall remain intentionally therein after the expiration of such passport, shall be liable to a penalty of one thousand dollars. Every such passport shall express the object of such person, the time he is allowed to remain, and the route he is to travel.

SEC. 2135. Every person, other than an Indian, who, within the Indian country, purchases or receives of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any article of clothing, except skins or furs, shall be liable to a penalty of fifty dollars.

SEC. 2136. If any trader, his agent, or any person acting for or under him, shall sell any arms or ammunition at his trading-post or other place within any district or country occupied by uncivilized or hostile Indians, contrary to the rules and regulations of the Secretary of the Interior, such trader shall forfeit his right to trade with the Indians, and the Secretary shall exclude such trader, and the agent, or other person so offending, from the district or country so occupied.

SEC. 2137. Every person, other than an Indian, who, within the limits of any tribe with whom the United States has existing treaties, hunts, or traps, or takes and destroys any peltries or game, except for subsistence in the Indian country, shall forfeit all the traps, guns, and ammunition in his possession, used or procured to be used for that purpose, and all peltries so taken; and shall be liable in addition to a penalty of five hundred dollars.

SEC. 2138. Every person who drives or removes, except by authority of an order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops, any cattle, horses, or other stock from the Indian country for the purposes of trade or commerce, shall be punishable by imprisonment for not more than three years, or by a fine of not more than five thousand dollars, or both.

SEC. 2139. No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person, except an Indian, in the Indian country, who sells, exchanges, gives, barter, or disposes of any spirituous liquors or wine to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor or wine into the Indian country, shall be punishable by imprisonment for not more than two years, and by a fine of not more than three hundred dollars. But it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country, that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department.

SEC. 2140. If any superintendent of Indian affairs, Indian agent, or sub-agent, or commanding officer of a military post, has reason to suspect or is informed that any white person or Indian is about to introduce or has introduced any spirituous liquor or wine into the Indian country in violation of law, such superintendent, agent, sub-agent, or commanding officer, may cause the boats, stores, packages, wagons, sleds, and places of deposit of such person to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the use of the United States; and if such person be a trader, his license shall be revoked and his bond put in suit. It shall moreover be the duty of any person in the service of the United States, or of any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. In all cases arising under this and the preceding section Indians shall be competent witnesses.

SEC. 2141. Every person who shall, within the Indian country, set up or continue any distillery for manufacturing ardent spirits, shall be liable to a penalty of one thousand dollars; and the superintendent of Indian affairs, Indian agent, or sub-agent, within the limits of whose

Prohibited purchases and sales.

30 June, 1834, c. 161, s. 7, v. 4, p. 730.

Trading or selling arms, &c., in any district occupied by uncivilized or hostile Indians.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 459.

Prohibition of hunting on Indian lands.

30 June, 1834, c. 161, s. 8, v. 4, p. 730.

Penalty for removing cattle from Indian country.

3 March, 1865, c. 127, s. 8, v. 13, p. 563.

Penalty for selling spirituous liquors in Indian country.

9 July, 1832, c. 174, s. 4, v. 4, p. 564.
15 Mar., 1864, c. 33, v. 13, p. 29.

American Fur Com. vs. U. S., 2 Pet., 366; U. S. vs. Halliday, 3 Wall, 407.

Power of superintendents, &c., to search for concealed liquors.

15 March, 1864, c. 33, v. 13, p. 29.

American Fur Com. vs. U. S., 2 Pet., 366.

Penalty for setting up distillery in Indian country.

30 June, 1834, c. 161, s. 21, v. 4, p. 733.

Assault.

27 March, 1854, c. 26, a. 5, v. 10, p. 270.

Arson.

27 March, 1854, c. 26, a. 4, v. 10, p. 270.

The laws defining, &c., forgery and depredations on mails, extended to Indian country.

3 March, 1855, c. 204, a. 8, v. 10, p. 700.

General laws as to punishment of crimes extended to Indian country.

30 June, 1834, c. 161, a. 26, v. 4, p. 733. 27 March, 1854, c. 26, a. 3, v. 10, p. 270.—U. S. vs. Rogers, 4 How., 567.

Exceptions to the operation of the preceding sections.

27 March, 1854, c. 26, a. 3, v. 10, p. 270.

Removal of persons.

30 June, 1834, c. 161, a. 10, v. 4, p. 730.

Penalty for return.

18 Aug., 1856, c. 128, a. 2, v. 11, p. 80.

Removal from reservations.

12 June, 1853, c. 155, a. 2, v. 11, p. 332.

Employment of the military in apprehending persons violating the law.

30 June, 1834, c. 161, ss. 21, 23, v. 4, p. 732.

agency any distillery of ardent spirits is set up or continued, shall forthwith destroy and break up the same.

SEC. 2142. Every white person who shall make an assault upon an Indian, or other person, and every Indian who shall make an assault upon a white person, within the Indian country, with a gun, rifle, sword, pistol, knife, or any other deadly weapon, with intent to kill or maim the person so assaulted, shall be punishable by imprisonment, at hard labor, for not more than five years, nor less than one year.

SEC. 2143. Every white person who shall set fire, or attempt to set fire, to any house, out-house, cabin, stable, or other building, in the Indian country, to whomsoever belonging; and every Indian who shall set fire to any house, out-house, cabin, stable, or other building, in the Indian country, in whole or in part belonging to or in lawful possession of a white person, and whether the same be consumed or not, shall be punishable by imprisonment at hard labor for not more than twenty-one years, nor less than two years.

SEC. 2144. The general laws of the United States defining and prescribing punishments for forgery and for depredations upon the mails, shall extend to the Indian country.

SEC. 2145. Except as to crimes the punishment of which is expressly provided for in this Title, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

SEC. 2146. The preceding section shall not be construed to extend to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.

SEC. 2147. The superintendent of Indian affairs, and the Indian agents and sub-agents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President is authorized to direct the military force to be employed in such removal.

SEC. 2148. If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of one thousand dollars.

SEC. 2149. The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians; and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such person.

SEC. 2150. The military forces of the United States may be employed in such manner and under such regulations as the President may direct—

First. In the apprehension of every person who may be in the Indian country in violation of law; and in conveying him immediately from the Indian country, by the nearest convenient and safe route, to the civil authority of the Territory or judicial district in which such person shall be found, to be proceeded against in due course of law;

Second. In the examination and seizure of stores, packages, and boats, authorized by law;

Third. In preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law;

Fourth. And also in destroying and breaking up any distillery for

manufacturing ardent spirits set up or continued within the Indian country.

SEC. 2151. No person apprehended by military force under the preceding section shall be detained longer than five days after arrest and before removal. All officers and soldiers who may have any such person in custody shall treat him with all the humanity which the circumstances will permit.

SEC. 2152. The superintendents, agents, and sub-agents shall endeavor to procure the arrest and trial of all Indians accused of committing any crime, offense, or misdemeanor, and of all other persons who may have committed crimes or offenses within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize. The President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes.

SEC. 2153. In executing process in the Indian country, the marshal may employ a posse comitatus, not exceeding three persons in any of the States respectively, to assist in executing process by arresting and bringing in prisoners from the Indian country, and allow them three dollars for each day in lieu of all expenses and services. [See § 532.]

SEC. 2154. Whenever, in the commission, by a white person, of any crime, offense, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed.

SEC. 2155. If such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States. If such offender cannot be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury. But no Indian shall be entitled to any payment out of the Treasury of the United States, for any such property, if he, or any of the nation to which he belongs, have sought private revenge, or have attempted to obtain satisfaction by any force or violence.

SEC. 2156. If any Indian, belonging to any tribe in amity with the United States, shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy, any horse, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or sub-agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which such Indian shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time not exceeding twelve months, such superintendent, agent, or sub-agent shall make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury.

SEC. 2157. The superintendents, agents, and sub-agents within their respective districts are authorized and empowered to take depositions of witnesses touching any depredations, within the purview of the three preceding sections, and to administer oaths to the deponents.

Detention of persons apprehended by the military.

Ibid., s. 23.

Arrest of absconding Indians guilty of crime.

30 June, 1834, c. 161, s. 19, v. 4, p. 732.

Executing process.

14 June, 1858, c. 163, s. 3, v. 11, p. 363.

Reparation for injured property.

30 June, 1834, c. 161, s. 16, v. 4, p. 731.

Payment where the offender is unable.

30 June, 1834, c. 161, s. 16, v. 4, p. 731.

Injuries to property by Indians.

30 June, 1834, c. 161, s. 17, v. 4, p. 731.

28 Feb., 1859, c. 66, s. 8, v. 11, p. 401.

Superintendents authorized to take depositions.

30 June, 1834, c. 161, s. 18, v. 4, p. 732.

TITLE XXIX.

IMMIGRATION.

Sec.	Sec.
2158. Cooly-trade prohibited.	2162. This Title not to interfere with voluntary emigration.
2159. Vessels employed in cooly-trade shall be forfeited.	2163. Examination of vessels.
2160. Building vessels to engage in cooly-trade, how punished.	2164. No charge upon particular persons immigrating, &c.
2161. Punishment for violation of section 2158.	
<p>Cooly-trade prohibited. 19 Feb., 1862, c. 27, s. 1, v. 12, p. 340. 9 Feb., 1869, c. 24, v. 15, p. 269.</p>	
<p>Vessels employed in cooly-trade shall be forfeited. Ibid.</p>	
<p>Building vessels to engage in cooly-trade, how punished. 19 Feb., 1862, c. 27, s. 2, v. 12, p. 340.</p>	
<p>Punishment for violation of section 2158. 19 Feb., 1862, c. 27, s. 3, v. 12, p. 340.</p>	
<p>This Title not to interfere with voluntary emigration. 19 Feb., 1862, c. 27, s. 4, v. 12, p. 341.</p>	
<p>Examination of vessels. 19 Feb., 1862, c. 27, s. 6, v. 12, p. 341.</p>	
<p>SEC. 2158. No citizen of the United States, or foreigner coming into or residing within the same, shall, for himself or for any other person, either as master, factor, owner, or otherwise, build, equip, load, or otherwise prepare, any vessel, registered, enrolled, or licensed, in the United States, for the purpose of procuring from any port or place the subjects of China, Japan, or of any other oriental country, known as "coolies," to be transported to any foreign port, or place, to be disposed of, or sold, or transferred, for any time, as servants or apprentices, or to be held to service or labor.</p>	
<p>SEC. 2159. If any vessel, belonging in whole or in part to a citizen of the United States, and registered, enrolled, or otherwise licensed therein, be employed in the "cooly-trade," so called, contrary to the provisions of the preceding section, such vessel, her tackle, apparel, furniture, and other appurtenances, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts of the United States for the district where the vessel may be found, seized, or carried.</p>	
<p>SEC. 2160. Every person who so builds, fits out, equips, loads, or otherwise prepares, or who sends to sea, or navigates, as owner, master, factor, agent, or otherwise, any vessel, belonging in whole or in part to a citizen of the United States, or registered, enrolled, or licensed within the same, knowing or intending that such vessel is to be or may be employed in that trade, contrary to the provisions of section twenty-one hundred and fifty-eight, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding one year.</p>	
<p>SEC. 2161. Every citizen of the United States who, contrary to the provisions of section twenty-one hundred and fifty-eight, takes on board of any vessel, or receives or transports any such subjects as are described in that section, for the purpose of disposing of them in any way as therein prohibited, shall be liable to a fine not exceeding two thousand dollars and be imprisoned not exceeding one year.</p>	
<p>SEC. 2162. Nothing herein contained shall be deemed to apply to any voluntary emigration of the subjects specified in section twenty-one hundred and fifty-eight, or to any vessel carrying such person as passenger on board the same, but a certificate shall be prepared and signed by the consul or consular agent of the United States residing at the port from which such vessel may take her departure, containing the name of such person, and setting forth the fact of his voluntary emigration from such port, which certificate shall be given to the master of such vessel; and the same shall not be given until such consul or consular agent is first personally satisfied by evidence of the truth of the facts therein contained.</p>	
<p>SEC. 2163. The President is empowered, in such way and at such time as he may judge proper, to direct the vessels of the United States, and the masters and commanders thereof, to examine all vessels navigated or owned in whole or in part by citizens of the United States,</p>	

and registered, enrolled, or licensed under the laws thereof, whenever, in the judgment of such master or commanding officer, reasonable cause exists to believe that such vessel has on board any subjects of China, Japan, or other oriental country, known as "coolies;" and, upon sufficient proof that such vessel is employed in violation of the preceding provisions, to cause her to be carried, with her officers and crew, into any port or district within the United States, and delivered to the marshal of such district, to be held and disposed of according to law.

SEC. 2164. No tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country, which is not equally imposed and enforced upon every person immigrating to such State from any other foreign country.

No charge upon particular persons immigrating, &c.

31 May, 1870, c. 114, s. 16, v. 16, p. 144.

TITLE XXX.

NATURALIZATION.

Sec.
 2165. Aliens, how naturalized.
 2166. Aliens honorably discharged from military service.
 2167. Minor residents.
 2168. Widow and children of declarants.
 2169. Aliens of African nativity and descent.
 2170. Residence of five years in United States.

Sec.
 2171. Alien enemies not admitted.
 2172. Children of persons naturalized under certain laws to be citizens.
 2173. Police court of District of Columbia has no power to naturalize foreigners.
 2174. Naturalization of seamen.

Aliens, how naturalized.

Declaration of intention.

14 April, 1802, c. 28, ss. 1, 3, v. 2, pp. 153, 155.

26 May, 1824, c. 186, s. 4, v. 4, p. 60.

Campbell vs. Gordon, 6 Cr., 176;
Stark vs. Chesapeake Insurance Co., 7 Cr. 420;
Bank, 9 Wh., 827; *Spratt vs. Spratt*, 4 Pet., 393.

Oath to support the Constitution of the United States.

14 April, 1802, c. 28, s. 1, v. 2, p. 153.

Residence in United States, or States, and good moral character.

Titles of nobility to be renounced.

Persons residing in the United States before 29 January, 1796.

SEC. 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

First. He shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the Territories, or a court of record of any of the States having common-law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject.

Osborn vs. U. S. Co., 7 Cr. 420; *Chirack vs. Chirack*, 2 Wh., 259; *Osborn vs. U. S. Bank*, 9 Wh., 827; *Spratt vs. Spratt*, 4 Pet., 393.

Second. He shall, at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty; and, particularly, by name, to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Third. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held, one year at least; and that during that time he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

Fourth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Fifth. Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the State or Territory where such court is at the time held; and on his declaring on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, po-

tentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; and, also, on its appearing to the satisfaction of the court, that during such term of two years he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his, moreover, making in the court an express renunciation of his title or order of nobility. All of the proceedings, required in this condition to be performed in the court, shall be recorded by the clerk thereof.

Sixth. Any alien who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person, without a certificate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

SEC. 2166. Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States.

SEC. 2167. Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for two years next preceding, it has been his bona-fide intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

Persons residing between 18 June, 1798, and 18 June, 1812.

22 March, 1816, c. 31, s. 2, v. 3, p. 259.
24 May, 1828, c. 116, s. 2, v. 4, p. 310.

Aliens honorably discharged from military service.

17 July, 1862, c. 200, s. 21, v. 12, p. 597.

Minor residents.

26 May, 1824, c. 186, s. 1, v. 4, p. 69.

Widow and children of declarants.

26 March, 1804, c. 47, s. 2, v. 2, p. 293.

Aliens of African nativity and descent.

14 July, 1870, c. 254, s. 7, v. 16, p. 256.

Residence of five years in United States.

3 March, 1813, c. 42, s. 12, v. 2, p. 811.

Alien enemies not admitted.

14 April, 1802, c. 28, s. 1, v. 2, p. 163.

30 July, 1813, c. 36, v. 3, p. 63.

Children of persons naturalized under certain laws to be citizens.

14 April, 1802, c. 28, s. 4, v. 2, p. 155.

Campbell vs. Gordon, 6 Cr., 176.

Police court of District of Columbia has no power to naturalize foreigners.

17 June, 1870, c. 133, s. 5, v. 16, p. 154.

Naturalization of seamen.

7 June, 1872, c. 322, s. 20, v. 17, p. 268.

SEC. 2168. When any alien, who has complied with the first condition specified in section twenty-one hundred and sixty-five, dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths proscribed (*) by law.

SEC. 2169. The provisions of this Title shall apply to aliens of African nativity and to persons of African descent.

SEC. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

SEC. 2171. No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

SEC. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the State in which such person was proscribed.

SEC. 2173. The police court of the District of Columbia shall have no power to naturalize foreigners.

SEC. 2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant-vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant-vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

(*) Error in the Roll; should be *prescribed*.

TITLE XXXI.

THE CENSUS.

Sec.	Sec.
2175. Census to be taken according to this Title, unless, &c.	2189. Marshal may appoint deputies.
2176. Marshals to take the census.	2190. When officers of the Army to aid in taking census.
2177. Marshals to be sworn.	2191. Who may be required to answer questions; penalty for refusing
2178. Subdivisions of districts; estimates of population.	2192. Returns.
2179. Assistant marshals.	2193. Making false certificate.
2180. Taking reward for appointing assistant.	2194. Marshal to examine and transmit returns.
2181. Assistant to be commissioned and sworn; oath.	2195. New enumeration.
2182. Assistant neglecting or refusing to act.	2196. Secretary of the Interior to see that diligence is employed.
2183. Secretary of Interior to furnish blanks and instructions.	2197. Marshal's fees.
2184. Instructions for statistics in regard to hemp.	2198. Assistants' compensation.
2185. Marshals to supply blanks, &c., to assistants.	2199. Additional compensation.
2186. Marshals to supervise assistants; substitutes.	2200. Pay for making and returning copies of census returns.
2187. Duties of assistants.	2201. Marshal and assistants, when paid.
2188. Enumeration in California, Oregon, &c.	2202. False certificates by marshal.
	2203. Fines and penalties.
	2204. Superintendent of Census; salary.
	2205. Clerks in the Census Office.
	2206. Tables.

SEC. 2175. If no other law be passed providing for the taking of any subsequent census of the United States, on or before the first day of January of any year, when, by the Constitution of the United States, any future enumeration of the inhabitants thereof is required to be taken, such census shall, in all things, be taken and completed according to the provisions of this Title.

Census to be taken according to this Title, unless, &c.

23 May, 1850, c. 11, s. 23, v. 9, p. 432.

SEC. 2176. The marshals of the several judicial districts of the United States, and of the District of Columbia and the Territories, are required to cause all the inhabitants to be enumerated, and to collect all the other statistical information within their respective districts, in the manner provided for by law, and specified in the instructions which may be given by the Secretary of the Interior, and in the tables annexed, and to return the same to the Secretary on or before the first day of November next ensuing such enumeration, omitting from the enumeration of the inhabitants Indians not taxed; and omitting, also, at the discretion of the Secretary, any part or all of the statistics of the Territories except those of population; but if the time assigned for making the returns from the Territories proves inadequate, the Secretary may extend the same. And if there be any district or Territory of the United States in which there is no marshal, the President shall appoint some suitable person to discharge the duties assigned herein to marshals.

Marshals to take the census.

23 May, 1850, c. 11, s. 1, v. 9, p. 423.

SEC. 2177. Every marshal, before entering upon his duties, shall take and subscribe the following oath, before any circuit or district judge of the United States, or before any judge of any State court: "I, _____, marshal of the district of _____, do solemnly swear that I will to the best of my ability enumerate, or cause to be enumerated, all the inhabitants of such district, and will collect, or cause to be collected, the other statistical information within the same, and will faithfully perform all the duties enjoined on me by law providing for the taking of the census." When the oath is duly authenticated by the judge, the marshal shall deposit a copy thereof, so authenticated, with the Secretary of the Interior.

Marshals to be sworn.

23 May, 1850, c. 11, s. 2, v. 9, p. 423.

Subdivisions of districts; estimates of population.

23 May, 1850, c. 11, s. 3, v. 9, p. 428.

Assistant marshals.

23 May, 1850, c. 11, s. 4, v. 9, p. 428.

Taking reward for appointing assistant.

23 May, 1850, c. 11, s. 6, 14, v. 9, p. 429.

Assistant to be commissioned and sworn; oath.

23 May, 1850, c. 11, s. 9, v. 9, p. 430.

Assistant neglecting or refusing to act.

23 May, 1850, c. 11, s. 14, v. 9, p. 431.

Secretary of Interior to furnish blanks and instructions.

23 May, 1850, c. 11, s. 19, v. 9, p. 429.

Instructions for statistics in regard to hemp.

23 May, 1850, c. 11, s. 27, v. 9, p. 433.

Marshal to supply blanks, &c., to assistants.

23 May, 1850, c. 11, s. 5, v. 9, p. 429.

Marshal to superintend assistants; substitutes.

23 May, 1850, c. 11, s. 5, v. 9, p. 429.

SEC. 2178. Every marshal shall divide his district into subdivisions containing not exceeding twenty thousand persons in each, unless the limitation to that number causes inconvenient boundaries, in which case the number may be larger; and the limits of the subdivisions shall be known civil divisions, such as county, hundred, parish, township, town, city, ward, or shall be district lines, or highways, or natural boundaries, such as rivers and lakes. He shall also estimate, from the best sources of information which he is able to obtain, the number of square miles in each subdivision, and transmit a statement of such subdivisions and estimates to the Secretary of the Interior.

SEC. 2179. Every marshal shall appoint for each such subdivision a resident therein to be assistant marshal, to whom he shall give a commission under his hand, authorizing him to perform the duties herein assigned to assistants, and setting forth the boundaries of the subdivision; and he shall keep a true and faithful record of the appointments so made, and of the boundaries of the subdivision.

SEC. 2180. If any marshal, by any arrangement or understanding whatever, secures to himself any fee, reward, or compensation for the appointment of an assistant, or in any way secures to himself any part of the compensation provided by law for the services of assistants, or knowingly neglects or refuses to perform the duties herein assigned to him, he shall forfeit not less than one thousand dollars.

SEC. 2181. No assistant shall be deemed qualified to enter upon his duties until he has received from the marshal, under his hand, such a commission as is provided for herein, and shall take and subscribe the following oath, which shall be thereon indorsed: "I, _____, an assistant to the marshal of the district of _____, do solemnly swear that I will make a true and exact enumeration of all the inhabitants within the district assigned to me, and will also faithfully collect the other statistics therein, in the manner provided for by law for taking the census, and in conformity with all lawful instructions which I may receive, and will make due and correct returns thereof;" (Signed;) and such oath may be administered by any judge of a court of record, or any justice of the peace empowered to administer oaths, and a copy thereof duly authenticated shall be forwarded to the marshal by such assistant before he proceeds to the business of the appointment.

SEC. 2182. Every assistant marshal who, having accepted the appointment, neglects or refuses, without justifiable cause, to perform the duties enjoined on him, shall be liable to a penalty of five hundred dollars.

SEC. 2183. The Secretary of the Interior is required to provide blanks, and to distribute them among the marshals, so that the enumeration may commence on the first day of June of each census decade and be taken with reference to that day in every district and subdivision of districts; and to draw up and distribute, at the same time, printed instructions, defining and explaining the duties of such as collect the statistics, and the limits by which such duties are circumscribed, in a clear and intelligible manner.

SEC. 2184. The Secretary of the Interior, in his instructions to the marshals, shall direct that the statistics in regard to all other descriptions of hemp not embraced in the denomination of dew and water rotted, mentioned in schedule two, shall be taken and estimated in the returns.

SEC. 2185. Every marshal shall seasonably supply to each of his assistants the instructions issued by the Department of the Interior, and the blanks provided for the enumeration of the population, and the collection of other statistics, and shall give to him, from time to time, all such information and directions as may be necessary to enable him to discharge his duty.

SEC. 2186. Every marshal shall, from time to time, make himself acquainted with the progress made by each of his assistants in the discharge of his duties, and in case of inability or neglect arising from sickness, or otherwise, shall appoint a substitute.

SEC. 2187. Every assistant, when duly qualified, shall perform the service required of him by a personal visit to each dwelling-house and to each family in his subdivision, and shall ascertain, by inquiries made of some member of each family, if any one can be found capable of giving the information, but if not, then of the agent of such family, the name of each member thereof, the age and place of birth of each, and all the other particulars specified herein, or in the tables hereto subjoined, or in the instructions of the Secretary of the Interior; and shall also visit personally the farms, mills, shops, mines, and other places respecting which information is required in his district, and shall obtain all such information from the best and most reliable sources; and when, in either case, the information is obtained and entered on the tables, as obtained, till the same is complete, such memoranda shall be immediately read to the person furnishing the facts, in order to correct errors and supply omissions, if any exist.

SEC. 2188. In enumerating persons living in California, Oregon, Utah, and New Mexico, the several assistant marshals or agents shall include those who may have removed from their residence in any State or Territory of the United States prior to the first day of June, preceding such enumeration, and settled subsequent to that date in any of those States or Territories.

SEC. 2189. Any marshal may, for any purposes not inconsistent with the duties of the assistants herein provided for, appoint a deputy to act in his behalf; but he shall be responsible for all official acts of such deputy. And an appointment to collect the social statistics shall not be deemed an interference with the duties of the assistants.

SEC. 2190. When, in any of the Territories or places where the population is sparse, the officers of the Army, or any persons thereto belonging, can be usefully employed in taking the census, the Secretary of War is directed to afford such aid, if it can be given without prejudice to the public service.

SEC. 2191. Every person more than twenty years of age, belonging to any family residing in any subdivision, and in case of the absence of the heads and other members of any such family, then any agent of such family shall, upon the request of the marshal or his assistant, render a true account, to the best of his knowledge, of every person belonging to such family, in the various particulars required herein, and the tables hereto subjoined; and, for any refusal whatever to answer either of the inquiries authorized by law, such person shall be liable to a penalty of thirty dollars, to be sued for and recovered in an action by the assistant marshal, to the use of the United States.

SEC. 2192. Each assistant shall, within one month after the time specified for the completion of the enumeration, furnish the original census-returns to the clerk of the county court of his county, and two copies, duly compared and corrected, to the marshal of the district. He shall affix his signature to each page of the schedules before he returns them to his marshal, and, on the last page thereof, shall state the whole number of pages in each return, and certify that they were well and truly made according to the tenor of his oath of office.

SEC. 2193. Every assistant marshal who willfully makes a false certificate shall be liable to a penalty of not more than five thousand dollars, and shall be imprisoned not less than two years.

SEC. 2194. The marshal shall carefully examine whether the return of each assistant marshal is made in conformity with law, and where discrepancies are detected shall require them to be corrected. Of the two sets of the returns required from the assistant marshals as hereinbefore provided, he shall transmit one forthwith to the Census-Office, and the other to the office of the secretary of the State or Territory to which his district belongs.

The time allowed for transmitting a copy of the returns to the Census-Office is limited as follows: The returns of population upon schedule one shall be sent to that office on or before the tenth day of September,

Duties of assistants.

23 May, 1850, c. 11, s. 10, v. 9, p. 430.

Enumeration in California, Oregon, &c.

30 Aug., 1850, c. 43, s. 2, v. 9, p. 445.

Marshal may appoint deputies.

23 May, 1850, c. 11, s. 7, v. 9, p. 439.

When officers of the Army to aid in taking census.

23 May, 1850, c. 11, s. 18, v. 9, p. 431.

Who may be required to answer questions; penalty for refusing.

23 May, 1850, c. 11, s. 15, v. 9, p. 431.
6 May, 1870, c. 87, s. 2, v. 16, p. 118.

Returns.

23 May, 1850, c. 11, s. 11, v. 9, p. 430.

Making false certificate.

23 May, 1850, c. 11, s. 14, v. 9, p. 431.

Marshal to examine and transmit returns.

23 May, 1850, c. 11, s. 5, v. 9, p. 429.
6 May, 1870, c. 87, s. 1, v. 16, p. 118.

and the complete returns upon all the schedules shall be forwarded before the first day of October following; but the Secretary of the Interior may extend the time allowed for returns on the schedules, other than those of population, in any case where it appears to him necessary; and whenever, from the loss or destruction of returns, or from causes beyond the control of the officers charged with the enumeration, it is shown to be impracticable to comply with the requirements of this section, the Secretary of the Interior may extend the time allowed for rendering returns of population, not beyond the first day of October.

New enumeration.

30 July, 1852, c. 74, s. 2, v. 10, p. 25.

Secretary of the Interior to see that diligence is employed.

23 May, 1850, c. 11, s. 19, v. 9, p. 431.

Marshal's fees.

23 May, 1850, c. 11, s. 8, v. 9, p. 429.

Assistants' compensation.

23 May, 1850, c. 11, s. 12, v. 9, p. 430.

Additional compensation.

23 May, 1850, c. 11, s. 13, v. 9, p. 430.

Pay for making and returning copies of census returns.

6 May, 1870, c. 87, s. 3, v. 16, p. 118.

Marshal and assistants, when paid.

23 May, 1850, c. 11, s. 21, v. 9, p. 432.

SEC. 2195. Whenever it is found that the census of any district or subdivision has been improperly taken, or whenever the returns of any district or subdivision are accidentally lost or destroyed, the Secretary of the Interior shall order a new enumeration of such district or subdivision.

SEC. 2196. The Secretary of the Interior shall see that due diligence is employed by the marshals and assistants to make return of their respective doings completed, at the times herein prescribed; and, as the returns are made, shall cause them to be classified and arranged in the best and most convenient manner for use; and he shall lay the same before Congress at the next session.

SEC. 2197. Whenever the population returned in any district exceeds one million, the marshal thereof shall be entitled to receive as a compensation for all his services at the rate of one dollar for each thousand persons; but if the number returned be less than a million in any district, the marshal thereof shall be allowed for his services at the rate of one dollar and twenty-five cents for each thousand persons; but no marshal shall receive less than two hundred and fifty dollars. And when the compensation does not in the whole exceed the sum of five hundred dollars, a reasonable allowance for clerk-hire, to be determined by the Secretary of the Interior, shall be made. And the marshal of any district may, at his discretion, perform the duties of an assistant in any subdivision in which he may reside; and in such case he shall receive therefor the compensation allowed to assistants for like services.

SEC. 2198. Every assistant shall be allowed, as compensation for his services, at the rate of two cents for each person enumerated, and ten cents a mile for necessary travel, to be ascertained by multiplying the square root of the number of dwelling-houses in the division by the square root of the number of square miles in each division. The product shall be taken as the number of miles traveled for all purposes in taking the census.

SEC. 2199. In addition to the compensation allowed for the enumeration of the inhabitants, there shall be paid for each farm, fully returned, ten cents; for each establishment of productive industry, fully taken and returned, fifteen cents; for the social statistics, two per cent. upon the amount allowed for the enumeration of population, and for each name of a deceased person returned, two cents; but in making returns of farms and establishments of productive industry, the instructions given by the Secretary of the Interior must be strictly observed, and no allowance shall be made for any return not authorized by such instructions, or for any returns not limited to the year next preceding the first day of June in each decennial census.

SEC. 2200. Every assistant marshal or agent shall be paid, for making out and returning complete copies of the original census-returns, eight cents for each page of the two copies of the original census-returns required by section twenty-one hundred and ninety-two.

SEC. 2201. Whenever a marshal certifies that an assistant has completed to his satisfaction and made return of the subdivision confided to him, and also certifies the amount of compensation to which, under the provisions of law, such assistant is entitled, designating how much for each kind of service, the Secretary of the Interior shall cause one-half of the sum so due to be paid to such assistant; and when the returns

TITLE XXXII.
THE PUBLIC LANDS.

CHAPTER ONE.

SURVEYORS AND DEPUTY SURVEYORS.

Sec.	Sec.
2207. Surveyors-general, how and where appointed.	2220. Free access to field-notes, &c., delivered to States.
2208. Salary of in Louisiana, Florida, Minnesota, Nebraska, Iowa, and Dakota.	2221. Conditions of delivery of field-notes to the States.
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2211. Salaries of in Florida, Oregon, and California, how and from what time payable.	2224. Seals of surveyors-general of California, Oregon, and Louisiana, transcripts from records of.
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2216. New bond of and additional security.	2229. Official papers, &c., in office of surveyor-general of California; copies thereof.
2217. Duration of office.	2230. Bond of deputy surveyor.
2218. Completion of surveys, delivery of field-notes, &c.	2231. Oath of deputy surveyor.
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Surveyors-general, how and where appointed.

3 March, 1823, c. 29, s. 7, v. 3, p. 755.
3 March, 1831, c. 116, s. 1, v. 4, p. 493.
17 July, 1854, c. 84, s. 7, v. 10, p. 306.
3 March, 1855, c. 107, s. 1, v. 11, p. 212.
2 March, 1861, c. 83, s. 17, v. 12, p. 214.
29 June, 1866, c. 156, v. 14, p. 77.
4 July, 1866, c. 166, s. 4, v. 14, p. 85.
28 July, 1866, c. 311, s. 1, v. 14, p. 344.
16 July, 1863, c. 175, s. 1, v. 15, p. 91.
21 Feb., 1855, c. 117, s. 1, v. 10, p. 611.
5 Feb., 1870, c. 14, s. 2, v. 16, p. 65.
11 July, 1870, c. 246, v. 16, p. 230.

Salary of, in Louisiana, Florida, Minnesota, Nebraska, Iowa, and Dakota.

3 March, 1823, c. 29, s. 7, v. 3, p. 755. 3 March, 1831, c. 116, s. 5, v. 4, p. 493. 2 March, 1861, c. 86, s. 17, v. 12, p. 244. 8 May, 1872, c. 140, s. 1, v. 17, p. 76.

Salary of in Oregon and Washington.

27 Sept., 1850, c. 76, s. 2, v. 9, p. 496. 3 March, 1853, c. 145, s. 11, v. 10, p. 218. 14 Feb., 1853, c. 69, s. 4, v. 10, p. 152. 17 July, 1854, c. 84, s. 7, v. 10, p. 306. 3 March, 1855, c. 175, s. 26, v. 10, p. 674. 30 May, 1862, c. 86, s. 9, v. 12, p. 410. 8 May, 1872, c. 140, s. 1, v. 17, p. 76.

SEC. 2207. There shall be appointed by the President, by and with the advice and consent of the Senate, a surveyor-general for the States and Territories herein named, embracing, respectively, one surveying district, namely: Louisiana, Florida, Minnesota, Kansas, California, Nevada, Oregon, Nebraska and Iowa, Dakota, Colorado, New Mexico, Idaho, Washington, Montana, Utah, Wyoming, Arizona.

SEC. 2208. The surveyors-general of Louisiana, Florida, Minnesota, Kansas, Nebraska and Iowa, and of Dakota Territory, shall each receive a salary at the rate of two thousand dollars a year.

SEC. 2209. The surveyors-general of Oregon and of Washington shall each receive a salary at the rate of two thousand five hundred dollars a year.

SEC. 2210. The surveyors-general of Colorado, New Mexico, California, Idaho, Nevada, Montana, Utah, Wyoming, and Arizona, shall each receive a salary at the rate of three thousand dollars a year.

Salary of, in Colorado, New Mexico, California, Idaho, Nevada, Montana, Utah, Wyoming, and Arizona.

3 March, 1853, c. 145, s. 1, v. 10, p. 244. 22 July, 1854, c. 103, s. 1, v. 40, p. 306. 28 Feb., 1861, c. 59, s. 17, v. 12, p. 176. 2 March, 1861, c. 83, s. 17, v. 12, p. 214. 30 May, 1862, c. 86, s. 9, v. 12, p. 410. 2 March, 1867, c. 179, s. 1, v. 14, p. 542. 29 June, 1866, c. 156, v. 14, p. 77. 4 July, 1866, c. 166, s. 4, v. 14, p. 85. 16 July, 1868, c. 175, s. 1, v. 15, p. 91. 21 Feb., 1865, c. 117, s. 1, v. 10, p. 611. 5 Feb., 1870, c. 14, s. 2, v. 16, p. 65. 11 July, 1870, c. 246, v. 16, p. 230. 8 May, 1872, c. 140, s. 1, v. 17, p. 76.

SEC. 2211. The salary of each surveyor-general of Florida, Oregon, and California shall be paid quarter-yearly, and shall commence from the time he enters into bond, as provided by law.

Salaries of, in Florida, Oregon, and California, how and from what time payable.

3 March, 1823, c. 29, s. 7, v. 3, p. 756. 27 Sept., 1850, c. 76, s. 2, v. 9, p. 496. 3 March, 1853, c. 145, s. 1, v. 10, p. 244.

SEC. 2212. There shall be but one office of surveyor-general in each surveyor-general's district; and such office shall be located as the President, in view of the public convenience, may from time to time direct, except as provided in the following section.

Offices, number and location of.

2 July, 1864, c. 210, s. 8, v. 13, p. 352.

SEC. 2213. The surveyor-general's office for Minnesota district shall continue to be located at the city of Saint Paul; that for Idaho Territory, at Boise City; and that for the district of Nebraska and Iowa, at Plattsmouth, in Nebraska.

Offices, location of, in Minnesota, Idaho, Nebraska, and Iowa.

3 March, 1857, c. 107, s. 1, v. 11, p. 212. 29 June, 1866, c. 156, v. 14, p. 77. 28 July, 1866, c. 311, s. 1, v. 14, p. 344.

SEC. 2214. Every surveyor-general, while in the discharge of the duties of his office, shall reside in the district for which he is appointed.

Residence of surveyor-general.

3 March, 1843, c. 100, s. 1, v. 5, p. 637.

SEC. 2215. Every surveyor-general shall, before entering on the duties of his office, execute and deliver to the Secretary of the Interior a bond, with good and sufficient security, for the penal sum of thirty thousand dollars, conditioned for the faithful disbursement, according to law, of all public money placed in his hands, and for the faithful performance of the duties of his office.

Bond of surveyor-general.

7 May, 1822, c. 118, s. 1, v. 3, p. 697.

Farrar vs. U. S., 5 Pet., 373.

SEC. 2216. The President is authorized, whenever he may deem it expedient, to require any surveyor-general to give a new bond and additional security, under the direction of the Secretary of the Interior, for the faithful disbursement, according to law, of all money placed in his hands.

New bond of, and additional security.

7 May, 1822, c. 118, s. 3, v. 3, p. 697.

SEC. 2217. The commission of every surveyor-general now in office, and of every surveyor-general hereafter appointed, shall cease and expire, unless sooner vacated by death, resignation, or removal from office, in four years from the date of the commission.

Duration of office.

7 May, 1822, c. 118, s. 2, v. 3, p. 697.

SEC. 2218. The Secretary of the Interior shall take all the necessary measures for the completion of the surveys in the several surveying-districts for which surveyors-general have been, or may be, appointed, at the earliest periods compatible with the purposes contemplated by law; and whenever the surveys and records of any such district are completed, the surveyor-general thereof shall be required to deliver over to the secretary of state of the respective States, including such surveys, or to such other officer as may be authorized to receive them, all the field-notes, maps, records, and other papers appertaining to land titles within the same; and the office of surveyor-general in every such district shall thereafter cease and be discontinued.

Completion of surveys, delivery of field-notes, &c.

12 June, 1840, c. 36, s. 1, v. 5, p. 384.

SEC. 2219. In all cases where, as provided in the preceding section, the field-notes, maps, records, and other papers appertaining to land-titles in any State are turned over to the authorities of such State, the same authority, powers, and duties in relation to the survey, resurvey, or subdivision of the lands therein, and all matters and things connected therewith, as previously exercised by the surveyor-general, whose district included such State, shall be vested in, and devolved upon, the Commissioner of the General Land-Office.

Devolution of surveyor-general's powers upon Commissioner of Land-Office, when.

22 Jan., 1853, c. 24, s. 1, v. 10, p. 152.

Free access to field-notes, &c., delivered to States.

22 Jan., 1853, c. 24, s. 2, v. 10, p. 152.

Conditions of delivery of field-notes to the States.

22 Jan., 1853, c. 24, s. 3, v. 10, p. 152.

Continuance of duties after expiration of commission.

3 March, 1853, c. 145, s. 10, v. 10, p. 247.

General duties of surveyors-general.

18 May, 1796, c. 29, s. 1, v. 1, p. 464.

29 April, 1816, c. 151, s. 1, v. 3, p. 325.

3 March, 1831, c. 116, s. 1, v. 4, p. 492.

3 March, 1853, c. 145, ss. 3, 10, v. 10, pp. 245, 247.

Seals of surveyors-general of California, Oregon, and Louisiana; transcripts from records of.

3 March, 1853, c. 145, ss. 2, 11, v. 10, pp. 245, 246.

SEC. 2220. Under the authority and direction of the Commissioner of the General Land-Office, any deputy surveyor or other agent of the United States shall have free access to any such field-notes, maps, records, and other papers, for the purpose of taking extracts therefrom, or making copies thereof, without charge of any kind.

SEC. 2221. The field-notes, maps, records, and other papers mentioned in section twenty-two hundred and nineteen, shall in no case be turned over to the authorities of any State, until such State has provided by law for the reception and safe-keeping of the same as public records, and for the allowance of free access to the same by the authorities of the United States.

SEC. 2222. Every surveyor-general, register, and receiver, except where the President sees cause otherwise to determine, is authorized to continue in the uninterrupted discharge of his regular official duties, after the day of expiration of his commission, and until a new commission is issued to him for the same office, or until the day when a successor enters upon the duties of such office; and the existing official bond of any officer so acting shall be deemed good and sufficient, and in force, until the date of the approval of a new bond to be given by him, if re-commissioned, or otherwise, for the additional time he may so continue officially to act, pursuant to the authority of this section.

SEC. 2223. Every surveyor-general shall engage a sufficient number of skillful surveyors as his deputies, to whom he is authorized to administer the necessary oaths upon their appointments. He shall have authority to frame regulations for their direction, not inconsistent with law or the instructions of the General Land-Office, and to remove them for negligence or misconduct in office.

Second. He shall cause to be surveyed, measured, and marked, without delay, all base and meridian lines through such points and perpetuated by such monuments, and such other correction parallels and meridians as may be prescribed by law or by instructions from the General Land-Office, in respect to the public lands within his surveying-district, to which the Indian title has been or may be hereafter extinguished.

Third. He shall cause to be surveyed all private land-claims within his district after they have been confirmed by authority of Congress, so far as may be necessary to complete the survey of the public lands.

Fourth. He shall transmit to the register of the respective land-offices within his district general and particular plats of all lands surveyed by him for each land-district; and he shall forward copies of such plats to the Commissioner of the General Land-Office.

Fifth. He shall, so far as is compatible with the desk-duties of his office, occasionally inspect the surveying operations while in progress in the field, sufficiently to satisfy himself of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged shall be allowed; and where it is incompatible with his other duties for a surveyor-general to devote the time necessary to make a personal inspection of the work in progress, then he is authorized to depute a confidential agent to make such examination; and the actual and necessary expenses of such person shall be allowed and paid for that service, and five dollars a day during the examination in the field; but such examination shall not be protracted beyond thirty days, and in no case longer than is actually necessary; and when a surveyor-general, or any person employed in his office at a regular salary, is engaged in such special service, he shall receive only his necessary expenses in addition to his regular salary.

SEC. 2224. The official seals heretofore authorized to be provided for the offices of the surveyors-general of Oregon, California, and Louisiana shall continue to be used; and any copy of or extract from the plats, field-notes, records, or other papers on file in those offices, respectively, when authenticated by the seal and signature of the proper surveyor-general, shall be evidence in all cases in which the original would be evidence.

SEC. 2225. Any copy of a plat of survey, or transcript from the records of the office of surveyor-general of Louisiana, duly certified by him, shall be admitted as evidence in all the courts of the United States and the Territories thereof.

SEC. 2226. There shall be allowed for the offices of the several surveyors-general, for clerk-hire therein, such sums as may be appropriated for the purpose by Congress from year to year.

SEC. 2227. There shall be allowed for office-rent, fuel, books, stationery, and other incidental expenses of the several offices of surveyors-general such sums as may be appropriated for the purpose by Congress, from year to year.

SEC. 2228. The President is authorized, in any case where he thinks the public interest may require it, to transfer the duties of register and receiver in any district to the surveyor-general of the surveying-district in which such land-district is located.

SEC. 2229. All official books, papers, instruments of writing, documents, archives, official seals, stamps, or dies, which have been heretofore authorized by law to be collected and deposited in the surveyor-general's office in California, shall be safely and securely kept by such surveyor-general in the archives of his office; and copies thereof, authenticated by the surveyor-general under his seal of office, shall be evidence in all cases where the originals would be evidence.

SEC. 2230. Every deputy-surveyor shall enter into bond, with sufficient security, for the faithful performance of all surveying contracts confided to him; and the penalty of the bond, in each case, shall be double the estimated amount of money accruing under such contracts, at the rate per mile stipulated to be paid therein. The sufficiency of the sureties to all such bonds shall be approved and certified by the proper surveyor-general.

SEC. 2231. The surveyors-general, in addition to the oath now authorized by law to be administered to deputies on their appointment to office, shall require each of their deputies, on the return of his surveys, to take and subscribe an oath that those surveys have been faithfully and correctly executed, according to law and the instructions of the surveyor-general.

SEC. 2232. The district attorney of the United States, in whose district any false, erroneous, or fraudulent surveys have been executed, shall, upon the application of the proper surveyor-general, immediately institute suit upon the bond of such deputy; and the institution of such suit shall act as a lien upon any property owned or held by such deputy, or his sureties, at the time such suit was instituted.

SEC. 2233. In the event of the failure of a deputy in Louisiana to comply with the terms of his contract, unless such failure be satisfactorily shown by him to have arisen from causes beyond his control, he shall forfeit the penalty of his bond on due process of law, and ever afterward be debarred from receiving a contract for surveying public lands.

Transcripts from records of Louisiana.

3 March, 1831, c. 116, s. 5, v. 4, p. 493.
Clerk-hire, allowance of, to surveyors-general.

See appropriation acts.

Office-rent, allowance of, to surveyors-general.

See appropriation acts.

Duties of register and receiver performed by surveyor-general.

30 May, 1852, c. 86, s. 8, v. 12, p. 410.

Official papers, &c., in office of surveyor-general of California; copies thereof.

18 May, 1856, c. 39, s. 1, v. 11, p. 269.

Bond of deputy surveyor.

3 March, 1831, c. 116, s. 4, v. 4, p. 493.

3 March, 1853, c. 145, s. 10, v. 10, p. 247.

Oath of deputy surveyor.

8 Aug., 1846, c. 106, s. 2, v. 9, p. 79.

Suit on bond of deputy surveyor, lien of.

8 Aug., 1846, c. 106, s. 2, v. 9, p. 79.

Penalty for default of deputy.

3 March, 1831, c. 116, s. 4, v. 4, p. 493.

CHAPTER TWO.

REGISTERS AND RECEIVERS.

Sec.

2234. Registers and receivers, appointment of.

2235. Residence of register and receiver.

2236. Bond of register and receiver.

2237. Salaries of register and receiver.

2238. Fees and commissions of register and receiver.

2239. Fees of register and receiver for consolidated land-offices.

2240. Maximum of compensation for registers and receivers.

2241. Excess of compensation to be paid in Treasury.

Sec.

2242. Illegal fees; penalty.

2243. Compensation of registers and receivers when to commence.

2244. Duration of office of registers and receivers.

2245. Monthly and quarterly returns of receivers.

2246. Oaths administered by registers and receivers.

2247. Penalty for false information by register.

Appointment of registers and receivers.

SEC. 2234. There shall be appointed by the President, by and with the advice and consent of the Senate, a register of the land-office and a receiver of public moneys, for each land-district established by law.

See all acts establishing land-districts.

Residence of register and receiver.

SEC. 2235. Every register and receiver shall reside at the place where the land-office for which he is appointed is directed by law to be kept.

See all acts establishing land-districts.

Bond of register and receiver.

SEC. 2236. Every register and receiver shall, before entering on the duties of his office, give bond in the penal sum of ten thousand dollars, with approved security, for the faithful discharge of his trust.

10 May, 1800, c. 55, ss. 1, 6, v. 2, pp. 73, 75.

3 March, 1853, c. 145, a. 5, v. 10, p. 245.

Salaries of register and receiver.

SEC. 2237. Every register and receiver shall be allowed an annual salary of five hundred dollars.

30 May, 1862, c. 86, a. 6, v. 12, p. 409. 20 April, 1818, c. 123, v. 3, p. 466.

Fees and commissions of register and receiver.

SEC. 2238. Registers and receivers, in addition to their salaries, shall be allowed each the following fees and commissions, namely:

4 Sept., 1841, c. 16, a. 12, v. 5, p. 456. 21 March, 1864, c. 38, a. 4, v. 13, p. 35.

First. A fee of one dollar for each declaratory statement filed and for services in acting on pre-emption claims.

20 April, 1818, c. 123, v. 3, p. 466.

Second. A commission of one per centum on all moneys received at each receiver's office.

21 March, 1864, c. 38, a. 2, v. 13, p. 35.

Third. A commission to be paid by the homestead applicant, at the time of entry, of one per centum on the cash price, as fixed by law, of the land applied for; and a like commission when the claim is finally established, and the certificate therefor issued as the basis of a patent.

20 May, 1862, c. 75, a. 6, v. 12, p. 393.

15 July, 1870, c. 294, a. 25, v. 16, p. 320.

Fourth. The same commission on lands entered under any law to encourage the growth of timber on western prairies, as allowed when the like quantity of land is entered with money.

3 March, 1873, c. 277, a. 6, v. 17, p. 606.

Fifth. For locating military bounty-land warrants, issued since the eleventh day of February, eighteen hundred and forty-seven, and for locating agricultural-college land-scrip, the same commission, to be paid by the holder or assignee of each warrant or scrip, as is allowed for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre.

22 March, 1862, c. 19, s. 2, v. 10, p. 4.

2 July, 1862, c. 130, a. 7, v. 12, p. 505.

Sixth. A fee, in donation cases, of five dollars for each final certificate for one hundred and sixty acres of land, ten dollars for three hundred and twenty acres, and fifteen dollars for six hundred and forty acres.

30 May, 1862, c. 86, a. 6, v. 12, p. 409.

Seventh. In the location of lands by States and corporations under grants from Congress for railroads and other purposes, (except for agricultural colleges,) a fee of one dollar for each final location of one hundred and sixty acres; to be paid by the State or corporation making such location.

1 July, 1864, c. 196, s. 1, v. 13, p. 336.

Eighth. A fee of five dollars per diem for superintending public-land sales at their respective offices; and, to each receiver, mileage in going to and returning from depositing the public moneys received by him. 24 April, 1890, c. 51, s. 5, v. 3, p. 567.

Ninth. A fee of five dollars for filing and acting upon each application for patent or adverse claim filed for mineral lands, to be paid by the respective parties. 10 May, 1872, c. 152, s. 12, v. 17, p. 95.

Tenth. Registers and receivers are allowed, jointly, at the rate of fifteen cents per hundred words for testimony reduced by them to writing for claimants, in establishing pre-emption and homestead rights. 21 March, 1864, c. 38, s. 4, v. 13, p. 35.

Eleventh. A like fee as provided in the preceding subdivision when such writing is done in the land-office, in establishing claims for mineral lands. 10 May, 1872, c. 152, s. 12, v. 17, p. 95.

Twelfth. Registers and receivers in California, Oregon, Washington, Nevada, Colorado, Idaho, New Mexico, Arizona, Utah, Wyoming, and Montana, are each entitled to collect and receive fifty per centum on the fees and commissions provided for in the first, third, and tenth subdivisions of this section. 21 March, 1864, c. 38, s. 6, v. 13, p. 36, and several acts establishing land-offices for Utah, Wyoming, and Montana.

SEC. 2239. The register for any consolidated land-district, in addition to the fees now allowed by law, shall be entitled to charge and receive for making transcripts for individuals, or furnishing any other record information respecting public lands or land-titles in his consolidated land-district, such fees as are properly authorized by the tariff existing in the local courts of his district; and the receiver shall receive his equal share of such fees, and it shall be his duty to aid the register in the preparation of the transcripts, or giving the desired record information. Fees of register and receiver for consolidated land-offices. 18 Feb., 1861, c. 38, s. 1, 3, v. 12, p. 131.

SEC. 2240. The compensation of registers and receivers, including salary, fees, and commissions, shall in no case exceed in the aggregate three thousand dollars a year, each; and no register or receiver shall receive for any one quarter or fractional quarter more than a pro-rata allowance of such maximum. Maximum of compensation for registers and receivers. 21 March, 1864, c. 38, s. 6, v. 13, p. 36. 30 May, 1862, c. 19, s. 3, v. 10, p. 4. 2 July, 1862, c. 130, s. 7, v. 12, p. 505. 2 Feb., 1859, c. 19, v. 11, p. 378. 19 Feb., 1861, c. 38, s. 1, 3, v. 12, p. 131.—U. S. vs. Babbit, 1 Bl., 55.

SEC. 2241. Whenever the amount of compensation received at any land-office exceeds the maximum allowed by law to any register or receiver, the excess shall be paid into the Treasury, as other public moneys. Excess of compensation to be paid in Treasury. 3 March, 1853, c. 97, s. 1, v. 10, p. 204. 18 Feb., 1861, c. 38, s. 1, 3, v. 12, p. 131.

SEC. 2242. No register or receiver shall receive any compensation out of the Treasury for past services who has charged or received illegal fees; and, on satisfactory proof that either of such officers has charged or received fees or other rewards not authorized by law, he shall be forthwith removed from office. Illegal fees; penalty. 22 March, 1852, c. 19, s. 3, v. 10, p. 4.

SEC. 2243. The compensation of registers and receivers, both for salary and commissions, shall commence and be calculated from the time they, respectively, enter on the discharge of their duties. Compensation of registers and receivers, when to commence. 17 July, 1854, c. 84, s. 6, v. 10, p. 306.

SEC. 2244. All registers and receivers shall be appointed for the term of four years, but shall be removable at pleasure. Duration of office of registers and receivers. 24 Feb., 1855, c. 124, s. 3, v. 10, p. 615.

SEC. 2245. The receivers shall make to the Secretary of the Treasury monthly returns of the moneys received in their several offices, and pay over such money pursuant to his instructions. And they shall also make to the Commissioner of the General Land-Office like monthly returns, and transmit to him quarterly accounts-current of the debits and credits of their several offices with the United States. Monthly and quarterly returns of receivers. 15 May, 1820, c. 102, s. 1, v. 3, p. 582. 4 July, 1836, c. 352, s. 9, v. 5, p. 111.

Oaths administered by registers and receivers.

12 June, 1840, c. 35, v. 5, p. 384.

Penalty for false information by register.

4 July, 1836, c. 352, s. 13, v. 5, p. 112.

SEC. 2246. The register or receiver is authorized, and it shall be their duty, to administer any oath required by law or the instructions of the General Land-Office, in connection with the entry or purchase of any tract of the public lands; but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

SEC. 2247. If any person applies to any register to enter any land whatever, and the register knowingly and falsely informs the person so applying that the same has already been entered, and refuses to permit the person so applying to enter the same, such register shall be liable therefor to the person so applying, for five dollars for each acre of land which the person so applying offered to enter, to be recovered by action of debt in any court of record having jurisdiction of the amount.

CHAPTER THREE.

LAND-DISTRICTS.

GENERAL PROVISIONS RESPECTING CERTAIN LANDS.

Sec.

2248. When land-office may be discontinued by Secretary of the Interior.

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12 June, 1840, c. 36, s. 2, v. 5, p. 385.

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4 Sept., 1841, c. 16, s. 7, v. 5, p. 455.

When land-office may be annexed to adjacent district by the President.

3 March, 1853, c. 97, s. 1, v. 10, pp. 189, 194.

Change of location of land-office by the President.

3 March, 1853, c. 97, s. 1, v. 10, p. 204.

Discontinuance of land-offices by the President.

30 May, 1862, c. 86, s. 5, v. 12, p. 409.

SEC. 2248. Whenever the quantity of public land remaining unsold in any land-district is reduced to a number of acres less than one hundred thousand, it shall be the duty of the Secretary of the Interior to discontinue the land-office of such district; and if any land in any such district remains unsold at the time of the discontinuance of a land-office, the same shall be subject to sale at some one of the existing land-offices most convenient to the district in which the land-office has been discontinued, of which the Secretary of the Interior shall give notice.

SEC. 2249. The Secretary of the Interior may continue any land-district in which is situated the seat of government of any one of the States, and may continue the land-office in such district, notwithstanding the quantity of land unsold in such district may not amount to one hundred thousand acres, when, in his opinion, such continuance is required by public convenience, or in order to close the land-system in such State.

SEC. 2250. Whenever the cost of collecting the revenue from the sales of the public lands in any land-district is as much as one-third of the whole amount of revenue collected in such district, it may be lawful for the President, if, in his opinion, not incompatible with the public interest, to discontinue the land-office in such district, and to annex the same to some other adjoining land-district.

SEC. 2251. The President is authorized to change the location of the land-offices in the several land-districts established by law, and to relocate the same from time to time at such point in the district as he deems expedient.

3 March, 1853, c. 144, v. 10, p. 244.

SEC. 2252. Upon the recommendation of the Commissioner of the General Land-Office, approved by the Secretary of the Interior, the President may order the discontinuance of any land-office and the transfer of any of its business and archives to any other land-office within the same State or Territory.

SEC. 2253. The President is authorized to change and re-establish the boundaries of land-districts whenever, in his opinion, the public interests will be subserved thereby, without authority to increase the number of land-offices or land-districts.

Change of boundaries of land-districts, by the President.

29 June, 1870, c. 171, v. 16, p. 171.

SEC. 2254. In case of the division of existing land-districts by the erection of new ones, or by a change of boundaries by the President, all business in such original districts shall be entertained and transacted without prejudice or change, until the offices in the new districts are duly opened by public announcement under the direction of the Secretary of the Interior. All sales or disposals of the public lands heretofore regularly made at any land-office, after such lands have been made part of another district by any act of Congress, or by any act of the President, are confirmed, provided the same are free from conflict with prior valid rights.

Business of original district in case of change of boundaries.

31 May, 1872, c. 241, v. 17, p. 192.

SEC. 2255. The Secretary of the Interior is authorized to make a reasonable allowance for office-rent for each consolidated land-office; and when satisfied of the necessity therefor, to approve the employment by the register of one or more clerks, at a reasonable per-diem compensation, for such time as such clerical force is absolutely required to keep up the current public business, which clerical force shall be paid out of the surplus fees authorized to be charged by section twenty-two hundred and thirty-nine, if any, and if no surplus exists, then out of the appropriation for incidental expenses of district land-offices; but no clerk shall be so paid unless his employment has been first sanctioned by the Secretary of the Interior.

Allowance of office-rent and clerk-hire for consolidated land-offices.

18 Feb., 1861, c. 38, s. 2, v. 12, p. 131.

PROVISIONS RESPECTING PARTICULAR LOCAL LAND-DISTRICTS.

SEC. 2256. The following boundaries of the ninety-three land-districts, with the location of the respective land-offices, are established until changed in pursuance of law, namely:

Boundaries of land-districts in the United States on the 1st November, 1872.

OHIO.

1. Chillicothe.

Chillicothe.

The land-district of Chillicothe is co-extensive with the limits of the State of Ohio.

INDIANA.

2. Indianapolis.

Indianapolis.

The land-district of Indianapolis is co-extensive with the limits of the State of Indiana.

ILLINOIS.

3. Springfield.

Springfield.

The land-district of Springfield is co-extensive with the limits of the State of Illinois.

MISSOURI.

4. Boonville.

Boonville.

The land-district of Boonville embraces all that part of the State of Missouri which lies north of the line between townships thirty-seven and thirty-eight north, lying east of the line between ranges ten and eleven west, and townships thirty-four and thirty-five north of ranges eleven to thirty-three west, inclusive, counting from the fifth principal meridian.

Ironton.

5. Ironton.

The land-district of Ironton embraces all that part of the State of Missouri which lies south of the line between townships thirty-seven and thirty-eight north, and east of the line between ranges ten and eleven west of the fifth principal meridian.

Springfield.

6. Springfield.

The land-district of Springfield consists of that portion of the State of Missouri which is situated south of the line between townships thirty-four and thirty-five north, and west of the line between ranges ten and eleven west of the fifth principal meridian.

ALABAMA.

Mobile.

7. Mobile.

The land-district of Mobile embraces the southwestern part of the State of Alabama; it lies south of the line between townships thirteen and fourteen north, and west of the line between ranges nine and ten east of the basis meridian of Saint Stephen's.

Huntsville.

8. Huntsville.

This land-district consists of the northern part of the State of Alabama, lying north of the line between townships fourteen and fifteen south of the basis meridian of Huntsville, including the counties of De Kalb and Cherokee, and so much of the counties of Marshall, Etowah, and Jackson as were lately part of the Montgomery land-district in the State of Alabama.

Montgomery.

9. Montgomery.

The land-district of Montgomery embraces the central and southeastern parts of the State of Alabama, situated south of the Huntsville land-district, and extending south to the line between townships thirteen and fourteen north of the basis meridian of Saint Stephen's, across the whole State, and from townships one to thirteen north, inclusive, east from the line between ranges nine and ten east, to the eastern boundary of the State of Alabama.

LOUISIANA.

New Orleans.

10. New Orleans.

The land-district of New Orleans comprehends within its limits that portion of the State of Louisiana which lies south of the basis parallel of thirty-first degree of north latitude, and a portion thereof lying north of the basis and south of the Red River, and east of the line between ranges three and four west of the principal meridian.

Natchitoches.

11. Natchitoches.

This land-district occupies the northwestern part of the State of Louisiana, extending from townships one to thirteen north, inclusive, and west of the line between ranges three and four west; and also from township fourteen north to the north boundary of the State, extending from the line between ranges five and six west of the principal meridian to the western boundary of the State of Louisiana.

Monroe.

12. Monroe.

The land-district of Monroe consists of the northeastern portion of the State; it is bounded on the east by the Mississippi River, on the

south by Red River, and on the west by the line between ranges three and four west from townships six to thirteen north, inclusive, and from township fourteen north to the northern boundary of the State, by the line between ranges five and six west.

MISSISSIPPI.

13. Jackson.

Jackson.

The land-district of Jackson is co-extensive with the limits of the State of Mississippi.

MICHIGAN.

14. Detroit.

Detroit.

The land-district of Detroit includes all that part of the State of Michigan situated east of the following lines of public surveys, viz: Townships one to five north, inclusive, east of the principal meridian; townships six to nineteen north, inclusive, extending east of the line between ranges eleven and twelve east; townships one to four south, inclusive, lying east of the line between ranges three and four west; townships five to nine south, extending from the line between ranges four and five west. It also includes that part of the late Sheboygan land-district which lies north of the line between townships twenty-eight and twenty-nine north, and east of the line between ranges two and three west of the principal meridian, and extending to Lake Huron in the southern peninsula of Michigan, comprehending within its limits the island of Mackinaw.

15. East Saginaw

East Saginaw.

Land-district embraces townships six to ten north, lying east of the principal meridian and west of the line between ranges eleven and twelve east of said meridian; also townships eleven to twenty-eight north, lying east of the line between ranges two and three west of the principal meridian, and west of the line between ranges eleven and twelve east.

16. Ionia

Ionia.

Land-district includes the southwestern part of the southern peninsula of Michigan, extending south of the second correction-line north of the base-line and west of the East Saginaw district, and also west of that part of Detroit district adjoining south boundary of the State of Michigan.

17. Marquette

Marquette.

Land-district embraces the whole extent of the northern peninsula of Michigan, including Drummond Island and those adjacent to the Big Bay de Noc.

18. Traverse City or Sheboygan

Traverse City or
Sheboygan.

Land-district includes that portion of the northwestern part of the lower peninsula of Michigan which lies north of the second correction-line and west of the line between ranges two and three west of the principal meridian, including islands in Lakes Huron, Michigan, and the Straits of Mackinac, exclusive of the islands of Mackinaw and Drummond.

ARKANSAS.

19. Dardanelle

Dardanelle.

Land-district is bounded on the east by a line between ranges seventeen and eighteen west of the fifth principal meridian, running north from

the base-line to the corner common to townships twelve and thirteen north of the base-line, on the north by the line between townships twelve and thirteen north, on the west by the western boundary of the State of Arkansas, and on the south by the base-line.

Little Rock.

20. Little Rock

Land-district is bounded as follows, viz: Beginning on the south boundary of the State of Arkansas where the line between ranges five and six west of the fifth principal meridian intersects the same; thence north on said range-line to the corner common to townships ten and eleven south; thence west on the line between townships ten and eleven south to the line between ranges seventeen and eighteen west; thence north on the said range-line to the corner common to townships twelve and thirteen north of the base-line; thence east on the line between townships twelve and thirteen north to the line between ranges seven and eight west; thence north along said range-line to the north boundary of the State; thence east with the said boundary to the Saint Francis River; thence down said river to the intersection of the thirty-sixth degree and thirty minutes of north latitude; thence east along said parallel of north latitude to the Mississippi River; thence down said river to the south boundary of the State of Arkansas; and thence west along said boundary to the point of beginning.

Camden.

21. Camden

Land-district is bounded on the north by the base-line extending from the west boundary of the State of Arkansas to the intersection of the line between ranges seventeen and eighteen west of the fifth principal meridian; thence south with the said range-line to the corner common to townships ten and eleven south of the base-line; thence east, on the line between townships ten and eleven south, to the intersection of the line between ranges five and six west of the fifth principal meridian; thence south along said range-line to the south boundary of the State; thence west with the said boundary to the west boundary of the State; and thence with the west boundary to the place of beginning.

Harrison.

22. Harrison

Land-district comprises all that part of the State of Arkansas which lies north of the line between townships twelve and thirteen north of the base-line, and west of the line between ranges seven and eight west of the fifth principal meridian.

FLORIDA.

Tallahassee.

23. Tallahassee

Land-district embraces all that part of the State of Florida which lies west of the line between ranges fourteen and fifteen east of the principal meridian.

**Gainesville or
East Florida.**

24. Gainesville or East Florida

Land-district consists of that part of the State of Florida lying east of the line between ranges fourteen and fifteen east of the principal meridian.

IOWA.

Fort Des Moines.

25. Fort Des Moines

Land-district embraces the eastern portion of the State of Iowa, and is

bounded as follows, viz: Beginning on the south boundary of the State where the line between ranges thirty-three and thirty-four west of the fifth principal meridian intersects the same; thence north along said range-line to the corner common to townships eighty-five and eighty-six north of the base-line; thence east on the line between said townships to the line between ranges eighteen and nineteen west; thence north with said range-line to the corner common to townships ninety-three and ninety-four north; thence west on the line between said townships to the line between ranges twenty-four and twenty-five west; thence north on said range-line to the north boundary of the State; thence east with said boundary to the Mississippi River; thence down the river to the mouth of Des Moines River; thence up said river to the south boundary of Iowa, and thence west along the said boundary to the place of beginning.

26. Council Bluffs

Council Bluffs.

Land-district is bounded on the north by the line between townships eighty-five and eighty-six north, extending east from the Missouri River to the line between ranges thirty-three and thirty-four west of the fifth principal meridian; thence south with said range-line to the south boundary of the State; thence west with said boundary to the Missouri River; thence up the Missouri River to the place of beginning.

27. Fort Dodge

Fort Dodge.

Land-district is bounded on the north by the north boundary of the State of Iowa, extending east from the line between ranges thirty-three and thirty-four west of the fifth principal meridian to the line between ranges twenty-four and twenty-five west; thence south with said range-line to the corner common to townships ninety-three and ninety-four north; thence east on the line between townships ninety-three and ninety-four north to the line between ranges eighteen and nineteen west; thence south along said range-line to the corner common to townships eighty-five and eighty-six north; thence west on the line between said townships to the line between ranges thirty-three and thirty-four west; thence north with said range-line to the place of beginning.

28. Sioux City

Sioux City.

Land-district is bounded on the north by the north boundary of the State of Iowa; on the east by the line between ranges thirty-three and thirty-four west of the fifth principal meridian; on the south by the line between townships eighty-five and eighty-six north; and on the west by the Missouri and Big Sioux Rivers.

WISCONSIN.

29. Menasha

Menasha.

Land-district embraces eastern part of the State of Wisconsin lying east of the line between ranges eight and nine east, extending from the south boundary of the State to the corner common to townships fourteen and fifteen north; thence east on said township-line to the line between ranges eleven and twelve east; thence north along the said range-line to the north boundary of the State.

30. Falls Saint Croix

Falls Saint Croix.

Land-district is bounded on the north by the fourth correction-line north of the base-line; on the east by the line between ranges eleven and

twelve west of the fourth principal meridian ; on the south by the Chippeway and Mississippi Rivers, and on the west by the Saint Croix River.

Wausau.

31. Wausau

Land-district embraces all that portion of the State of Wisconsin lying north of the line between townships fourteen and fifteen north of the base-line ; west of the line between ranges eleven and twelve east of the fourth principal meridian ; and east of the line between ranges one and two east of the fourth principal meridian.

La Crosse.

32. La Crosse

Land-district is included within the following boundaries, to wit: Beginning on the south boundary of the State of Wisconsin, where the line between ranges eight and nine east of the fourth principal meridian intersects the same; thence north with the said range-line to the corner common to townships fourteen and fifteen north of the base-line; thence west with said line to the line between ranges one and two east; thence north along said range-line to the corner common to townships twenty-four and twenty-five north; thence west on the line between said townships to the line between ranges eleven and twelve west; thence north with said range-line to the intersection with the Chippeway River; thence down said river to its mouth; thence down the Mississippi River to the southern boundary of Wisconsin; and thence east along the said boundary to the place of beginning.

Bayfield.

33. Bayfield

Land-district embraces all that part of the northwestern corner of the State of Wisconsin lying north of the fourth correction-line and west of the line between ranges one and two east of the fourth principal meridian.

Eau Claire.

34. Eau Claire

Land-district is bounded on the north by the fourth correction-line running through ranges one east and one to eleven west of the fourth principal meridian; on the west by the line running south between ranges eleven and twelve west to the corner common to townships twenty-four and twenty-five north of the base-line; on the south by the line running east between said townships to the line between ranges one and two east of the fourth principal meridian, and on the east by the said range-line extending north to the corner common to townships forty and forty-one north of the base-line, to the place of beginning.

CALIFORNIA.

San Francisco.

35. San Francisco

Land-district is bounded as follows: Beginning on the Pacific Ocean where the line between townships seventeen and eighteen north intersects the ocean, and running thence east with the said township-line to the line between ranges six and seven west of the Mount Diablo meridian; thence south on said range-line to the corner common to townships sixteen and seventeen north; thence east between said townships to the line between ranges five and six west; thence south along the line between ranges five and six west to the second standard north of the Mount Diablo base-line; thence east along said standard-line, to the line between ranges four and five west; thence south on line between ranges four and five west to the corner common to townships nine and ten north; thence east between townships nine and ten north to the line between

ranges three and four west; thence south between ranges three and four west to the corner common to townships seven and eight north; thence east on the line between townships seven and eight north to the line between ranges three and four east; thence south on the line between ranges three and four east to the first standard north; thence west along said standard to the line between ranges two and three east; thence south on the line between ranges two and three east to the corner common to townships three and four north; thence west between townships three and four north to the line between ranges one and two east; thence south on line between ranges one and two east to the corner common to townships one and two north; thence east to the line between ranges two and three east; thence north between ranges two and three east to the corner common to townships two and three north; thence east on said township-line to the line between ranges four and five east; thence south on the line between ranges four and five east to the corner common to townships one and two south of the Mount Diablo base-line; thence east between townships one and two south to the line between ranges five and six east; thence south on said range-line to the corner common to townships seven and eight south; thence east on the line between townships seven and eight south to the line between ranges six and seven east; thence south on said range-line to the corner common to townships nine and ten south; thence east to the line between ranges seven and eight east; thence south to the corner common to townships ten and eleven south; thence east on line between townships ten and eleven south to the line between ranges eight and nine east; thence south on said range-line to the intersection of the third standard south; thence east along said standard to the line between ranges nine and ten east; thence on said range-line to the corner common to townships thirteen and fourteen south; thence east on the line between townships thirteen and fourteen south to the line between ranges ten and eleven east; thence south between ranges ten and eleven east to the corner common to townships fifteen and sixteen south; thence east on the line between townships fifteen and sixteen south to the line between ranges eleven and twelve east; thence south to the fourth standard south; thence east along said standard to the line between ranges twelve and thirteen east; thence south on said range-line to the corner common to townships eighteen and nineteen south; thence east along said township-line to the line between ranges thirteen and fourteen east; thence south to the fifth standard-line south; thence east along said standard-line to the line between ranges fourteen and fifteen east; thence south to the corner common to townships twenty-two and twenty-three south; thence east on the line between townships twenty-two and twenty-three south to the line between ranges fifteen and sixteen east; thence south on said range-line to the corner common to townships twenty-three and twenty-four south; thence east on said township-line to the line between ranges sixteen and seventeen east; thence south on said range-line to the corner common to townships twenty-six and twenty-seven south; thence east on said township-line to the line between ranges seventeen and eighteen east; thence south between said ranges to the corner common to townships twenty-seven and twenty-eight south; thence east on the line between said townships to the line between ranges eighteen and nineteen east; thence south on said range-line to the seventh standard-line south of the base-line; thence east along said standard-line to the line between ranges nineteen and twenty east; thence south on said range-line to the corner common to townships twenty-nine and thirty south; thence east on said township-line to the line between ranges twenty and twenty-one east; thence south on said range-line to the corner common to townships thirty and thirty-one south; thence east on said township-line to the line between ranges twenty-one and twenty-two east; thence south on said range-line to the corner common to townships thirty-one and thirty-two south; thence east on line between townships thirty-one and thirty-two south to the line between ranges

twenty-two and twenty-three east; thence south to the eighth standard-line south; thence east along said standard-line of the Mount Diablo base-line to the line between ranges twenty-three and twenty-four west of the San Bernardino meridian; thence south on said range-line to the corner common to townships ten and eleven north of the San Bernardino base-line; thence east on line between said townships to the line between ranges twenty and twenty-one west; thence south on said range-line to the first standard north of the San Bernardino base-line; thence west along said standard-line to the Pacific Ocean, and thence northwesterly along the ocean to the place of beginning.

Marysville.

36. Marysville

Land-district is bounded as follows: Beginning at a point where the north boundary of township twenty-five north is intersected by the line between ranges seven and eight west of the Mount Diablo meridian; thence east along the fifth standard north to the southeast corner of township twenty-six north, range four east; thence north to the corner of townships twenty-six and twenty-seven north, ranges four and five east; thence east to the corner of townships twenty-six and twenty-seven north, ranges five and six east; thence south to the fifth standard north; thence east along said standard to the line between ranges eight and nine east; thence south to the corner of townships twenty-three and twenty-four north, ranges eight and nine east; thence east to the line between ranges eleven and twelve east; thence south to the corner of townships twenty-one and twenty-two north, ranges eleven and twelve east; thence west to the corner of townships twenty-one and twenty-two north, ranges ten and eleven east; thence south to the fourth standard north; thence west along said standard, to the line between ranges nine and ten east; thence south, to the corner of townships nineteen and twenty north, ranges nine and ten east; thence west to the line between ranges eight and nine east; thence south to the corner of townships sixteen and seventeen north; thence west to the line between ranges six and seven east; thence south to the corner of townships thirteen and fourteen north, ranges six and seven east; thence west to the line between ranges five and six east; thence south to the corner of townships twelve and thirteen north; thence west to the line between ranges four and five east; thence south to the corner of townships eleven and twelve north; thence west to the line between ranges three and four east; thence south to the corner of townships seven and eight north; thence west to the line between ranges three and four west; thence north to the corner of townships nine and ten north; thence west to the line between ranges four and five west; thence north to the intersection of the second standard north; thence west along said standard to the southwest corner of township eleven north, range five west; thence north to the corner of townships sixteen and seventeen north; thence west to the corner of townships sixteen and seventeen north, ranges six and seven west; thence north to the corner of townships nineteen and twenty north; thence west to the line between ranges seven and eight west, and thence north to the place of beginning.

Humboldt.

37. Humboldt

Land-district is bounded as follows: Beginning at a point where the northern boundary of the State of California intersects the Pacific Ocean; thence east to the intersection of the line between ranges ten and eleven west of the Mount Diablo meridian; thence south on said range-line to the corner of townships twenty-five and twenty-six north; thence east to the line between ranges seven and eight west; thence south to the corner of townships nineteen and twenty north, ranges seven and eight west; thence east to the line between ranges six and seven west; thence south to the corner of townships seventeen and

eighteen north; thence west to the Pacific Ocean, and thence north-westerly, with the ocean, to the point of beginning.

38. Stockton

Stockton.

Land-district is bounded as follows: Beginning at the northwest corner of township five north, range five east of the Mount Diablo meridian, and running thence east along the first standard north to the line between ranges nine and ten east; thence south to the corner of townships three and four north, ranges nine and ten east; thence east to the line between ranges seventeen and eighteen east; thence north to the corner of townships four and five north, ranges seventeen and eighteen east; thence east to the line between ranges twenty-two and twenty-three east; thence south to the first standard south of the Mount Diablo base-line; thence east along said standard-line to the line between ranges twenty-six and twenty-seven east; thence south to the third standard south; thence west along said standard to the line between ranges eight and nine east; thence north to the corner of townships ten and eleven south; thence west to the line between ranges seven and eight east; thence north to the corner of townships nine and ten south; thence west to the line between ranges six and seven east; thence north to the corner of townships seven and eight south; thence west to the line between ranges five and six east; thence north to the corner of townships one and two south; thence west to the line between ranges four and five east; and thence north to the place of beginning.

39. Visalia

Visalia.

Land-district is bounded as follows: Beginning at the northwest corner of township thirteen south, range ten east, of the Mount Diablo meridian; running thence east along the third standard south to the line between ranges thirty-two and thirty-three east; thence south to the sixth standard south; thence east along said standard to the line between ranges thirty-two and thirty-three east; thence south along said range-line to the sixth standard south; thence east along said standard to the intersection of the San Bernardino meridian; thence north along said meridian to the intersection of the eastern boundary of the State of California; thence southeasterly along said boundary to the intersection of the line between townships eleven and twelve north of the San Bernardino base-line; thence west to the intersection of the San Bernardino meridian; thence with said meridian to the point where the same is intersected by the eighth standard south of the Mount Diablo meridian; thence west with the eighth standard south to the line between ranges twenty-two and twenty-three east of the Mount Diablo meridian; thence north to the corner of townships thirty-one and thirty-two south; thence west to the line between ranges twenty-one and twenty-two east; thence north to the corner of townships thirty and thirty-one south; thence west to the line between ranges twenty and twenty-one east; thence north to the corner of townships twenty-nine and thirty south; thence west to the line between ranges nineteen and twenty east; thence north to the seventh standard south; thence west along said standard to the line between ranges eighteen and nineteen east; thence north to the corner of townships twenty-seven and twenty-eight south; thence west to the line between ranges seventeen and eighteen east; thence north to the corner of townships twenty-six and twenty-seven south; thence west to the line between ranges sixteen and seventeen east; thence north along said range-line to the corner of townships twenty-three and twenty-four south; thence west to the line between ranges fifteen and sixteen east; thence north to the corner of townships twenty-two and twenty-three south; thence west to the line between ranges fourteen and fifteen east; thence north to the fifth standard south; thence west along said standard-line, to the line between ranges thirteen and fourteen east; thence

north to the corner of townships eighteen and nineteen south; thence west to the line between ranges twelve and thirteen east; thence north to the fourth standard south; thence west along said standard to the line between ranges eleven and twelve east; thence north to the corner of townships fifteen and sixteen south; thence west to the line between ranges ten and eleven east; thence north to the corner of townships thirteen and fourteen south; thence west to the line between ranges nine and ten east; and thence north to the place of beginning.

Sacramento.

40. Sacramento

Land-district is bounded as follows: Beginning at the northwest corner of township twenty north, range ten east; thence east along the fourth standard north of the Mount Diablo base-line to the line between ranges ten and eleven east; thence north to the corner of townships twenty-one and twenty-two north; thence east to the line between ranges thirteen and fourteen east; thence south along said line to the corner of townships nineteen and twenty east; thence east to the intersection of the eastern boundary of California; thence south to the intersection of the boundary with the thirty-ninth parallel of north latitude; thence southeasterly with the eastern boundary of California to the intersection of the western boundary of the Aurora land-district, or the line between ranges twenty-two and twenty-three east of the Mount Diablo meridian; thence south on said range-line to the corner of townships four and five north; thence west to the line between ranges seventeen and eighteen east; thence south to the corner of townships three and four north; thence west to the line between ranges nine and ten east; thence north to the first standard north; thence west with the said standard to the line between ranges four and five east; thence south to the corner of townships two and three north; thence west to the line between ranges two and three east; thence south to the corner of townships one and two north; thence west to the line between ranges one and two east; thence north to the corner of townships three and four north; thence east to the line between ranges two and three east; thence north on the line between ranges two and three east to the intersection of the first standard north; thence east along said standard-line to the line between ranges three and four east; thence north to the corner of townships eleven and twelve north; thence east to the line between ranges four and five east; thence north to the corner of townships twelve and thirteen north; thence east to the line between ranges five and six east; thence north to the corner of townships thirteen and fourteen north; thence east to the line between ranges six and seven east; thence north to the corner of townships sixteen and seventeen north; thence east to the line between ranges eight and nine east; thence north to the corner of townships nineteen and twenty north; thence east to the line between ranges nine and ten east; thence north to the point of beginning.

Los Angeles.

41. Los Angeles

Land-district is bounded as follows: Beginning at a point of the intersection of the first standard north of the San Bernardino base-line with the Pacific Ocean; thence east along said standard-line to the line between ranges twenty and twenty-one west of the San Bernardino meridian; thence north to the corner of townships ten and eleven north; thence west to the line between ranges twenty-three and twenty-four west; thence north with said range-line to the intersection of the eighth standard-line south of the Mount Diablo base-line; thence east with said standard-line to the intersection of the San Bernardino meridian; thence south to the corner of townships eleven and twelve north of San Bernardino base-line; thence east to the intersection of the eastern boundary of the State of California; thence in a southeasterly direction with said

boundary to the intersection of the Colorado River of the West; thence down said river to the intersection of the boundary between the United States and Mexico; thence southwesterly with said boundary to the Pacific Ocean; and thence in a northwesterly direction along the ocean to the place of beginning.

42. Shasta

Shasta.

Land-district is bounded as follows: Beginning on the northern boundary of the State of California, where the line between ranges ten and eleven west of the Mount Diablo meridian intersects said boundary; thence east with said boundary to the intersection of the line between ranges five and six east; thence south on said range-line to the corner to townships thirty and thirty-one north; thence west to the line between ranges four and five east; thence south to the fifth standard north of the Mount Diablo base-line; thence west along said standard-line to the line between ranges ten and eleven west; and thence north with said range-line to the north boundary of the State, the point of beginning.

43. Susanville

Susanville.

Land-district is bounded as follows: Beginning at a point where the north boundary of township nineteen north, Mount Diablo base-line, intersects the eastern boundary of the State of California; thence west on the north boundary of township nineteen north to the corner of townships nineteen and twenty north, ranges thirteen and fourteen east; thence north to the corner of townships twenty-one and twenty-two north, ranges thirteen and fourteen east; thence west to the corner of townships twenty-one and twenty-two north, ranges eleven and twelve east; thence north to the corner of townships twenty-three and twenty-four north, ranges eleven and twelve east; thence west to the corner of townships twenty-three and twenty-four north, ranges eight and nine east; thence north to the corner of townships twenty-five and twenty-six north, ranges eight and nine east; thence west to the corner of townships twenty-five and twenty-six north, ranges five and six east; thence north between ranges five and six east to the corner of townships twenty-six and twenty-seven north, ranges five and six east; thence west to the corner of townships twenty-six and twenty-seven north, ranges four and five east; thence north to the corner of townships thirty and thirty-one north, ranges four and five east; thence east to the corner of townships thirty and thirty-one north, ranges five and six east; thence north along said range-line to the northern boundary of the State of California; thence east with the said boundary to the intersection of the eastern boundary of the State, and thence south along the eastern boundary to the place of beginning.

NEVADA.

44. Carson City

Carson City.

Land-district is bounded as follows: Beginning at the northwest corner of the State of Nevada; thence east with the north boundary of the State to the intersection of the line between ranges forty-four and forty-five east of the Mount Diablo meridian; thence south on said range-line to the corner of townships twenty-four and twenty-five north of the Mount Diablo base-line; thence west to the lines between ranges thirty-nine and forty east; thence south along said range-line to the corner of townships thirteen and fourteen north; thence west to the line between ranges twenty-six and twenty-seven east; thence south along said range-line to the corner of townships ten and eleven north; thence west to the line between ranges twenty-two and twenty-three east;

the base-line to the corner common to townships twelve and thirteen north of the base-line, on the north by the line between townships twelve and thirteen north, on the west by the western boundary of the State of Arkansas, and on the south by the base-line.

Little Rock.

20. Little Rock

Land-district is bounded as follows, viz: Beginning on the south boundary of the State of Arkansas where the line between ranges five and six west of the fifth principal meridian intersects the same; thence north on said range-line to the corner common to townships ten and eleven south; thence west on the line between townships ten and eleven south to the line between ranges seventeen and eighteen west; thence north on the said range-line to the corner common to townships twelve and thirteen north of the base-line; thence east on the line between townships twelve and thirteen north to the line between ranges seven and eight west; thence north along said range-line to the north boundary of the State; thence east with the said boundary to the Saint Francis River; thence down said river to the intersection of the thirty-sixth degree and thirty minutes of north latitude; thence east along said parallel of north latitude to the Mississippi River; thence down said river to the south boundary of the State of Arkansas; and thence west along said boundary to the point of beginning.

Camden.

21. Camden

Land-district is bounded on the north by the base-line extending from the west boundary of the State of Arkansas to the intersection of the line between ranges seventeen and eighteen west of the fifth principal meridian; thence south with the said range-line to the corner common to townships ten and eleven south of the base-line; thence east, on the line between townships ten and eleven south, to the intersection of the line between ranges five and six west of the fifth principal meridian; thence south along said range-line to the south boundary of the State; thence west with the said boundary to the west boundary of the State; and thence with the west boundary to the place of beginning.

Harrison.

22. Harrison

Land-district comprises all that part of the State of Arkansas which lies north of the line between townships twelve and thirteen north of the base-line, and west of the line between ranges seven and eight west of the fifth principal meridian.

FLORIDA.

Tallahassee.

23. Tallahassee

Land-district embraces all that part of the State of Florida which lies west of the line between ranges fourteen and fifteen east of the principal meridian.

Gainesville or
East Florida.

24. Gainesville or East Florida

Land-district consists of that part of the State of Florida lying east of the line between ranges fourteen and fifteen east of the principal meridian.

IOWA.

Fort Des Moines.

25. Fort Des Moines

Land-district embraces the eastern portion of the State of Iowa, and is

bounded as follows, viz: Beginning on the south boundary of the State where the line between ranges thirty-three and thirty-four west of the fifth principal meridian intersects the same; thence north along said range-line to the corner common to townships eighty-five and eighty-six north of the base-line; thence east on the line between said townships to the line between ranges eighteen and nineteen west; thence north with said range-line to the corner common to townships ninety-three and ninety-four north; thence west on the line between said townships to the line between ranges twenty-four and twenty-five west; thence north on said range-line to the north boundary of the State; thence east with said boundary to the Mississippi River; thence down the river to the mouth of Des Moines River; thence up said river to the south boundary of Iowa, and thence west along the said boundary to the place of beginning.

26. Council Bluffs

Council Bluffs.

Land-district is bounded on the north by the line between townships eighty-five and eighty-six north, extending east from the Missouri River to the line between ranges thirty-three and thirty-four west of the fifth principal meridian; thence south with said range-line to the south boundary of the State; thence west with said boundary to the Missouri River; thence up the Missouri River to the place of beginning.

27. Fort Dodge

Fort Dodge.

Land-district is bounded on the north by the north boundary of the State of Iowa, extending east from the line between ranges thirty-three and thirty-four west of the fifth principal meridian to the line between ranges twenty-four and twenty-five west; thence south with said range-line to the corner common to townships ninety-three and ninety-four north; thence east on the line between townships ninety-three and ninety-four north to the line between ranges eighteen and nineteen west; thence south along said range-line to the corner common to townships eighty-five and eighty-six north; thence west on the line between said townships to the line between ranges thirty-three and thirty-four west; thence north with said range-line to the place of beginning.

28. Sioux City

Sioux City.

Land-district is bounded on the north by the north boundary of the State of Iowa; on the east by the line between ranges thirty-three and thirty-four west of the fifth principal meridian; on the south by the line between townships eighty-five and eighty-six north; and on the west by the Missouri and Big Sioux Rivers.

WISCONSIN.

29. Menasha

Menasha.

Land-district embraces eastern part of the State of Wisconsin lying east of the line between ranges eight and nine east, extending from the south boundary of the State to the corner common to townships fourteen and fifteen north; thence east on said township-line to the line between ranges eleven and twelve east; thence north along the said range-line to the north boundary of the State.

30. Falls Saint Croix

Falls Saint Croix.

Land-district is bounded on the north by the fourth correction-line north of the base-line; on the east by the line between ranges eleven and

Saint Cloud.

53. Saint Cloud

Land-district is bounded as follows: Beginning at a point of intersection of the fifth standard parallel north of the base-line with the line between ranges thirty-five and thirty-six west of the fifth principal meridian; thence north with the said range-line to the boundary-line between the United States and British possessions; thence east and southeasterly along said boundary to the intersection of the line between ranges twenty-three and twenty-four west of the fourth principal meridian; thence south with said range-line to the corner of townships forty-five and forty-six north; thence west to the line between ranges twenty-seven and twenty-eight west; thence south with said range-line to the Mississippi River; thence up the river to the intersection of the line between ranges twenty-four and twenty-five west of the fifth principal meridian with said river; thence south on the line between ranges twenty-four and twenty-five west to the intersection of the fifth standard parallel north; thence west with said standard parallel to the place of beginning.

Du Luth.

54. Du Luth

Land-district is bounded as follows: Commencing at a corner common to townships forty-five and forty six north, ranges twenty-three and twenty-four west of the fourth principal meridian; thence north with said range-line to the intersection of the boundary-line between the United States and the British possessions; thence eastwardly with said boundary to Lake Superior; thence southwesterly with said lake to the mouth of Saint Louis River; thence up said river to the intersection of the boundary-line between Wisconsin and Minnesota; thence south along said boundary-line to the intersection of the line between townships forty-five and forty-six north; and thence west between townships forty-five and forty-six north to the place of beginning.

Alexandria.

55. Alexandria

Land-district is bounded as follows: On the east by the line between ranges thirty-five and thirty-six west of the fifth principal meridian; on the north by the ninth standard parallel north of the base-line; on the south by the sixth standard parallel north; and on the west by the western boundary of the State of Minnesota.

Jackson.

56. Jackson.

Root River land-district is bounded on the south by the boundary-line between the States of Iowa and Minnesota; on the west by the western boundary of the State of Minnesota; on the north by the line between townships one hundred and five and one hundred and six north; and on the east by the Mississippi River.

New Ulm.

57. New Ulm.

Winona land-district is bounded on the north by the line between townships one hundred and ten and one hundred and eleven north; on the south by the line between townships one hundred and five and one hundred and six north of the base-line; on the east by the Mississippi River, and on the west by the western boundary of the State of Minnesota.

Litchfield.

58. Litchfield

Land-district is bounded as follows: Beginning on the Mississippi River at a point of the intersection of the south boundary of township twenty-seven north of the base-line with said river; thence west on said town-

ship-line to the southwest corner of township twenty-seven north, range twenty-four west of the fourth principal meridian; thence north to the intersection of the line between townships one hundred and fifteen and one hundred and sixteen north; thence west with said township-line to the western boundary of Minnesota; thence north with the western boundary of the State of Minnesota to the intersection of the said boundary, with the sixth standard parallel north; thence east with said standard parallel to the intersection of the line between ranges thirty-five and thirty-six west of the fifth principal meridian; thence south along said range-line to the intersection of the fifth standard parallel north; thence east with the said standard parallel to the third guide-meridian west of the fifth principal meridian; thence north with said third guide-meridian to the Mississippi River; thence down the Mississippi River to the place of beginning.

59. Redwood Falls

Redwood Falls.

Land-district is bounded on the south by the line between townships one hundred and ten and one hundred and eleven north; on the west by the western boundary of the State of Minnesota; on the north by the line between townships one hundred and fifteen and one hundred and sixteen north, extending east from the western boundary of the State of Minnesota to the intersection of the western boundary of township twenty-seven north, range twenty-four west of the fourth principal meridian; thence south with said west boundary of township twenty-seven north to the southwest corner thereof; thence east with the south boundary of township twenty-seven north to the Mississippi River; thence down the Mississippi River to the intersection of the line between townships one hundred and ten and one hundred and eleven north of the base-line.

60. Oak Lake

Oak Lake.

Land-district embraces all that part of the State of Minnesota which lies north of township number one hundred and thirty-six north and west of range number thirty-five west of the fifth principal meridian.

OREGON.

61. Oregon City

Oregon City.

Land-district is bounded as follows: Beginning at a point of the intersection of the third standard parallel south of the Willamette base-line with the Pacific Ocean; thence east along said standard-line to the summit of the Cascade Mountains; thence south to the fourth standard parallel south; thence east with said fourth standard-line to the intersection of the line between ranges twenty-two and twenty-three east of the Willamette meridian; thence north along said range-line to the Columbia River; thence down the Columbia River to the Pacific Ocean; thence with the ocean to the place of beginning.

62. Roseburgh

Roseburgh.

Land-district is bounded on the north by the third standard parallel south of the base-line extending from the Pacific Ocean east to the summit of the Cascade Mountains; on the east by said Cascade Mountains extending south to the intersection of the fourth standard south; thence west along said standard to the intersection of the line between ranges five and six east; thence south along said range-line to the south boundary of Oregon; thence west with said boundary to the Pacific Ocean; and thence along the ocean to the place of beginning.

Le Grand.

63. Le Grand

Land-district is bounded on the west by the line between ranges twenty-two and twenty-three east of the Willamette meridian; on the south by the fourth standard parallel south of the base-line; on the east by the Snake River, and on the north by the boundary-line between Washington Territory and the State of Oregon and the Columbia River.

Linkville.

64. Linkville.

Linkton district embraces all that portion of the State of Oregon lying south of the fourth standard parallel south of the base-line between townships eighteen and nineteen south, and east of the meridian-line between ranges five and six in said State.

KANSAS.

Topeka.

65. Topeka

Land-district is bounded on the north by the boundary-line between the States of Kansas and Nebraska; on the east by the Missouri River and the boundary-line between the States of Arkansas and Missouri; on the south by the line between townships twenty-two and twenty-three south of the base-line; and on the west by guide-meridian east of the sixth principal meridian.

Salina.

66. Salina.

Western land-district is bounded on the east by the guide-meridian east of the sixth principal meridian; on the south by the fourth standard parallel south of the base-line; on the west by the boundary-line between Kansas and Colorado; and on the north by the second standard parallel south of the base-line.

Independence.

67. Independence

Land-district is bounded on the north by the line between townships twenty-two and twenty-three south of the base-line; on the east by the western boundary of the State of Missouri; on the south by the south boundary of the State of Kansas; and on the west by the guide-meridian east of the sixth principal meridian.

Wichita.

68. Wichita.

Arkansas land-district is bounded on the north by the fourth standard parallel south; on the east by the guide-meridian east of the sixth principal meridian; on the south by the south boundary of the State of Kansas; and on the west by the boundary between the State of Kansas and the Territory of Colorado.

Concordia.

69. Concordia.

Republican land-district is bounded on the east by the guide-meridian east of the sixth principal meridian; on the south by the second standard parallel south of the base-line; on the west by the first guide-meridian west; and on the north by the boundary-line between the States of Kansas and Nebraska.

Cawker.

70. Cawker.

Northwestern land-district embraces all that portion of the State of Kansas lying west of the first guide-meridian west of the sixth principal meridian and north of the second standard parallel south of the base-line.

NEBRASKA.

71. West Point

West Point.

Land-district is bounded as follows: Beginning at the confluence of the Platte River with the Missouri; thence up the Missouri River to the intersection of the line between townships twenty-three and twenty-four north of the base-line; thence west with said township-line to the intersection of the line between ranges twenty-eight and twenty-nine west of the sixth principal meridian; thence south along said range-line to the fifth standard parallel north; thence east with said fifth standard parallel north to the intersection of the line between ranges six and seven east of the sixth principal meridian; thence south with said range-line to the Platte River; thence down with the Platte River to the place of beginning.

72. Beatrice.

Beatrice.

Nemaha land-district is bounded on the north by the line between townships six and seven north of the base-line; on the west by the line between ranges eight and nine west of the sixth principal meridian; on the south by the boundary-line between Kansas and Nebraska; and on the east by the Missouri River.

73. Lincoln.

Lincoln.

South Platte district is bounded on the south by the line between townships six and seven north of the base-line; on the west by the line between ranges eight and nine west of the sixth principal meridian; on the north by the Platte River; and on the east by the Missouri River.

74. Dakota City.

Dakota City.

Dakota land-district is bounded on the south by the line between townships twenty-three and twenty-four north of the base-line; on the west by the line between ranges twenty-eight and twenty-nine west of the sixth principal meridian; on the north by the boundary-line between Dakota Territory and the State of Nebraska; and on the east by the Missouri River.

75. Grand Island

Grand Island.

Land-district is bounded as follows: Beginning at the corner common to townships twenty and twenty-one north of the base-line, ranges six and seven east of the sixth principal meridian; thence south with said range-line to Platte River; thence up the Platte River to the intersection of the line between ranges twenty-four and twenty-five west of the sixth principal meridian; thence south with said range-line to the second standard parallel north; thence west along said standard parallel to the intersection of the line between ranges twenty-eight and twenty-nine west; thence north with said range-line to the intersection of the line between townships twenty and twenty-one north; thence east with said township line to the place of beginning.

76. North Platte.

North Platte.

Western district embraces all that portion of the State of Nebraska which lies west of range twenty-eight west of the sixth principal meridian, and north of the line between townships eight and nine north of the base-line.

Lowell.

77. Lowell.

Republican Valley district is bounded as follows: Beginning on the base-line, on the range-line between ranges eight and nine west of the sixth principal meridian; thence north with said range-line to the Platte River; thence up said river to the intersection of the line between ranges twenty-four and twenty-five west; thence south with said range-line to the second standard parallel north; thence west with said standard parallel to the western boundary of Nebraska; thence south with the western boundary of Nebraska to the intersection of the base-line; and thence east with said base-line to the place of beginning.

TERRITORY OF NEW MEXICO.

Santa Fé.

78. Santa Fé.

District of New Mexico is co-extensive with the limits of the Territory of New Mexico.

DAKOTA TERRITORY.

Vermillion.

79. Vermillion.

The Yankton land-district is bounded as follows: Beginning at a point on the north bank of Missouri River, on the line between ranges fifty-two and fifty-three west of the fifth principal meridian; thence north along said range-line to the line between townships one hundred and twenty and one hundred and twenty-one north, ranges fifty-two and fifty-three west; thence east with said range-line to the western boundary of the State of Minnesota; thence south with said boundary to the north boundary of Iowa; thence west with said boundary of the State of Iowa to the Big Sioux River; thence down said river to its mouth; thence up the middle channel of the Missouri River to the point opposite the place of beginning; and thence north to the point of beginning.

Springfield.

80. Springfield

Land-district is bounded as follows: Beginning at a point of the intersection of the line between ranges fifty-seven and fifty-eight west of the fifth principal meridian with the Missouri River; thence north with said range-line to the intersection of the line between townships one hundred and twenty and one hundred and twenty-one north; thence west on said township-line to the west boundary of Dakota Territory; thence south with said boundary to the south boundary of the Territory of Dakota; thence east with the south boundary of Dakota to the place of beginning.

Pembina.

81. Pembina

Land-district is bounded on the east by the western boundary of the State of Minnesota; on the south by the line between townships one hundred and twenty and one hundred and twenty-one north of the base-line, extending west from the west boundary of the State of Minnesota to the intersection of the line between ranges fifty-two and fifty-three west of the fifth principal meridian; thence north with said range-line to the forty-sixth parallel of north latitude; thence west along said parallel to the line between ranges fifty-seven and fifty-eight west; thence south along said range-line to the intersection of the line between townships one hundred and twenty and one hundred and twenty-one north; thence west along said township-line to the west boundary of Dakota Territory; thence north with said boundary to the forty-ninth parallel of north latitude; and thence east with said parallel to the western boundary of the State of Minnesota.

82. Yankton

Yankton.

Land-district is bounded as follows: Beginning at a point on the north bank of Missouri River at the intersection of the line between ranges fifty-two and fifty-three; thence north along said range-line to the forty-sixth parallel of north latitude; thence west along said parallel to the line between ranges fifty-seven and fifty-eight; thence south along said range-line to the Missouri River; thence easterly along the north bank of said stream to the place of beginning.

COLORADO TERRITORY.

83. Pueblo.

Pueblo.

Arkansas Valley land-district embraces all that part of the Territory of Colorado falling within the following limits: Beginning on the east boundary of the Territory of Colorado at a point where the second correction-line south intersects the same; running thence west on the said correction-line to the line dividing ranges numbered seventy-five and seventy-six west of the sixth principal meridian; thence south with said range-line to the third correction-line south; thence west on said line to the western boundary of the Territory; thence south to the southern boundary of said Territory; thence east to the eastern boundary of said Territory; and thence north to the point of beginning.

84. Denver City

Denver City.

Land-district is bounded as follows: Beginning at a point where the summit of the Rocky Mountains is intersected by the northern boundary of the Territory of Colorado; thence southerly with said mountains to the north boundary of Boulder County; thence east with said north boundary to the intersection of the line between ranges seventy and seventy-one west of the sixth principal meridian; thence south along said range-line to the intersection of South Platte River; thence up said river to the second correction-line south; thence east along said correction-line to the eastern boundary of the Territory of Colorado; thence north with said eastern boundary to the northern boundary of Colorado; and thence west along said northern boundary of the Territory to the place of beginning.

85. Fair Play

Fair Play.

Land-district is bounded as follows: Beginning at a point where the second correction-line south of the base-line intersects South Platte River; thence down said river to the boundary-line between Clear Creek and Park Counties; thence north with said boundary to the intersection of the first correction-line south; thence west along said correction-line to the western boundary of the Territory of Colorado; thence south with said western boundary to the intersection of the third correction-line south; thence east with said correction-line to the line between ranges seventy-five and seventy-six west of the sixth principal meridian; thence north along said range-line to the intersection of the second correction-line south; and thence east to the place of beginning.

86. Central City

Central City.

Land-district is composed of the counties of Clear Creek and Gilpin; all that part of Boulder and Jefferson Counties lying west of the line between ranges seventy and seventy-one west of the sixth principal meridian; and all that part of Summit County, Colorado, which lies north of the first correction-line south of the base-line.

thence south along said range-line to the intersection of the eastern boundary of California; thence northwesterly along said boundary to the intersection of the thirty-ninth parallel of north latitude with the one hundred and twentieth meridian of west longitude from Greenwich; thence north with said meridian to the place of beginning.

Austin.

45. Austin

Land-district is bounded as follows: Beginning at the corner to townships twenty-four and twenty-five north, ranges thirty-nine and forty east; thence east to the eastern boundary of the State of Nevada; thence south with the said boundary to the line between townships thirteen and fourteen north; thence west with said township-line to the intersection of the line between ranges thirty-nine and forty east; thence north with said range-line to the place of beginning.

Belmont.

46. Belmont.

Land-district is bounded as follows: Beginning at the corner to townships thirteen and fourteen north of Mount Diablo base-line, between ranges thirty-nine and forty east; thence east to the eastern boundary of the State of Nevada; thence south with said boundary to the Colorado River of the West; thence down said river to the intersection of the thirty-fifth degree of north latitude; thence northwesterly along the east boundary of the State of California to the intersection of the line between ranges thirty-nine and forty east; thence along said range-line to the place of beginning.

Aurora.

47. Aurora

Land-district is bounded as follows: Beginning at the corner common to townships thirteen and fourteen north, ranges thirty-nine and forty east of the Mount Diablo base-line; thence west on the line between townships thirteen and fourteen north, to the intersection of the line between ranges twenty-six and twenty-seven east; thence south on said range-line to the corner of townships ten and eleven north; thence west to the line between ranges twenty-two and twenty-three east; thence south along the said range-line to the intersection of the first standard parallel south; thence east to the line between ranges twenty-six and twenty-seven east; thence south on the said range-line to the intersection of the third standard parallel south; thence east to the line between ranges thirty-two and thirty-three east; thence south on the said range-line to the intersection of the sixth standard parallel south; thence east to the San Bernardino meridian; thence north with said meridian to the intersection of the eastern boundary of California; thence northwesterly with said eastern boundary to the intersection of the line between ranges thirty-nine and forty east of Mount Diablo meridian; thence north on the said range-line to the place of beginning.

Elko.

48. Elko

Land-district is bounded as follows: Commencing at the corner common to townships twenty-four and twenty-five north, range forty-four and forty-five east, Mount Diablo base and meridian; thence running due east to the eastern boundary-line of the State of Nevada; thence north on said eastern boundary of said State to the north boundary of said State; thence west on said north boundary of said State to the eastern boundary of the Carson land-district; thence south along said eastern boundary of the Carson land-district to the place of beginning.

WASHINGTON.

49. Olympia

Olympia.

Land-district is bounded as follows: Beginning on the boundary-line between the United States and the British possessions, and on the summit of the Cascade Mountains, at the nearest range-line to the east line of range twelve east of the Willamette meridian; thence south on the nearest range-lines on the summit of said mountains to the line dividing townships ten and eleven north of the base-line; thence west to the line dividing ranges six and seven west; thence north on said range-line to the third standard parallel; thence west to Shoal Water Bay; thence with the Shoal Water Bay to the Pacific Ocean; thence northwesterly with the ocean to the Strait of Juan de Fuca; and thence along the boundary-line between the United States and British possessions, running through the said strait and that of De Harro, to the intersection of the forty-ninth parallel of north latitude; and thence due east along said parallel to the place of beginning.

50. Vancouver or Columbia River

Vancouver or Columbia River.

Land-district is bounded as follows: Beginning at a point where the line between townships twelve and thirteen north intersects Shoal Water Bay; thence with the Shoal Water Bay, including any islands therein, to the Pacific Ocean; thence southerly with the ocean to the mouth of Columbia River; thence up the river to the point opposite the line between ranges nineteen and twenty east of the Willamette meridian; thence north with said range-line to the corner common to townships ten and eleven north; thence west along said township-line to the line between ranges six and seven west; thence north on said range-line to the intersection of the third standard parallel north; thence west with the said standard parallel to the place of beginning.

51. Walla-Walla

Walla-Walla.

Land-district is bounded as follows: Beginning on the boundary-line between the United States and the British possessions, on the summit of the Cascade Mountains; thence southerly along the line established by the first section of the act of May sixteen, eighteen hundred and sixty, entitled "An act to create an additional land-district in Washington Territory," to the line dividing townships ten and eleven north; thence east to the line dividing ranges nineteen and twenty east; thence south along said line to the Columbia River; thence up the Columbia River to the point where the forty-sixth parallel of north latitude crosses the river; thence east along the parallel to the eastern boundary of the Territory of Washington; thence north with said eastern boundary to the boundary-line between the United States and the British possessions; and thence west along the said boundary to the place of beginning.

MINNESOTA.

52. Taylor's Falls

Taylor's Falls.

Land-district is bounded as follows: Beginning at a point where the northern boundary of township forty-five north of the base-line and fourth principal meridian intersects the boundary between the States of Minnesota and Wisconsin; thence south along said boundary to the intersection of the Saint Croix River; thence down with said river to its mouth; thence up the Mississippi River to the intersection of the line between ranges twenty-seven and twenty-eight west of the fourth principal meridian with said river; thence north with said range-line to the corner of townships forty-five and forty-six north; and thence east to the place of beginning.

Saint Cloud.

53. Saint Cloud

Land-district is bounded as follows: Beginning at a point of intersection of the fifth standard parallel north of the base-line with the line between ranges thirty-five and thirty-six west of the fifth principal meridian; thence north with the said range-line to the boundary-line between the United States and British possessions; thence east and southeasterly along said boundary to the intersection of the line between ranges twenty-three and twenty-four west of the fourth principal meridian; thence south with said range-line to the corner of townships forty-five and forty-six north; thence west to the line between ranges twenty-seven and twenty-eight west; thence south with said range-line to the Mississippi River; thence up the river to the intersection of the line between ranges twenty-four and twenty-five west of the fifth principal meridian with said river; thence south on the line between ranges twenty-four and twenty-five west to the intersection of the fifth standard parallel north; thence west with said standard parallel to the place of beginning.

Du Luth.

54. Du Luth

Land-district is bounded as follows: Commencing at a corner common to townships forty-five and forty six north, ranges twenty-three and twenty-four west of the fourth principal meridian; thence north with said range-line to the intersection of the boundary-line between the United States and the British possessions; thence eastwardly with said boundary to Lake Superior; thence southwesterly with said lake to the mouth of Saint Louis River; thence up said river to the intersection of the boundary-line between Wisconsin and Minnesota; thence south along said boundary-line to the intersection of the line between townships forty-five and forty-six north; and thence west between townships forty-five and forty-six north to the place of beginning.

Alexandria.

55. Alexandria

Land-district is bounded as follows: On the east by the line between ranges thirty-five and thirty-six west of the fifth principal meridian; on the north by the ninth standard parallel north of the base-line; on the south by the sixth standard parallel north; and on the west by the western boundary of the State of Minnesota.

Jackson.

56. Jackson.

Root River land-district is bounded on the south by the boundary-line between the States of Iowa and Minnesota; on the west by the western boundary of the State of Minnesota; on the north by the line between townships one hundred and five and one hundred and six north; and on the east by the Mississippi River.

New Ulm.

57. New Ulm.

Winona land-district is bounded on the north by the line between townships one hundred and ten and one hundred and eleven north; on the south by the line between townships one hundred and five and one hundred and six north of the base-line; on the east by the Mississippi River, and on the west by the western boundary of the State of Minnesota.

Litchfield.

58. Litchfield

Land-district is bounded as follows: Beginning on the Mississippi River at a point of the intersection of the south boundary of township twenty-seven north of the base-line with said river; thence west on said town-

ship-line to the southwest corner of township twenty-seven north, range twenty-four west of the fourth principal meridian; thence north to the intersection of the line between townships one hundred and fifteen and one hundred and sixteen north; thence west with said township-line to the western boundary of Minnesota; thence north with the western boundary of the State of Minnesota to the intersection of the said standard parallel, with the sixth standard parallel north; thence east with said standard parallel to the intersection of the line between ranges thirty-five and thirty-six west of the fifth principal meridian; thence south along said range-line to the intersection of the fifth standard parallel north; thence east with the said standard parallel to the third guide-meridian west of the fifth principal meridian; thence north with said third guide-meridian to the Mississippi River; thence down the Mississippi River to the place of beginning.

59. Redwood Falls

Redwood Falls.

Land-district is bounded on the south by the line between townships one hundred and ten and one hundred and eleven north; on the west by the western boundary of the State of Minnesota; on the north by the line between townships one hundred and fifteen and one hundred and sixteen north, extending east from the western boundary of the State of Minnesota to the intersection of the western boundary of township twenty-seven north, range twenty-four west of the fourth principal meridian; thence south with said west boundary of township twenty-seven north to the southwest corner thereof; thence east with the south boundary of township twenty-seven north to the Mississippi River; thence down the Mississippi River to the intersection of the line between townships one hundred and ten and one hundred and eleven north of the base-line.

60. Oak Lake

Oak Lake.

Land-district embraces all that part of the State of Minnesota which lies north of township number one hundred and thirty-six north and west of range number thirty-five west of the fifth principal meridian.

OREGON.

61. Oregon City

Oregon City.

Land-district is bounded as follows: Beginning at a point of the intersection of the third standard parallel south of the Willamette base-line with the Pacific Ocean; thence east along said standard-line to the summit of the Cascade Mountains; thence south to the fourth standard parallel south; thence east with said fourth standard-line to the intersection of the line between ranges twenty-two and twenty-three east of the Willamette meridian; thence north along said range-line to the Columbia River; thence down the Columbia River to the Pacific Ocean; thence with the ocean to the place of beginning.

62. Roseburgh

Roseburgh.

Land-district is bounded on the north by the third standard parallel south of the base-line extending from the Pacific Ocean east to the summit of the Cascade Mountains; on the east by said Cascade Mountains extending south to the intersection of the fourth standard south; thence west along said standard to the intersection of the line between ranges five and six east; thence south along said range-line to the south boundary of Oregon; thence west with said boundary to the Pacific Ocean; and thence along the ocean to the place of beginning.

Le Grand.

63. Le Grand

Land-district is bounded on the west by the line between ranges twenty-two and twenty-three east of the Willamette meridian; on the south by the fourth standard parallel south of the base-line; on the east by the Snake River, and on the north by the boundary-line between Washington Territory and the State of Oregon and the Columbia River.

Linkville.

64. Linkville.

Linkton district embraces all that portion of the State of Oregon lying south of the fourth standard parallel south of the base-line between townships eighteen and nineteen south, and east of the meridian-line between ranges five and six in said State.

KANSAS.

Topeka.

65. Topeka

Land-district is bounded on the north by the boundary-line between the States of Kansas and Nebraska; on the east by the Missouri River and the boundary-line between the States of Arkansas and Missouri; on the south by the line between townships twenty-two and twenty-three south of the base-line; and on the west by guide-meridian east of the sixth principal meridian.

Salina.

66. Salina.

Western land-district is bounded on the east by the guide-meridian east of the sixth principal meridian; on the south by the fourth standard parallel south of the base-line; on the west by the boundary-line between Kansas and Colorado; and on the north by the second standard parallel south of the base-line.

Independence.

67. Independence

Land-district is bounded on the north by the line between townships twenty-two and twenty-three south of the base-line; on the east by the western boundary of the State of Missouri; on the south by the south boundary of the State of Kansas; and on the west by the guide-meridian east of the sixth principal meridian.

Wichita.

68. Wichita.

Arkansas land-district is bounded on the north by the fourth standard parallel south; on the east by the guide-meridian east of the sixth principal meridian; on the south by the south boundary of the State of Kansas; and on the west by the boundary between the State of Kansas and the Territory of Colorado.

Concordia.

69. Concordia.

Republican land-district is bounded on the east by the guide-meridian east of the sixth principal meridian; on the south by the second standard parallel south of the base-line; on the west by the first guide-meridian west; and on the north by the boundary-line between the States of Kansas and Nebraska.

Cawker.

70. Cawker.

Northwestern land-district embraces all that portion of the State of Kansas lying west of the first guide-meridian west of the sixth principal meridian and north of the second standard parallel south of the base-line.

NEBRASKA.

71. West Point

West Point.

Land-district is bounded as follows: Beginning at the confluence of the Platte River with the Missouri; thence up the Missouri River to the intersection of the line between townships twenty-three and twenty-four north of the base-line; thence west with said township-line to the intersection of the line between ranges twenty-eight and twenty-nine west of the sixth principal meridian; thence south along said range-line to the fifth standard parallel north; thence east with said fifth standard parallel north to the intersection of the line between ranges six and seven east of the sixth principal meridian; thence south with said range-line to the Platte River; thence down with the Platte River to the place of beginning.

72. Beatrice.

Beatrice.

Nemaha land-district is bounded on the north by the line between townships six and seven north of the base-line; on the west by the line between ranges eight and nine west of the sixth principal meridian; on the south by the boundary-line between Kansas and Nebraska; and on the east by the Missouri River.

73. Lincoln.

Lincoln.

South Platte district is bounded on the south by the line between townships six and seven north of the base-line; on the west by the line between ranges eight and nine west of the sixth principal meridian; on the north by the Platte River; and on the east by the Missouri River.

74. Dakota City.

Dakota City.

Dakota land-district is bounded on the south by the line between townships twenty-three and twenty-four north of the base-line; on the west by the line between ranges twenty-eight and twenty-nine west of the sixth principal meridian; on the north by the boundary-line between Dakota Territory and the State of Nebraska; and on the east by the Missouri River.

75. Grand Island

Grand Island.

Land-district is bounded as follows: Beginning at the corner common to townships twenty and twenty-one north of the base-line, ranges six and seven east of the sixth principal meridian; thence south with said range-line to Platte River; thence up the Platte River to the intersection of the line between ranges twenty-four and twenty-five west of the sixth principal meridian; thence south with said range-line to the second standard parallel north; thence west along said standard parallel to the intersection of the line between ranges twenty-eight and twenty-nine west; thence north with said range-line to the intersection of the line between townships twenty and twenty-one north; thence east with said township line to the place of beginning.

76. North Platte.

North Platte.

Western district embraces all that portion of the State of Nebraska which lies west of range twenty-eight west of the sixth principal meridian, and north of the line between townships eight and nine north of the base-line.

Lowell.

77. Lowell.

Republican Valley district is bounded as follows: Beginning on the base-line, on the range-line between ranges eight and nine west of the sixth principal meridian; thence north with said range-line to the Platte River; thence up said river to the intersection of the line between ranges twenty-four and twenty-five west; thence south with said range-line to the second standard parallel north; thence west with said standard parallel to the western boundary of Nebraska; thence south with the western boundary of Nebraska to the intersection of the base-line; and thence east with said base-line to the place of beginning.

TERRITORY OF NEW MEXICO.

Santa Fé.

78. Santa Fé.

District of New Mexico is co-extensive with the limits of the Territory of New Mexico.

DAKOTA TERRITORY.

Vermillion.

79. Vermillion.

The Yankton land-district is bounded as follows: Beginning at a point on the north bank of Missouri River, on the line between ranges fifty-two and fifty-three west of the fifth principal meridian; thence north along said range-line to the line between townships one hundred and twenty and one hundred and twenty-one north, ranges fifty-two and fifty-three west; thence east with said range-line to the western boundary of the State of Minnesota; thence south with said boundary to the north boundary of Iowa; thence west with said boundary of the State of Iowa to the Big Sioux River; thence down said river to its mouth; thence up the middle channel of the Missouri River to the point opposite the place of beginning; and thence north to the point of beginning.

Springfield.

80. Springfield

Land-district is bounded as follows: Beginning at a point of the intersection of the line between ranges fifty-seven and fifty-eight west of the fifth principal meridian with the Missouri River; thence north with said range-line to the intersection of the line between townships one hundred and twenty and one hundred and twenty-one north; thence west on said township-line to the west boundary of Dakota Territory; thence south with said boundary to the south boundary of the Territory of Dakota; thence east with the south boundary of Dakota to the place of beginning.

Pembina.

81. Pembina

Land-district is bounded on the east by the western boundary of the State of Minnesota; on the south by the line between townships one hundred and twenty and one hundred and twenty-one north of the base-line, extending west from the west boundary of the State of Minnesota to the intersection of the line between ranges fifty-two and fifty-three west of the fifth principal meridian; thence north with said range-line to the forty-sixth parallel of north latitude; thence west along said parallel to the line between ranges fifty-seven and fifty-eight west; thence south along said range-line to the intersection of the line between townships one hundred and twenty and one hundred and twenty-one north; thence west along said township-line to the west boundary of Dakota Territory; thence north with said boundary to the forty-ninth parallel of north latitude; and thence east with said parallel to the western boundary of the State of Minnesota.

82. Yankton

Yankton.

Land-district is bounded as follows: Beginning at a point on the north bank of Missouri River at the intersection of the line between ranges fifty-two and fifty-three; thence north along said range-line to the forty-sixth parallel of north latitude; thence west along said parallel to the line between ranges fifty-seven and fifty-eight; thence south along said range-line to the Missouri River; thence easterly along the north bank of said stream to the place of beginning.

COLORADO TERRITORY.

83. Pueblo.

Pueblo.

Arkansas Valley land-district embraces all that part of the Territory of Colorado falling within the following limits: Beginning on the east boundary of the Territory of Colorado at a point where the second correction-line south intersects the same; running thence west on the said correction-line to the line dividing ranges numbered seventy-five and seventy-six west of the sixth principal meridian; thence south with said range-line to the third correction-line south; thence west on said line to the western boundary of the Territory; thence south to the southern boundary of said Territory; thence east to the eastern boundary of said Territory; and thence north to the point of beginning.

84. Denver City

Denver City.

Land-district is bounded as follows: Beginning at a point where the summit of the Rocky Mountains is intersected by the northern boundary of the Territory of Colorado; thence southerly with said mountains to the north boundary of Boulder County; thence east with said north boundary to the intersection of the line between ranges seventy and seventy-one west of the sixth principal meridian; thence south along said range-line to the intersection of South Platte River; thence up said river to the second correction line south; thence east along said correction-line to the eastern boundary of the Territory of Colorado; thence north with said eastern boundary to the northern boundary of Colorado; and thence west along said northern boundary of the Territory to the place of beginning.

85. Fair Play

Fair Play.

Land-district is bounded as follows: Beginning at a point where the second correction-line south of the base-line intersects South Platte River; thence down said river to the boundary-line between Clear Creek and Park Counties; thence north with said boundary to the intersection of the first correction-line south; thence west along said correction-line to the western boundary of the Territory of Colorado; thence south with said western boundary to the intersection of the third correction-line south; thence east with said correction-line to the line between ranges seventy-five and seventy-six west of the sixth principal meridian; thence north along said range-line to the intersection of the second correction-line south; and thence east to the place of beginning.

86. Central City

Central City.

Land-district is composed of the counties of Clear Creek and Gilpin; all that part of Boulder and Jefferson Counties lying west of the line between ranges seventy and seventy-one west of the sixth principal meridian; and all that part of Summit County, Colorado, which lies north of the first correction-line south of the base-line.

IDAHO TERRITORY.

Boise City.

87. Boise City.

Idaho land-district comprises all that part of the Territory of Idaho which lies south of the Salmon range of mountains, to which the Indian title is, or shall be, extinguished.

Lewiston.

88. Lewiston

Land-district consists of all that portion of the Territory of Idaho lying north of the Salmon River range of mountains.

MONTANA TERRITORY.

Helena.

89. Helena.

Montana land-district consists of all the public lands within the Territory to which the Indian title is, or shall be, extinguished.

UTAH TERRITORY.

Salt Lake City.

90. Salt Lake City.

Utah land-district consists of all the public lands within the Territory.

WYOMING TERRITORY.

Cheyenne City.

91. Cheyenne City.

Wyoming land-district consists of all the public lands embraced within the limits of the Territory.

ARIZONA TERRITORY.

92. Office to be located as the President may direct.

Office to be located by President.

The Gila land-district embraces all that portion of the Territory within the following limits, to wit: Commencing at the eastern boundary of the Territory, at the intersection of the first standard-line north; and running thence west on that line to the western boundary of the Territory; thence south with said boundary-line to the southern boundary of the Territory; thence east on said line to the eastern boundary of the Territory; and thence north on said line to the place of beginning.

Prescott.

93. Prescott.

Arizona land-district consists of all the public lands within the Territory, not described above in the Gila land-district.

CHAPTER FOUR.

PRE-EMPTIONS.

<p>Sec. 2257. Lands subject to pre-emption. 2258. Lands not subject to pre-emption. 2259. Persons entitled to pre-emption. 2260. Persons not entitled to pre-emption. 2261. Limitation of pre-emption right. 2262. Oath of pre-emptionist where filed, penalty. 2263. Proof of settlement, assignment of pre-emption rights. 2264. Statement to be filed by settler with intent to purchase on lands subject to private entry.</p>	<p>Sec. 2265. Claim filed by settler on land not proclaimed for sale. 2266. Declaratory statement of settlers on unsurveyed lands, when filed. 2267. Pre-emption claimants, time of making proof and payment. 2268. Extension of time in certain cases to persons in military and naval service. 2269. Death before consummating claim; who to complete, &c.</p>
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<p>Sec. 2270. Non-compliance with laws caused by vacancy in office of register or receiver not to affect, &c. 2271. No pre-emption of lands sold but not confirmed by Land-Office. 2272. Purchase by private entry after expiration of pre-emption right. 2273. When more than one settler, rights of, appeals to Commissioner. 2274. Settlements of two or more persons on same subdivision before survey. 2275. Settlements before survey on sections 16 or 36, deficiencies thereof. 2276. Selections to supply deficiencies of school-lands. 2277. Military bounty-land warrants receivable for pre-emption payments. 2278. Agricultural-college scrip receivable in payment of pre-emptions.</p>	<p>Sec. 2279. Pre-emption limit along railroad lines. 2280. Pre-emption rights on lands reserved for grants found invalid. 2281. Pre-emption rights on lands reserved for railroads. 2282. Sale of land not to be delayed, &c. 2283. Certain lands in Kansas, how to be sold. 2284. Transfer of above claims prior to, &c., subsequent right of entry. 2285. Pre-emption restrictions not to apply to certain lands in Kansas. 2286. Pre-emption by counties for seats of justice. 2287. Where claimant of entry becomes register or receiver. 2288. Right of transfer of settlers under homestead or pre-emption laws for certain public purposes.</p>
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SEC. 2257. All lands belonging to the United States, to which the Indian title has been or may hereafter be extinguished, shall be subject to the right of pre-emption, under the conditions, restrictions, and stipulations provided by law.

SEC. 2258. The following classes of lands, unless otherwise specially provided for by law, shall not be subject to the rights of pre-emption, to wit:

First. Lands included in any reservation by any treaty, law, or proclamation of the President, for any purpose.

Second. Lands included within the limits of any incorporated town, or selected as the site of a city or town.

Third. Lands actually settled and occupied for purposes of trade and business, and not for agriculture.

Fourth. Lands on which are situated any known salines or mines.

vs. Railroad Bridge Co., 6 McLean, 517; Russell vs. Beebe, 704.

SEC. 2259. Every person, being the head of a family, or widow, or single person, over the age of twenty-one years, and a citizen of the United States, or having filed a declaration of intention to become such, as required by the naturalization laws, who has made, or hereafter makes, a settlement in person on the public lands subject to pre-emption, and who inhabits and improves the same, and who has erected or shall erect a dwelling thereon, is authorized to enter with the register of the land-office for the district in which such land lies, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter-section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land.

How., 44; Garland vs. Wynn, 20 How., 6; Harkness vs. Underhill, 1 Bl., 325; Wither- spoon vs. Duncan, 4, Wall., 218.

SEC. 2260. The following classes of persons, unless otherwise specially provided for by law, shall not acquire any right of pre-emption under the provisions of the preceding section, to wit:

First. No person who is the proprietor of three hundred and twenty acres of land in any State or Territory.

Second. No person who quits or abandons his residence on his own land to reside on the public lands in the same State or Territory.

SEC. 2261. No person shall be entitled to more than one pre-emptive right by virtue of the provisions of section twenty-two hundred and fifty-nine; nor where a party has filed his declaration of intention to claim the benefits of such provisions, for one tract of land, shall he file, at any future time, a second declaration for another tract.

SEC. 2262. Before any person claiming the benefit of this chapter is allowed to enter lands, he shall make oath before the receiver or register of the land-district in which the land is situated that he has never had the benefit of any right of pre-emption under section twenty-two hun-

Lands subject to pre-emption.

2 June, 1862, c. 94, s. 1, v. 12, p. 413.

Lands not subject to pre-emption.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

Wilcox vs. Jackson, 13 Pet., 496; Josephs vs. U. S., 1 N. and H., 197; Turner vs. American Baptist Union, 5 McLean, 344; U. S. Beebe, Hempa, 704.

Persons entitled to pre-emption.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

U. S. vs. Fitzgerald, 15 Pet., 407; Lytle vs. Arkansas, 9 How., 333; Cunningham vs. Ashley, 14 How., 377; Barnard's Heirs vs. Ashley's Heirs, 18 Bl., 325; Wither-

Persons not entitled to pre-emption.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

Limitation of pre-emption right.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

3 March, 1843, c. 86, s. 4, v. 5, p. 620.

Oath of pre-emptionist, where filed, penalty.

4 Sept., 1841, c. 16, s. 13, v. 5, p. 456.

dred and fifty-nine; that he is not the owner of three hundred and twenty acres of land in any State or Territory; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person whatsoever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself; and if any person taking such oath swears falsely in the premises, he shall forfeit the money which he may have paid for such land, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona-fide purchasers, for a valuable consideration, shall be null and void, except as provided in section twenty-two hundred and eighty-eight. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land-office of such district, and to transmit a duplicate copy to the General Land-Office, either of which shall be good and sufficient evidence that such oath was administered according to law.

Proof of settlement, assignment of pre-emption rights.

4 Sept., 1841, c. 16, s. 12, v. 5, p. 456.

Lytle vs. Arkansas, 9 How., 333; *Cunningham vs. Ashley*, 14 How., 377; *Barnard's Heirs vs. Ashley's Heirs*, 18 How., 44; *Garland vs. Wynn*, 20 How., 6; *Lytle vs. Arkansas*, 22 How., 193; *Harkness vs. Underhill*, 1 Bl., 325; *Lindsey vs. Hawse*, 2 Bl., 554; *Myers vs. Croft*, 13 Wall., 291.

Statement to be filed by settler with intent to purchase, on lands subject to private entry.

4 Sept., 1841, c. 16, s. 15, v. 5, p. 457.

Claim filed by settler on land not proclaimed for sale.

3 March, 1843, c. 86, s. 5, v. 5, p. 620.

Johnson vs. Tawley, 13 Wall., 72.

Declaratory statement of settlers on unsurveyed lands, when filed.

30 May, 1862, c. 86, s. 7, v. 12, p. 410.

Pre-emption claimants; time of making proof and payment.

14 July, 1870, c. 272, s. 2, v. 16, p. 279. 3 March, 1871, Res. 52, v. 16, p. 601.

SEC. 2263. Prior to any entries being made under and by virtue of the provisions of section twenty-two hundred and fifty-nine, proof of the settlement and improvement thereby required shall be made to the satisfaction of the register and receiver of the land-district in which such lands lie, agreeably to such rules as may be prescribed by the Secretary of the Interior; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

SEC. 2264. When any person settles or improves a tract of land subject at the time of settlement to private entry, and intends to purchase the same under the preceding provisions of this chapter, he shall, within thirty days after the date of such settlement, file with the register of the proper district a written statement, describing the land settled upon and declaring his intention to claim the same under the pre-emption laws; and he shall, moreover, within twelve months after the date of such settlement, make the proof, affidavit, and payment hereinbefore required. If he fails to file such written statement, or to make such affidavit, proof, and payment within the several periods named above, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

SEC. 2265. Every claimant under the pre-emption law for land not yet proclaimed for sale is required to make known his claim in writing to the register of the proper land-office within three months from the time of the settlement, giving the designation of the tract and the time of settlement; otherwise his claim shall be forfeited and the tract awarded to the next settler, in the order of time, on the same tract of land, who has given such notice and otherwise complied with the conditions of the law.

SEC. 2266. In regard to settlements which are authorized upon unsurveyed lands, the pre-emption claimant shall be in all cases required to file his declaratory statement within three months from the date of the receipt at the district land-office of the approved plat of the township embracing such pre-emption settlement.

SEC. 2267. All claimants of pre-emption rights, under the two preceding sections, shall, when no shorter time is prescribed by law, make the proper proof and payment for the lands claimed within thirty months after the date prescribed therein, respectively, for filing their declaratory notices, has expired.

SEC. 2268. Where a pre-emptor has taken the initiatory steps required by law in regard to actual settlement, and is called away from such settlement by being engaged in the military or naval service of the United States, and by reason of such absence is unable to appear at the district land-office to make before the register or receiver the affidavit, proof, and payment, respectively, required by the preceding provisions of this chapter, the time for filing such affidavit and making final proof and entry or location shall be extended six months after the expiration of his term of service, upon satisfactory proof by affidavit, or the testimony of witnesses, that such pre-emptor is so in the service, being filed with the register of the land-office for the district in which his settlement is made.

SEC. 2269. Where a party entitled to claim the benefits of the pre-emption laws dies before consummating his claim, by filing in due time all the papers essential to the establishment of the same, it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to file the necessary papers to complete the same; but the entry in such cases shall be made in favor of the heirs of the deceased pre-emptor, and a patent thereon shall cause the title to inure to such heirs, as if their names had been specially mentioned.

SEC. 2270. Whenever the vacancy of the office either of register or receiver, or of both, renders it impossible for the claimant to comply with any requisition of the pre-emption laws within the appointed time, such vacancy shall not operate to the detriment of the party claiming, in respect to any matter essential to the establishment of his claim; but such requisition must be complied with within the same period after the disability is removed as would have been allowed had such disability not existed.

SEC. 2271. The provisions of this chapter shall be so construed as not to confer on any one a right of pre-emption, by reason of a settlement made on a tract theretofore disposed of, when such disposal has not been confirmed by the General Land-Office, on account of any alleged defect therein.

SEC. 2272. Nothing in the provisions of this chapter shall be construed to preclude any person, who may have filed a notice of intention to claim any tract of land by pre-emption, from the right allowed by law to others to purchase such tract by private entry after the expiration of the right of pre-emption.

SEC. 2273. When two or more persons settle on the same tract of land, the right of pre-emption shall be in him who made the first settlement, provided such person conforms to the other provision of the law; and all questions as to the right of pre-emption arising between different settlers shall be determined by the register and receiver of the district within which the land is situated; and appeals from the decision of district officers, in cases of contest for the right of pre-emption, shall be made to the Commissioner of the General Land-Office, whose decision shall be final, unless appeal therefrom be taken to the Secretary of the Interior.

ley, 18 How., 43; *Garland vs. Wynn*, 20 How., 6; *Lindsey vs. Hawse*, 2 Bl., 554; *Minnesota vs. Batchelder*, 1 Wall., 109; *Johnson vs. Tawaley*, 13 Wall., 72.

SEC. 2274. When settlements have been made upon agricultural public lands of the United States, prior to the survey thereof, and it has been or shall be ascertained, after the public surveys have been extended over such lands, that two or more settlers have improvements upon the same legal subdivision, it shall be lawful for such settlers to make joint entry of their lands at the local land-office, or for either of said settlers to enter into contract with his co-settlers to convey to them their portion of said land after a patent is issued to him, and, after making said contract, to file a declaratory statement in his own name, and prove up and pay for said land, and proof of joint occupation by himself and others, and of such contract with them made, shall be

Extension of time in certain cases to persons in military and naval service.

21 March, 1864, c. 38, s. 5, v. 13, p. 35.

Death before consummating claim; who to complete, &c.

3 March, 1843, c. 86, s. 2, v. 5, p. 620.

Non-compliance with laws caused by vacancy in office of register or receiver not to affect, &c.

3 March, 1843, c. 86, s. 6, v. 5, p. 620.

No pre-emption of lands sold but not confirmed by Land-Office.

26 Aug., 1842, c. 205, v. 5, p. 534.

Purchase by private entry after expiration of pre-emption right.

3 March, 1843, c. 86, s. 9, v. 5, p. 621.

When more than one settler, rights of, appeals to Commissioner.

4 Sept., 1841, c. 16, s. 11, v. 5, p. 456.

12 June, 1858, c. 154, s. 10, v. 11, p. 326.

Barnard vs. Ashley, 2 Bl., 554; *Minnesota vs. Batchelder*, 1 Wall., 109; *Johnson vs. Tawaley*, 13 Wall., 72.

Settlements of two or more persons on same subdivision before survey.

3 March, 1873, c. 283, s. 1, v. 17, p. 609.

equivalent to proof of sole occupation and pre-emption by the applicant: *Provided*, That in no case shall the amount patented under this section exceed one hundred and sixty acres, nor shall this section apply to lands not subject to homestead or pre-emption entry.

Settlements before survey on sections 16 or 36, deficiencies thereof.

26 Feb., 1859, c. 58, v. 11, p. 385.

Selections to supply deficiencies of school lands.

26 Feb., 1859, c. 58, v. 11, p. 385.

20 May, 1826, c. 83, s. 1, v. 4, p. 179.

Military bounty-land warrants receivable for pre-emption payments.

22 March, 1852, c. 19, s. 1, v. 10, p. 3.

Agricultural-college scrip receivable in payment of pre-emptions.

1 July, 1870, c. 196, v. 16, p. 186.

Pre-emption limit along railroad lines.

3 March, 1853, c. 143, v. 10, p. 244.

Pre-emption rights on lands reserved for grants found invalid.

3 March, 1853, c. 143, v. 10, p. 244.

Pre-emption rights on lands reserved for railroads.

27 March, 1854, c. 25, v. 10, p. 269.

14 July, 1870, c. 272, s. 2, v. 16, p. 279.

Sale of land not to be delayed, &c.

4 Sept., 1841, c. 16, s. 14, v. 5, p. 457.

SEC. 2275. Where settlements, with a view to pre-emption, have been made before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six, those sections shall be subject to the pre-emption claim of such settler; and if they, or either of them, have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are appropriated in lieu of such as may be patented by pre-emptors; and other lands are also appropriated to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever.

SEC. 2276. The lands appropriated by the preceding section shall be selected, within the same land-district, in accordance with the following principles of adjustment, to wit: For each township, or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters, of a township, three-quarters of a section; for a fractional township, containing a greater quantity of land than one-quarter, and not more than one-half, of a township, one half-section; and for a fractional township, containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one quarter-section of land.

SEC. 2277. All warrants for military bounty-lands, which are issued under any law of the United States, shall be received in payment of pre-emption rights at the rate of one dollar and twenty-five cents per acre, for the quantity of land therein specified; but where the land is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

SEC. 2278. Agricultural-college scrip, issued to any State under the act approved July second, eighteen hundred and sixty-two, or acts amendatory thereof, shall be received from actual settlers in payment of pre-emption claims in the same manner and to the same extent as authorized in case of military bounty-land warrants, by the preceding section.

SEC. 2279. No person shall have the right of pre-emption to more than one hundred and sixty acres along the line of railroads within the limits granted by any act of Congress.

SEC. 2280. Any settler on lands heretofore reserved on account of claims under French, Spanish, or other grants, which have been or may be hereafter declared by the Supreme Court of the United States to be invalid, shall be entitled to all the rights of pre-emption granted by the preceding provisions of this chapter, after the lands have been released from reservation, in the same manner as if no reservation had existed.

SEC. 2281. All settlers on public lands which have been or may be withdrawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to pre-emption at the ordinary minimum to the lands settled on and cultivated by them; but they shall file the proper notices of their claims and make proof and payment as in other cases.

SEC. 2282. Nothing contained in this chapter shall delay the sale of any of the public lands beyond the time appointed by the proclamation of the President.

SEC. 2283. The Osage Indian trust and diminished-reserve lands in the State of Kansas, excepting the sixteenth and thirty-sixth sections in each township, shall be subject to disposal, for cash only, to actual settlers, in quantities not exceeding one hundred and sixty acres, or one quarter-section to each, in compact form, in accordance with the general principles of the pre-emption laws, under the direction of the Commissioner of the General Land-Office; but claimants shall file their declaratory statements as prescribed in other cases upon unoffered lands, and shall pay for the tracts, respectively, settled upon within one year from date of settlement where the plat of survey is on file at that date, and within one year from the filing of the township-plat in the district office where such plat is not on file at date of settlement.

SEC. 2284. The sale or transfer of his claim upon any portion of these lands by any settler prior to the twenty-sixth day of April, eighteen hundred and seventy-one, shall not operate to preclude the right of entry, under the provisions of the preceding section, upon another tract settled upon subsequent to such sale or transfer; but satisfactory proof of good faith must be furnished upon such subsequent settlement.

SEC. 2285. The restrictions of the pre-emption laws, contained in sections twenty-two hundred and sixty and twenty-two hundred and sixty-one, shall not apply to any settler on the Osage Indian trust and diminished-reserve lands in the State of Kansas, who was actually residing on his claim on the ninth day of May, eighteen hundred and seventy-two.

SEC. 2286. There shall be granted to the several counties or parishes of each State and Territory, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one quarter-section of land, in each of the counties or parishes, in trust for such counties or parishes, respectively, for the establishment of seats of justice therein; but the proceeds of the sale of each of such quarter-section shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same. And the seat of justice for such counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

SEC. 2287. Any bona-fide settler under the homestead or pre-emption laws of the United States who has filed the proper application to enter not to exceed one quarter-section of the public lands in any district land-office, and who has been subsequently appointed a register or receiver, may perfect the title to the land under the pre-emption laws by furnishing the proofs and making the payments required by law, to the satisfaction of the Commissioner of the General Land-Office.

SEC. 2288. Any person who has already settled or hereafter may settle on the public lands, either by pre-emption, or by virtue of the homestead law or any amendments thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads across such pre-emption or homestead, and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads.

Certain lands in Kansas, how to be sold.

9 May, 1872, c. 149, s. 1, v. 17, p. 90.

Transfer of above claims prior to, &c., subsequent right of entry.

9 May, 1872, c. 149, s. 3, v. 17, p. 90.

Pre-emption restrictions not to apply to certain lands in Kansas.

9 May, 1872, c. 149, s. 3, v. 17, p. 90.

Pre-emptions by counties for seats of justice.

26 May, 1824, c. 169, s. 1, v. 4, p. 60.

Where claimant of entry becomes register or receiver.

20 April, 1871, c. 21, s. 16, v. 17, p. 10.

Right of transfer of settlers under homestead or pre-emption laws for certain public purposes.

Act of 3 March, 1873, c. 366, v. 17, p. 602.

CHAPTER FIVE.

HOMESTEADS.

Sec.

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Who may enter certain unappropriated public lands.

20 May, 1862, c. 75, s. 1, v. 12, p. 392.

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which such person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same have been surveyed. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

Mode of procedure.

21 June, 1866, c. 127, s. 2, v. 14, p. 67.

20 May, 1862, c. 75, s. 2, v. 12, p. 392.

21 March, 1864, c. 38, s. 2, v. 13, p. 35.

SEC. 2290. The person applying for the benefit of the preceding section shall, upon application to the register of the land-office in which he is about to make such entry, make affidavit before the register or receiver that he is the head of a family, or is twenty-one years or more of age, or has performed service in the Army or Navy of the United States, and that such application is made for his exclusive use and benefit, and that his entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; and upon filing such affidavit with the register or receiver, on payment of five dollars when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he shall thereupon be permitted to enter the amount of land specified.

Certificate and patent, when given and issued.

21 June, 1866, c. 127, s. 2, v. 14, p. 67.

SEC. 2291. No certificate, however, shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they will bear true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law.

SEC. 2292. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office-fees and sum of money above specified.

When rights inure to the benefit of infant children.

21 June, 1866, c. 127, s. 2, v. 14, p. 67.

SEC. 2293. In case of any person desirous of availing himself of the benefits of this chapter; but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land-office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

Persons in military or naval service, when and before whom to make affidavit.

21 March, 1864, c. 38, s. 4, v. 13, p. 35.

SEC. 2294. In any case in which the applicant for the benefit of the homestead, and whose family or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land-office, it may be lawful for him to make the affidavit required by law before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the register and receiver.

When persons may make affidavit before clerk of court.

21 March, 1864, c. 38, s. 3, v. 13, p. 35.

SEC. 2295. The register of the land-office shall note all applications under the provisions of this chapter, on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

Record of applications.

20 May, 1862, c. 75, s. 3, v. 12, p. 393.

SEC. 2296. No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

Homestead lands not to be subject to prior debts.

20 May, 1862, c. 75, s. 4, v. 12, p. 393.

SEC. 2297. If, at any time after the filing of the affidavit, as required in section twenty-two hundred and ninety, and before the expiration of the five years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land-office, that the person having filed such affidavit has actually changed his residence, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government.

When lands entered for homestead revert to Government.

20 May, 1862, c. 75, s. 5, v. 12, p. 393.

SEC. 2298. No person shall be permitted to acquire title to more than one quarter-section under the provisions of this chapter.

Limitation of amount entered for homestead.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

SEC. 2299. Nothing contained in this chapter shall be so construed as to impair or interfere in any manner with existing pre-emption rights; and all persons who may have filed their applications for a pre-emption right prior to the twentieth day of May, eighteen hundred and sixty-two, shall be entitled to all the privileges of this chapter.

Existing pre-emption rights not impaired.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

SEC. 2300. No person who has served, or may hereafter serve, for a period not less than fourteen days in the Army or Navy of the United States, either regular or volunteer, under the laws thereof, during the

What minors may have the privileges of this chapter.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

Payment before expiration of five years; rights of applicant.

20 May, 1862, c. 75, s. 8, v. 12, p. 393.

No distinction on account of race or color, &c.

21 June, 1866, c. 127, s. 1, v. 14, p. 67.

What lands disposed of only as homesteads.

21 June, 1866, c. 127, s. 1, v. 14, p. 67.

Soldiers' and sailors' homestead.

8 June, 1872, c. 338, s. 1, v. 17, p. 333.

Deduction of military and naval service from time, &c.

8 June, 1872, c. 338, s. 1, v. 17, p. 333.

Persons who have entered less than 160 acres, rights of.

8 June, 1872, c. 338, s. 2, v. 17, p. 333.

Widow and minor children of persons entitled to homestead, &c.

8 June, 1872, c. 338, s. 3, v. 17, p. 333.

existence of an actual war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section twenty-two hundred and eighty-nine, from paying the minimum price for the quantity of land so entered, at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases directed by law, on making proof of settlement and cultivation as provided by law, granting pre-emption rights.

SEC. 2302. No distinction shall be made in the construction or execution of this chapter, on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions.

SEC. 2303. All the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, shall be disposed of in no other manner than according to the terms and stipulations contained in the preceding provisions of this chapter.

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February thirteen, eighteen hundred and sixty-two, and every seaman, marine, and officer who has served in the Navy of the United States, or in the Marine Corps, during the rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter-section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work, not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

SEC. 2306. Every person entitled, under the provisions of section twenty-three hundred and four, to enter a homestead who may have heretofore entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

SEC. 2307. In case of the death of any person who would be entitled to a homestead under the provisions of section twenty-three hundred and four, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvements therein contained; but if such person died during his term of enlistment, the whole term of his enlist-

ment shall be deducted from the time heretofore required to perfect the title.

SEC. 2308. Where a party at the date of his entry of a tract of land under the homestead laws, or subsequently thereto, was actually enlisted and employed in the Army or Navy of the United States, his services therein shall, in the administration of such homestead laws, be construed to be equivalent, to all intents and purposes, to a residence for the same length of time upon the tract so entered. And if his entry has been canceled by reason of his absence from such tract while in the military or naval service of the United States, and such tract has not been disposed of, his entry shall be restored; but if such tract has been disposed of, the party may enter another tract subject to entry under the homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service.

SEC. 2309. Every soldier, sailor, marine, officer, or other person coming within the provisions of section twenty-three hundred and four, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in pre-emption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

SEC. 2310. Each of the chiefs, warriors, and heads of families of the Stockbridge Munsee tribes of Indians, residing in the county of Shawana, State of Wisconsin, may, under the direction of the Secretary of the Interior, enter a homestead and become entitled to all the benefits of this chapter, free from any fee or charge; and any part of their present reservation, which is abandoned for that purpose, may be sold, under the direction of the Secretary of the Interior, and the proceeds applied for the benefit of such Indians as may settle on homesteads, to aid them in improving the same.

SEC. 2311. The homestead secured, by virtue of the preceding section, shall not be subject to any tax, levy, or sale; nor shall it be sold, conveyed, mortgaged, or in any manner incumbered, except upon the decree of the district court of the United States, as provided in the following section.

SEC. 2312. Whenever any of the chiefs, warriors, or heads of families of the tribes mentioned in section twenty-three hundred and ten, having filed with the clerk of the district court of the United States a declaration of his intention to become a citizen of the United States, and to dissolve all relations with any Indian tribe, two years previous thereto, appears in such court, and proves to the satisfaction thereof, by the testimony of two citizens, that for five years last past he has adopted the habits of civilized life; that he has maintained himself and family by his own industry; that he reads and speaks the English language; that he is well disposed to become a peaceable and orderly citizen; and that he has sufficient capacity to manage his own affairs; the court may enter a decree admitting him to all the rights of a citizen of the United States, and thenceforth he shall be no longer held or treated as a member of any Indian tribe, but shall be entitled to all the rights and privileges, and be subject to all the duties and liabilities to taxation of other citizens of the United States. But nothing herein contained shall be construed to deprive such chiefs, warriors, or heads of families of annuities to which they are or may be entitled.

SEC. 2313. The unoccupied lands in the reservation made for the Ottawa and Chippewa Indians, of Michigan, by the treaty of July thirty-one, eighteen hundred and fifty-five, shall be open to homestead entry for six months from the tenth day of June, eighteen hundred and seventy-two, by Indians only of those tribes, who have not made selections or purchases under the treaty, including such members of the tribes as have become of age since the expiration of the ten years named

Actual service in the Army or Navy equivalent to residence, &c.

8 June, 1872, c. 338, s. 4, v. 17, p. 333.

Who may enter by agent.

8 June, 1872, c. 338, s. 5, v. 17, p. 334.

Chiefs, &c., of Stockbridge Munsees, homestead rights of.

3 March, 1865, c. 127, s. 4, v. 13, p. 562.

Exemptions of homestead of Stockbridge Munsees.

3 March, 1865, c. 127, s. 4, v. 13, p. 562.

Stockbridge Munsees becoming citizens.

3 March, 1865, c. 127, s. 4, v. 13, p. 562.

Unsold lands of the Ottawa and Chippewa Indians, how opened for homestead.

10 June, 1872, c. 421, s. 2, v. 17, p. 381.

in the treaty; and every Indian so entitled shall be permitted to make his homestead entry, at the local land-office, within such six months, of not exceeding one hundred and sixty acres, or one quarter-section of minimum, or eighty acres of double minimum land, on making proper proof of his right, under such rules as may be prescribed by the Secretary of the Interior.

Selection for minors under preceding section.

10 June, 1872, c. 424, s. 2, v. 17, p. 381.

Bona-fide settlers on above lands prior to, &c.

10 June, 1872, c. 424, s. 3, v. 17, p. 381.

Certain lands to be patented to Indians making selection.

10 June, 1872, c. 424, s. 4, v. 17, p. 381.

Cultivation of trees on homestead tracts.

3 March, 1873, c. 277, s. 4, v. 17, p. 606.

SEC. 2314. The collector of customs for the district in which such land is situated, is authorized, and it is made his duty, to select for such minor children as would be entitled, under the preceding section, as the heirs of any Indian.

SEC. 2315. All actual, permanent, bona-fide settlers on any of such lands who settled prior to the first day of January, eighteen hundred and seventy-two, shall be entitled to enter either under the homestead laws or to pay for at the minimum or double minimum price, as the case may be, not exceeding one hundred and sixty acres of the former or eighty acres of the latter class of land on making proof of his settlement and continued residence before the expiration of six months from the tenth day of June, eighteen hundred and seventy-two.

SEC. 2316. All selections of such lands by Indians heretofore made and regularly reported and recognized as valid and proper by the Secretary of the Interior and Commissioner of Indian Affairs, shall be patented to the respective Indians making the same; and all sales heretofore made and reported, where the same are regular and not in conflict with such selections, or with any other valid adverse right, except of the United States, are confirmed, and patents shall issue thereon as in other cases according to law.

SEC. 2317. Every person having a homestead on the public domain, under the provisions of this chapter, who, at the end of the third year of his residence thereon, shall have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good, thrifty condition, for each and every sixteen acres of such homestead, shall, upon due proof of the fact by two credible witnesses, receive his patent for such homestead.

CHAPTER SIX.

MINERAL LANDS AND MINING RESOURCES.

Sec.	Sec.
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2319. Mineral lands open to purchase by citizens.	2333. Proceedings for patent for placer-claim, &c.
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<p>Sec. 2343. Additional land districts and officers, power of the President to provide. 2344. Provisions of this chapter not to affect certain rights. 2345. Mineral lands in certain States excepted. 2346. Grants of lands to States or corporations not to include mineral lands.</p>	<p>Sec. 2347. Entry of coal-lands. 2348. Pre-emption of coal-lands. 2349. Pre-emption claims of coal-land to be presented within sixty days, &c. 2350. Only one entry allowed. 2351. Conflicting claims. 2352. Rights reserved.</p>
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SEC. 2318. In all cases lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law.

Mineral lands reserved.

4 July, 1866, c. 166, s. 5, v. 14, p. 86.

SEC. 2319. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining-districts, so far as the same are applicable and not inconsistent with the laws of the United States.

Mineral lands open to purchase by citizens.

10 May, 1872, c. 152, s. 1, v. 17, p. 91.

U. S. vs. Gear, 3 How., 120.

SEC. 2320. Mining-claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining-claim located after the tenth day of May, eighteen hundred and seventy-two, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining-claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth day of May, eighteen hundred and seventy-two, render such limitation necessary. The end-lines of each claim shall be parallel to each other.

Length of mining-claims upon veins or lodes.

10 May, 1872, c. 152, s. 2, v. 17, p. 91.

SEC. 2321. Proof of citizenship, under this chapter, may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge, or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, by the filing of a certified copy of their charter or certificate of incorporation.

Proof of citizenship.

10 May, 1872, c. 152, s. 7, v. 17, p. 94.

SEC. 2322. The locators of all mining locations heretofore made or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with State, territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface-lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side-lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end-lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize the locator or possessor of a vein or lode which

Locators' rights of possession and enjoyment.

10 May, 1872, c. 152, s. 3, v. 17, p. 91.

extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

Owners of tunnels, rights of.

10 May, 1872, c. 152, s. 4, v. 17, p. 92.

SEC. 2323. Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.

Regulations made by miners.

10 May, 1872, c. 152, s. 5, v. 17, p. 92.

SEC. 2324. The miners of each mining-district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining-claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining-claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the tenth day of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the tenth day of June, eighteen hundred and seventy-four, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section, his interest in the claim shall become the property of his co-owners who have made the required expenditures.

Patents for mineral lands, how obtained.

10 May, 1872, c. 152, s. 6, v. 7, p. 92.

SEC. 2325. A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this chapter, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this chapter, may file in the proper land-office an application for a patent, under oath, showing such compliance, together with a plat and field-notes of the claim or claims in common, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and

shall file a copy of the notice in such land-office, and shall thereupon be entitled to a patent for the land, in the manner following: The register of the land-office, upon the filing of such application, plat, field-notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States surveyor-general that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land-office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter.

SEC. 2326. Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment-roll with the register of the land-office, together with the certificate of the surveyor-general that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment-roll shall be certified by the register to the Commissioner of the General Land-Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the surveyor-general, whereupon the register shall certify the proceedings and judgment-roll to the Commissioner of the General Land-Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining-claim to any person whatever.

SEC. 2327. The description of vein or lode claims, upon surveyed lands, shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands, the surveyor-general, in extending the surveys, shall adjust the same to the boundaries of such patented claim, according to the plat or description thereof,

Adverse claim,
proceedings on.

10 May, 1872, c.
152, s. 7, v. 17, p. 93.

Description of
vein-claims on surveyed
and unsurveyed lands.

10 May, 1872, c.
152, s. 8, v. 17, p. 94.

but so as in no case to interfere with or change the location of any such patented claim.

Pending applications; existing rights.

10 May, 1872, c. 152, s. 9, v. 17, p. 94.

Conformity of placer-claims to surveys, limit of.

9 July, 1870, c. 235, s. 12, v. 16, p. 217.

Subdivisions of ten-acre tracts; maximum of placer locations.

9 July, 1870, c. 235, s. 12, v. 16, p. 217.

Conformity of placer-claims to surveys, limitation of claims.

10 May, 1872, c. 152, s. 10, v. 17, p. 94.

What evidence of possession, &c., to establish a right to a patent.

9 July, 1870, c. 235, s. 13, v. 16, p. 217.

Proceedings for patent for placer-claim, &c.

10 May, 1872, c. 152, s. 11, v. 17, p. 94.

SEC. 2328. Applications for patents for mining-claims under former laws now pending may be prosecuted to a final decision in the General Land-Office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this chapter; and all patents for mining-claims upon veins or lodes heretofore issued shall convey all the rights and privileges conferred by this chapter where no adverse rights existed on the tenth day of May, eighteen hundred and seventy-two.

SEC. 2329. Claims usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands.

SEC. 2330. Legal subdivisions of forty acres may be subdivided into ten-acre tracts; and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof; but no location of a placer-claim, made after the ninth day of July, eighteen hundred and seventy, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona-fide pre-emption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona-fide settler to any purchaser.

SEC. 2331. Where placer-claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer-mining claims located after the tenth day of May, eighteen hundred and seventy-two, shall conform as near as practicable with the United States system of public-land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer-claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral land in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead or pre-emption purposes.

SEC. 2332. Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining-claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any mining-claim or property thereto attached prior to the issuance of a patent.

SEC. 2333. Where the same person, association, or corporation is in possession of a placer-claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer-claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer-claim, subject to the provisions of this chapter, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer-claim, or any placer-claim not embracing any vein or lode claim, shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode, such as is described in section twenty-three hundred and twenty, is known to exist within the

boundaries of a placer-claim, an application for a patent for such placer-claim which does not include an application for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer-claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer-claim is not known, a patent for the placer-claim shall convey all valuable mineral and other deposits within the boundaries thereof.

SEC. 2334. The surveyor-general of the United States may appoint in each land-district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining-claims. The expenses of the survey of vein or lode claims, and the survey and subdivision of placer-claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The Commissioner of the General Land-Office shall also have power to establish the maximum charges for surveys and publication of notices under this chapter; and, in case of excessive charges for publication, he may designate any newspaper published in a land-district where mines are situated for the publication of mining-notices in such district, and fix the rates to be charged by such paper; and, to the end that the Commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid the register and the receiver of the land-office, which statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land-Office.

Surveyor-general to appoint surveyors of mining-claims, &c.

10 May, 1872, c. 152, s. 13, v. 17, p. 96.

SEC. 2335. All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths within the land-district where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the register and receiver of the land-office. In cases of contest as to the mineral or agricultural character of land, the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party cannot be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the land-office as published nearest to the location of such land; and the register shall require proof that such notice has been given.

Verification of affidavits, &c.

10 May, 1872, c. 152, s. 13, v. 17, p. 96.

SEC. 2336. Where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection for the purposes of the convenient working of the mine. And where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection.

Where veins intersect, &c.

10 May, 1872, c. 152, s. 14, v. 17, p. 96.

SEC. 2337. Where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface-ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz-mill or reduction-works, not owning a mine in connection therewith, may also receive a patent for his mill-site, as provided in this section.

Patents for non-mineral lands, &c.

10 May, 1872, c. 152, s. 15, v. 17, p. 96.

What conditions of sale may be made by local legislature.

26 July, 1866, c. 262, s. 5, v. 14, p. 252.

Vested rights to use of water for mining, &c.; right of way for canals.

26 July, 1866, c. 262, s. 9, v. 14, p. 253.

Patents, pre-emption, and homesteads subject to vested and accrued water-rights.

9 July, 1870, c. 235, s. 17, v. 16, p. 218.

Mineral lands in which no valuable mines are discovered, open to homesteads.

26 July, 1866, c. 262, s. 10, v. 14, p. 253.

Mineral lands how set apart as agricultural lands.

26 July, 1866, c. 262, s. 11, v. 14, p. 253.

Additional land-districts and officers, power of the President to provide.

26 July, 1866, c. 262, s. 7, v. 14, p. 252.

Provisions of this chapter not to affect certain rights.

10 May, 1872, c. 152, s. 16, v. 17, p. 96.

9 July, 1870, c. 235, s. 17, v. 16, p. 218.

Mineral lands in certain States excepted.

18 Feb., 1873, c. 159, v. 17, p. 465.

SEC. 2338. As a condition of sale, in the absence of necessary legislation by Congress, the local legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent.

SEC. 2339. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 2340. All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water-rights, or rights to ditches and reservoirs used in connection with such water-rights, as may have been acquired under or recognized by the preceding section.

SEC. 2341. Wherever, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the settlers or owners of such homesteads shall have a right of pre-emption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty acres; or they may avail themselves of the provisions of chapter five of this Title, relating to "HOMESTEADS."

SEC. 2342. Upon the survey of the lands described in the preceding section, the Secretary of the Interior may designate and set apart such portions of the same as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands, and be subject to all the laws and regulations applicable to the same.

SEC. 2343. The President is authorized to establish additional land-districts, and to appoint the necessary officers under existing laws, whenever he may deem the same necessary for the public convenience in executing the provisions of this chapter.

SEC. 2344. Nothing contained in this chapter shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws; nor to affect the provisions of the act entitled "An act granting to A. Sutro the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July twenty-five, eighteen hundred and sixty-six.

SEC. 2345. The provisions of the preceding sections of this chapter shall not apply to the mineral lands situated in the States of Michigan, Wisconsin, and Minnesota, which are declared free and open to exploration and purchase, according to legal subdivisions, in like manner as before the tenth day of May, eighteen hundred and seventy-two. And any bona-fide entries of such lands within the States named since the tenth day of May, eighteen hundred and seventy-two, may be patented without reference to any of the foregoing provisions of this chapter. Such lands shall be offered for public sale in the same manner, at the same minimum price, and under the same rights of pre-emption as other public lands.

SEC. 2346. No act passed at the first session of the Thirty-eighth Congress, granting lands to States or corporations to aid in the construction of roads or for other purposes, or to extend the time of grants made prior to the thirtieth day of January, eighteen hundred and sixty-five, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively to the United States, unless otherwise specially provided in the act or acts making the grant.

Grants of lands to States or corporations not to include mineral lands.

30 Jan., 1866, Res. No. 10, v. 13, p. 667.

SEC. 2347. Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land-office, have the right to enter, by legal subdivisions, any quantity of vacant coal-lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the receiver of not less than ten dollars per acre for such lands, where the same shall be situated more than fifteen miles from any completed railroad, and not less than twenty dollars per acre for such lands as shall be within fifteen miles of such road.

Entry of coal-lands.

3 March, 1873, c. 279, s. 1, v. 17, p. 607.

SEC. 2348. Any person or association of persons severally qualified, as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference-right of entry, under the preceding section, of the mines so opened and improved: *Provided*, That when any association of not less than four persons, severally qualified as above provided, shall have expended not less than five thousand dollars in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements.

Pre-emption of coal-lands.

Ibid., s. 2.

SEC. 2349. All claims under the preceding section must be presented to the register of the proper land-district within sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement therefor; but when the township plat is not on file at the date of such improvement, filing must be made within sixty days from the receipt of such plat at the district office; and where the improvements shall have been made prior to the expiration of three months from the third day of March, eighteen hundred and seventy-three, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement, and no sale under the provisions of this section shall be allowed until the expiration of six months from the third day of March, eighteen hundred and seventy-three.

Pre-emption claims of coal-land to be presented within sixty days, &c.

Ibid., s. 3.

SEC. 2350. The three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such sections shall enter or hold any other lands under their provisions; and all persons claiming under section twenty-three hundred and forty-eight shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

Only one entry allowed.

Ibid., s. 4.

SEC. 2351. In case of conflicting claims upon coal-lands where the improvements shall be commenced, after the third day of March, eighteen hundred and seventy-three, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference-right to purchase. And also where improvements have already been made prior to the third day of March, eighteen hundred and seventy-three, division of the land claimed may be made by legal

Conflicting claim.

Ibid., s. 5.

subdivisions, to include, as near as may be, the valuable improvements of the respective parties. The Commissioner of the General Land-Office is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and the four preceding sections.

Rights reserved.

Ibid., s. 6.

SEC. 2352. Nothing in the five preceding sections shall be construed to destroy or impair any rights which may have attached prior to the third day of March, eighteen hundred and seventy-three, or to authorize the sale of lands valuable for mines of gold, silver, or copper.

CHAPTER SEVEN.

SALE AND DISPOSAL OF THE PUBLIC LANDS.

Sec.	Sec.
2353. Public sale of lands in half quarter-sections.	2368. Certain lands located in good faith by claims arising under treaty of September 30, 1854, may be purchased, &c.
2354. Private sales, in what bodies.	2369. Mistakes in entry of lands, provisions for.
2355. Private sales, proceedings in.	2370. Mistakes in patent lands.
2356. No credit on sales of public lands.	2371. Mistakes in location of warrants.
2357. Price of lands \$1.25 per acre.	2372. Error in entry by mistake of numbers, proceedings upon.
2358. Public lands may be offered for sale in such proportions as the President chooses.	2373. Agreement and acts intended to prevent bids, penalty.
2359. Advertisement of sales.	2374. Agreements to pay premium to purchasers at public sales.
2360. Duration of sales.	2375. Recovery of premiums paid to purchasers at public sales.
2361. Several certificates issued to two or more purchasers of same section.	2376. Discovery of agreements to pay premiums by bill in equity.
2362. Purchase-money refunded where sale cannot be confirmed.	2377. Limitation of entries by agricultural college scrip.
2363. Refunding in certain cases, how done.	2378. Grant to new States.
2364. Minimum price, how fixed when reservations sold.	2379. Selections and locations of lands granted in last section.
2365. Highest bidder when preferred in private sales.	
2366. What coins receivable in payment for public lands.	
2367. Lands in California subject to private entry and withdrawn, how to be opened to entry.	

Public sale of lands in half quarter-sections. SEC. 2353. All the public lands, the sale of which is authorized by law, shall, when offered at public sale to the highest bidder, be offered in half quarter-sections.

24 April, 1820, c. 51, s. 1, v. 3, p. 566.—U. S. *vs.* Gratiot, 14 Pet., 526; Oliver *vs.* Piatt, 3 How., 333; Brown's Lessee *vs.* Clements, 3 How., 650; Gazzam *vs.* Phillips, 20 How., 572.

Private sales in what bodies. SEC. 2354. All the public lands, when offered at private sale, may be purchased, at the option of the purchaser, in entire sections, half-sections, quarter-sections, half quarter-sections, or quarter quarter-sections.

5 April, 1832, c. 65, v. 4, p. 503.

Private sales, proceedings in. SEC. 2355. Every person making application at any of the land-offices of the United States for the purchase at private sale of a tract of land shall produce to the register a memorandum in writing, describing the tract, which he shall enter by the proper number of the section, half-section, quarter-section, half quarter-section, or quarter quarter-section, as the case may be, and of the township and range, subscribing his name thereto, which memorandum the register shall file and preserve in his office.

24 Feb., 1810, c. 11, s. 1, v. 2, p. 556.

No credit on sales of public lands. SEC. 2356. Credit shall not be allowed for the purchase-money on the sale of any of the public lands, but every purchaser of land sold at public sale shall, on the day of purchase, make complete payment therefor; and the purchaser at private sale shall produce to the register of the land-office a receipt from the Treasurer of the United States, or from the receiver of public moneys of the district, for the amount of the purchase-money on any tract, before he enters the same at the land-office;

24 April, 1820, c. 51, s. 2, v. 3, p. 566.

Chotard *vs.* Pope, 12 Wh., 589.

U. S. *vs.* Boyd, 5 How., 49; Bell *vs.* Hearne, 19 How., 260.

and if any person, being the highest bidder at public sale for a tract of land, fails to make payment therefor on the day on which the same was purchased, the tract shall be again offered at public sale on the next day of sale, and such person shall not be capable of becoming the purchaser of that or any other tract offered at such public sales.

SEC. 2357. The price at which the public lands are offered for sale shall be one dollar and twenty-five cents an acre; and at every public sale, the highest bidder, who makes payment as provided in the preceding section, shall be the purchaser; but no land shall be sold, either at public or private sale, for a less price than one dollar and twenty-five cents an acre; and all the public lands which are hereafter offered at public sale, according to law, and remain unsold at the close of such public sales, shall be subject to be sold at private sale, by entry at the land-office, at one dollar and twenty-five cents an acre, to be paid at the time of making such entry: *Provided*, That the price to be paid for alternate reserved lands, along the line of railroads within the limits granted by any act of Congress, shall be two dollars and fifty cents per acre.

SEC. 2358. Whenever the President is authorized to cause the public lands, in any land-district, to be offered for sale, he may offer for sale, at first, only a part of the lands contained in such district, and at any subsequent time or times he may offer for sale in the same manner any other part, or the remainder of the lands contained in the same.

SEC. 2359. The public lands which are exposed to public sale by order of the President shall be advertised for a period of not less than three nor more than six months prior to the day of sale, unless otherwise specially provided.

SEC. 2360. The public sales of lands shall, respectively, be kept open for two weeks, and no longer, unless otherwise specially provided by law.

SEC. 2361. Where two or more persons have become purchasers of a section or fractional section, the register of the land-office of the district in which the lands lie shall, on application of the parties, and a surrender of the original certificate, issue separate certificates, of the same date with the original, to each of the purchasers, or their assignees, in conformity with the division agreed on by them; but in no case shall the fractions so purchased be divided by other than north and south, or east and west, lines; nor shall any certificate issue for less than eighty acres.

SEC. 2362. The Secretary of the Interior is authorized, upon proof being made, to his satisfaction, that any tract of land has been erroneously sold by the United States, so that from any cause the sale cannot be confirmed, to repay to the purchaser, or to his legal representatives or assignees, the sum of money which was paid therefor, out of any money in the Treasury not otherwise appropriated.

SEC. 2363. Where any tract of land has been erroneously sold, as described in the preceding section, and the money which was paid for the same has been invested in any stocks held in trust, or has been paid into the Treasury to the credit of any trust-fund, it is lawful, by the sale of such portion of the stocks as may be necessary for the purpose, or out of such trust-fund, to repay the purchase-money to the parties entitled thereto.

SEC. 2364. Whenever any reservation of public lands is brought into market, the Commissioner of the General Land-Office shall fix a minimum price, not less than one dollar and twenty-five cents per acre, below which such lands shall not be disposed of.

SEC. 2365. Where two or more persons apply for the purchase, at private sale, of the same tract, at the same time, the register shall determine the preference, by forthwith offering the tract to the highest bidder.

Price of lands,
\$1.25 per acre.

24 April, 1880, c.
51, s. 3, v. 3, p. 506.

Public lands may
be offered for sale
in such proportions
as the President
chooses.

31 March, 1806, c.
40, s. 1, v. 2, p. 479.

Advertisement
of sales.

28 June, 1834, c.
102, v. 4, p. 702.

Duration of sales.

24 April, 1880, c.
51, s. 5, v. 3, p. 567.

Several certificates
issued to two
or more purchasers
of same section.

23 May, 1828, c.
71, s. 7, v. 4, p. 287.

Purchase-money
refunded where
sale cannot be con-
firmed.

12 Jan., 1825, c.
5, v. 4, p. 80.

28 Feb., 1859, c.
64, s. 1, v. 11, p. 387.

Refunding in cer-
tain cases; how
done.

28 Feb., 1859, c.
64, s. 2, v. 11, p. 388.

Minimum price,
how fixed when
reservations sold.

2 July, 1864, c.
221, v. 13, p. 374.

Highest bidder,
when preferred in
private sales.

24 April, 1880, c.
51, s. 6, v. 3, p. 567.

What coins receivable in payment for public lands.

3 March, 1823, c. 53, s. 1, v. 3, p. 779.

21 February, 1857, c. 56, s. 1, v. 11, p. 163.

Lands in California subject to private entry and withdrawn, how to be opened to entry.

15 July, 1870, c. 292, s. 1, v. 16, p. 304.

Certain lands located in good faith by claims arising under treaty of Sept. 30, 1854, may be purchased, &c.

8 June, 1872, c. 357, v. 17, p. 340.

Mistakes in entry of lands, provisions for.

3 March, 1819, c. 96, v. 3, p. 526.

Mistakes in patent lands.

24 May, 1828, c. 96, v. 4, p. 301.

Mistakes in location of warrants.

3 March, 1853, c. 147, s. 2, v. 10, p. 257.

Error in entry by mistake of numbers, proceedings upon.

24 May, 1824, c. 138, s. 1, v. 4, p. 31.

SEC. 2366. The gold coins of Great Britain and other foreign coins shall be received in all payments on account of public lands, at the value estimated annually by the Director of the Mint, and proclaimed by the Secretary of the Treasury, in accordance with the provisions of section thirty-five hundred and sixty-four, Title, "THE COINAGE."

[See § 2474.]

SEC. 2367. Wherever lands in California subject to private entry have been or are hereafter withdrawn from market for any cause, such lands shall not thereafter be held subject to private entry until they have first been open for at least ninety days to homestead and pre-emption settlers, and again offered at public sale.

SEC. 2368. The Secretary of the Interior is authorized to permit the purchase, with cash or military bounty-land warrants, of such lands as may have been located with claims arising under the seventh clause of the second article of the treaty of September thirty, eighteen hundred and fifty-four, at such price per acre as he deems equitable and proper, but not at a less price than one dollar and twenty-five cents per acre, and the owners and holders of such claims in good faith are also permitted to complete their entries, and to perfect their titles under such claims upon compliance with the terms above mentioned; but it must be shown to the satisfaction of the Secretary of the Interior that such claims are held by innocent parties in good faith, and that the locations made under such claims have been made in good faith and by innocent holders of the same.

SEC. 2369. In every case of a purchaser of public lands, at private sale, having entered at the land-office, a tract different from that he intended to purchase, and being desirous of having the error in his entry corrected, he shall make his application for that purpose to the register of the land-office; and if it appears from testimony satisfactory to the register and receiver, that an error in the entry has been made, and that the same was occasioned by original incorrect marks made by the surveyor, or by the obliteration or change of the original marks and numbers at corners of the tract of land; or that it has in any otherwise arisen from mistake or error of the surveyor, or officers of the land-office, the register and receiver shall report the case, with the testimony, and their opinion thereon, to the Secretary of the Interior, who is authorized to direct that the purchaser is at liberty to withdraw the entry so erroneously made, and that the moneys which have been paid shall be applied in the purchase of other lands in the same district, or credited in the payment for other lands which have been purchased at the same office.

SEC. 2370. The provisions of the preceding section are declared to extend to all cases where patents have issued or may hereafter issue; upon condition, however, that the party concerned surrenders his patent to the Commissioner of the General Land-Office, with a relinquishment of title thereon, executed in a form to be prescribed by the Secretary of the Interior.

SEC. 2371. The provisions of the two preceding sections are made applicable in all respects to errors in the location of land-warrants.

SEC. 2372. In all cases of an entry hereafter made, of a tract of land not intended to be entered, by a mistake of the true numbers of the tract intended to be entered, where the tract, thus erroneously entered, does not, in quantity, exceed one half-section, and where the certificate of the original purchaser has not been assigned, or his right in any way transferred, the purchaser, or, in case of his death, the legal representatives, not being assignees or transferees, may, in any case coming within the provisions of this section, file his own affidavit, with such additional evidence as can be procured, showing the mistake of the

numbers of the tract intended to be entered, and that every reasonable precaution and exertion had been used to avoid the error, with the register and receiver of the land-district within which such tract of land is situated, who shall transmit the evidence submitted to them in each case, together with their written opinion, both as to the existence of the mistake and the credibility of each person testifying thereto, to the Commissioner of the General Land-Office, who, if he be entirely satisfied that the mistake has been made, and that every reasonable precaution and exertion had been made to avoid it, is authorized to change the entry, and transfer the payment from the tract erroneously entered, to that intended to be entered, if unsold; but, if sold, to any other tract liable to entry; but the oath of the person interested shall in no case be deemed sufficient, in the absence of other corroborating testimony, to authorize any such change of entry; nor shall anything herein contained affect the right of third persons.

SEC. 2373. Every person who, before or at the time of the public sale of any of the lands of the United States, bargains, contracts, or agrees, or attempts to bargain, contract, or agree with any other person, that the last-named person shall not bid upon or purchase the land so offered for sale, or any parcel thereof, or who by intimidation, combination, or unfair management, hinders, or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

SEC. 2374. If any person before, or at the time of the public sale of any of the lands of the United States, enters into any contract, bargain, agreement, or secret understanding with any other person, proposing to purchase such land, to pay or give to such purchasers for such land a sum of money or other article of property, over and above the price at which the land is bid off by such purchasers, every such contract, bargain, agreement, or secret understanding, and every bond, obligation, or writing of any kind whatsoever, founded upon or growing out of the same, shall be utterly null and void.

SEC. 2375. Every person being a party to such contract, bargain, agreement, or secret understanding, who pays to such purchaser any sum of money or other article of value, over and above the purchase-money of such land, may sue for and recover such excess from such purchaser in any court having jurisdiction of the same.

SEC. 2376. If the party aggrieved have no legal evidence of such contract, bargain, agreement, or secret understanding, or of the payment of the excess, he may, by bill in equity, compel such purchaser to make discovery thereof; and if in such case the complainant shall ask for relief, the court in which the bill is pending may proceed to final decree between the parties to the same; but every such suit either in law or equity shall be commenced within six years next after the sale of such land by the United States.

SEC. 2377. In no case shall more than three sections of public lands be entered at private entry in any one township by scrip issued to any State under the act approved July two, eighteen hundred and sixty-two, for the establishment of an agricultural college therein.

SEC. 2378. There is granted, for purposes of internal improvement, to each new State hereafter admitted into the Union, upon such admission, so much public land as, including the quantity that was granted to such State before its admission and while under a territorial government, will make five hundred thousand acres.

SEC. 2379. The selections of lands, granted in the preceding section, shall be made within the limits of each State so admitted into the Union, in such manner as the legislatures thereof, respectively, may direct; and such lands shall be located in parcels conformably to sectional divisions and subdivisions of not less than three hundred and twenty acres in any one location, on any public land not reserved from sale by

Agreement and acts intended to prevent bids, penalty.

31 March, 1830, c. 48, s. 4, v. 4, p. 392.

Fackler vs. Ford, 24 How., 331.

Agreements to pay premium to purchasers at public sales.

31 March, 1830, c. 48, s. 5, v. 4, p. 392.

Fackler vs. Ford, 24 How., 331.

Recovery of premiums paid to purchasers at public sales.

31 March, 1830, c. 48, s. 5, v. 4, p. 392.

Discovery of agreements to pay premium by bill in equity.

31 March, 1830, c. 48, s. 5, v. 4, p. 392.

Limitation of entries by agricultural-college scrip.

27 July, 1868, c. 256, v. 15, p. 227.

Grant to new States.

4 Sept., 1841, c. 16, s. 8, v. 5, p. 455.

Foley vs. Harrison, 15 How., 433.

Selections and locations of lands granted in last section.

4 Sept., 1841, c. 16, s. 8, v. 5, p. 455.

law of Congress or by proclamation of the President. The locations may be made at any time after the public lands in any such new State have been surveyed according to law.

CHAPTER EIGHT.

RESERVATION AND SALE OF TOWN-SITES ON THE PUBLIC LANDS.

- Sec. 2380. Town-sites to be reserved.
- 2381. Reservations to be surveyed into lots.
- 2382. Town or city sites in public lands.
- 2383. When towns established upon unsurveyed lands, extension limits, how adjusted.
- 2384. When transcript-maps of town are not filed in twelve months, proceedings by Secretary of Interior.
- 2385. Where size of lots or town-plats vary from general rule.
- 2386. Title to lots subject to mineral rights.

- Sec. 2387. Entry of town authorities in trust for occupants.
- 2388. Entry under preceding section, when to be made.
- 2389. Entry in proportion to number of inhabitants.
- 2390. Authorities of Salt Lake City, rights of, as to entry.
- 2391. Certain acts of trustees to be void.
- 2392. No title acquired to gold mines, &c., or to mining-claim, &c.
- 2393. Military or other reservations, &c.
- 2394. Inhabitants of towns on public lands, rights of, to enter.

Town-sites to be reserved.

3 March, 1863, c. 80, s. 1, v. 12, p. 754.

Reservations to be surveyed into lots.

3 March, 1863, c. 80, s. 2, v. 12, p. 754.

Town or city sites in public lands.

1 July, 1864, s. 205, s. 2, v. 13, p. 343.

SEC. 2380. The President is authorized to reserve from the public lands, whether surveyed or unsurveyed, town-sites on the shores of harbors, at the junction of rivers, important portages, or any natural or prospective centers of population.

SEC. 2381. When, in the opinion of the President, the public interests require it, it shall be the duty of the Secretary of the Interior to cause any of such reservations, or part thereof, to be surveyed into urban or suburban lots of suitable size, and to fix by appraisement of disinterested persons their cash value, and to offer the same for sale at public outcry to the highest bidder, and thence afterward to be held subject to sale at private entry according to such regulations as the Secretary of the Interior may prescribe; but no lot shall be disposed of at public sale or private entry for less than the appraised value thereof. And all such sales shall be conducted by the register and receiver of the land-office in the district in which the reservations may be situated, in accordance with the instructions of the Commissioner of the General Land-Office.

SEC. 2382. In any case in which parties have already founded, or may hereafter desire to found, a city or town on the public lands, it may be lawful for them to cause to be filed with the recorder for the county in which the same is situated, a plat thereof, for not exceeding six hundred and forty acres, describing its exterior boundaries according to the lines of the public surveys, where such surveys have been executed; also giving the name of such city or town, and exhibiting the streets, squares, blocks, lots, and alleys, the size of the same, with measurements and area of each municipal subdivision, the lots in which shall each not exceed four thousand two hundred square feet, with a statement of the extent and general character of the improvements; such map and statement to be verified under oath by the party acting for and in behalf of the persons proposing to establish such city or town; and within one month after such filing there shall be transmitted to the General Land-Office a verified transcript of such map and statement, accompanied by the testimony of two witnesses that such city or town has been established in good faith, and when the premises are within the limits of an organized land-district, a similar map and statement shall be filed with the register and receiver, and at any time after the filing of such map, statement, and testimony in the General Land-Office it may be lawful for the President to cause the lots embraced within the limits of such city or town to be offered at public sale to the highest bidder, subject to

a minimum of ten dollars for each lot; and such lots as may not be disposed of at public sale shall thereafter be liable to private entry at such minimum, or at such reasonable increase or diminution thereafter as the Secretary of the Interior may order from time to time, after at least three months' notice, in view of the increase or decrease in the value of the municipal property. But any actual settler upon any one lot, as above provided, and upon any additional lot in which he may have substantial improvements shall be entitled to prove up and purchase the same as a pre-emption, at such minimum, at any time before the day fixed for the public sale.

SEC. 2383. When such cities or towns are established upon unsurveyed lands, it may be lawful, after the extension thereto of the public surveys, to adjust the extension limits of the premises according to those lines, where it can be done without interference with rights which may be vested by sale; and patents for all lots so disposed of at public or private sale shall issue as in ordinary cases.

SEC. 2384. If within twelve months from the establishment of a city or town on the public domain, the parties interested refuse or fail to file in the General Land-Office a transcript map, with the statement and testimony called for by the provisions of section twenty-three hundred and eighty-two, it may be lawful for the Secretary of the Interior to cause a survey and plat to be made of such city or town, and thereafter the lots in the same shall be disposed of as required by such provisions, with this exception, that they shall each be at an increase of fifty per centum on the minimum of ten dollars per lot.

SEC. 2385. In the case of any city or town, in which the lots may be variant as to size from the limitation fixed in section twenty-three hundred and eighty-two, and in which the lots and buildings, as municipal improvements, cover an area greater than six hundred and forty acres, such variance as to size of lots or excess in area shall prove no bar to such city or town claim under the provisions of that section; but the minimum price of each lot in such city or town, which may contain a greater number of square feet than the maximum named in that section, shall be increased to such reasonable amount as the Secretary of the Interior may by rule establish.

SEC. 2386. Where mineral veins are possessed, which possession is recognized by local authority, and to the extent so possessed and recognized, the title to town-lots to be acquired shall be subject to such recognized possession and the necessary use thereof; but nothing contained in this section shall be so construed as to recognize any color of title in possessors for mining purposes as against the United States.

SEC. 2387. Whenever any portion of the public lands have been or may be settled upon and occupied as a town-site, not subject to entry under the agricultural pre-emption laws, it is lawful, in case such town be incorporated, for the corporate authorities thereof, and, if not incorporated, for the judge of the county court for the county in which such town is situated, to enter at the proper land-office, and at the minimum price, the land so settled and occupied in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sales thereof, to be conducted under such regulations as may be prescribed by the legislative authority of the State or Territory in which the same may be situated.

SEC. 2388. The entry of the land provided for in the preceding section shall be made, or a declaratory statement of the purpose of the inhabitants to enter it as a town-site shall be filed with the register of the proper land-office, prior to the commencement of the public sale of the body of land in which it is included, and the entry or declaratory statement shall include only such land as is actually occupied by the town, and the title to which is in the United States; but in any Territory in which a land-office may not have been established, such declaratory statements may be filed with the surveyor-general of the surveying-dis-

When towns established upon unsurveyed lands, extension limits, how adjusted.

1 July, 1864, c. 205, s. 3, v. 13, p. 344.

When transcript maps of town are not filed in twelve months, proceedings by Secretary of Interior.

1 July, 1864, c. 205, s. 4, v. 13, p. 344.

Where size of lots or town plat vary from general rule.

3 March, 1865, c. 107, s. 2, v. 13, p. 530.

Title to lots subject to mineral rights.

3 March, 1865, c. 107, s. 2, v. 13, p. 530.

Entry of town authorities in trust for occupants.

2 March, 1867, c. 177, v. 14, p. 541.

Entry under preceding section, when to be made.

2 March, 1867, c. 177, v. 14, p. 541.

trict in which the lands are situated; who shall transmit the same to the General Land-Office.

Entry in proportion to number of inhabitants.

2 March, 1867, c. 177, v. 14, p. 541.

Authorities of Salt Lake City, rights of, as to entry.

1 July, 1870, c. 193, v. 16, p. 183.

Certain acts of trustees to be void.

2 March, 1867, c. 177, v. 14, p. 541.

No title acquired to gold-mines, &c., or to mining-claim, &c.

2 March, 1867, c. 177, v. 14, p. 541. 8 June, 1868, c. 53, v. 15, p. 67.

Military or other reservations, &c.

2 March, 1867, c. 177, v. 14, p. 541.

Inhabitants of towns on public lands, right of, to enter.

8 June, 1868, c. 53, v. 15, p. 67.

SEC. 2389. If upon surveyed lands, the entry shall in its exterior limit be made in conformity to the legal subdivisions of the public lands authorized by law; and where the inhabitants are in number one hundred, and less than two hundred, shall embrace not exceeding three hundred and twenty acres; and in cases where the inhabitants of such town are more than two hundred, and less than one thousand, shall embrace not exceeding six hundred and forty acres; and where the number of inhabitants is one thousand and over one thousand, shall embrace not exceeding twelve hundred and eighty acres; but for each additional one thousand inhabitants, not exceeding five thousand in all, a further grant of three hundred and twenty acres shall be allowed.

SEC. 2390. The words "not exceeding five thousand in all," in the preceding section, shall not apply to Salt Lake City, in the Territory of Utah; but such section shall be so construed in its application to that city that lands may be entered for the full number of inhabitants contained therein, not exceeding fifteen thousand; and as that city covers school-section number thirty-six, in township number one north, of range number one west, the same may be embraced in such entry, and indemnity shall be given therefor when a grant is made by Congress of sections sixteen and thirty-six, in the Territory of Utah, for school purposes.

SEC. 2391. Any act of the trustees not made in conformity to the regulations alluded to in section twenty-three hundred and eighty-seven shall be void.

SEC. 2392. No title shall be acquired, under the foregoing provisions of this chapter, to any mine of gold, silver, cinnabar, or copper; or to any valid mining-claim or possession held under existing laws.

SEC. 2393. The provisions of this chapter shall not apply to military or other reservations heretofore made by the United States, nor to reservations for light-houses, custom-houses, mints, or such other public purposes as the interests of the United States may require, whether held under reservations through the Land-Office by title derived from the Crown of Spain, or otherwise.

SEC. 2394. The inhabitants of any town located on the public lands may avail themselves, if the town authorities choose to do so, of the provisions of sections twenty-three hundred and eighty-seven, twenty-three hundred and eighty-eight, and twenty-three hundred and eighty-nine; and in addition to the minimum price of the lands embracing any town-site so entered, there shall be paid by the parties availing themselves of such provisions all costs of surveying and platting any such town-site, and expenses incident thereto incurred by the United States, before any patent issues therefor; but nothing contained in the sections herein cited shall prevent the issuance of patents to persons who have made or may hereafter make entries, and elect to proceed under other laws relative to town-sites in this chapter set forth.

CHAPTER NINE.

SURVEY OF THE PUBLIC LANDS.

Sec.
2395. Rules of survey.
2396. Boundaries and contents of public lands, how ascertained.
2397. Lines of division of half quarter-sections, how run.

Sec.
2398. Contracts for surveys of public lands, when binding.
2399. What instructions to be deemed part of contract.
2400. Prices of surveys, how established.

Sec.	Sec.
2401. When survey may be had by settlers in townshp.	2407. Surveys on rivers in certain cases.
2402. Deposit for expenses of surveys deemed an appropriation, &c.	2408. Lines of surveys in Nevada.
2403. Deposits made by settlers for public surveys to go in part payment of lands.	2409. Geodetic method of survey in Oregon and California.
2404. Augmented rates for surveys of lands covered with forests, &c., in Oregon.	2410. Rectangular mode of survey, when may be departed from.
2405. Ibid. for California and Washington.	2411. Compensation for surveying by the day in Oregon and California.
2406. Geological surveys, extension of public surveys, expenses of subdividing.	2412. Penalty for interrupting surveys.
	2413. Protection of surveyor by marshal of district.

SEC. 2395. The public lands shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of an Indian reservation, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers, may render this impracticable; and in that case this rule must be departed from no further than such particular circumstances require.

Rules of survey.

18 May, 1796, c.
29, s. 2, v. 1, p. 465.
10 May, 1800, c.
55, s. 3, v. 2, p. 73.

Second. The corners of the townships must be marked with progressive numbers from the beginning; each distance of a mile between such corners must be also distinctly marked with marks different from those of the corners.

Third. The township shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines at the end of every two miles; and by marking a corner on each of such lines, at the end of every mile. The sections shall be numbered respectively, beginning with the number one in the northeast section and proceeding west and east alternately through the township with progressive numbers till the thirty-six be completed.

Fourth. The deputy surveyors, respectively, shall cause to be marked on a tree near each corner established in the manner described, and within the section, the number of such section, and over it the number of the township within which such section may be; and the deputy surveyors shall carefully note, in their respective field-books, the names of the corner-trees marked and the numbers so made.

Fifth. Where the exterior lines of the townships which may be subdivided into sections or half-sections exceed, or do not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half-sections in such township, according as the error may be in running the lines from east to west, or from north to south; the sections and half-sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the complete legal quantity.

Sixth. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen and one-half feet each, subdivided into twenty-five equal links; and the chain shall be adjusted to a standard to be kept for that purpose.

Seventh. Every surveyor shall note in his field-book the true situations of all mines, salt licks, salt springs, and mill-seats which come to his knowledge; all water-courses over which the line he runs may pass; and also the quality of the lands.

Eighth. These field-books shall be returned to the surveyor-general, who shall cause therefrom a description of the whole lands surveyed to be made out and transmitted to the officers who may superintend the sales. He shall also cause a fair plat to be made of the townships and fractional parts of townships contained in the lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; and a copy thereof shall

be kept open at the surveyor-general's office for public information, and other copies shall be sent to the places of the sale, and to the General Land-Office.

Boundaries and contents of public lands, how ascertained.

11 Feb., 1805, c. 14, s. 2, v. 2, p. 313.

Bates vs. Illinois Central E. R., 1 Bl., 208; *Railroad Com'rs vs. Schurmeir*, 7 Wall., 272.

SEC. 2396. The boundaries and contents of the several sections, half-sections, and quarter-sections of the public lands shall be ascertained in conformity with the following principles:

First. All the corners marked in the surveys, returned by the surveyor-general, shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate; and the corners of half and quarter sections, not marked on the surveys, shall be placed as nearly as possible equidistant from those two corners which stand on the same line.

Second. The boundary-lines, actually run and marked in the surveys returned by the surveyor-general, shall be established as the proper boundary-lines of the sections, or subdivisions, for which they were intended, and the length of such lines, as returned, shall be held and considered as the true length thereof. And the boundary-lines which have not been actually run and marked shall be ascertained, by running straight lines from the established corners to the opposite corresponding corners; but in those portions of the fractional townships where no such opposite corresponding corners have been or can be fixed, the boundary-lines shall be ascertained by running from the established corners due north and south or east and west lines, as the case may be, to the water-course, Indian boundary-line, or other external boundary of such fractional township.

Third. Each section or subdivision of section, the contents whereof have been returned by the surveyor-general, shall be held and considered as containing the exact quantity expressed in such return; and the half-sections and quarter-sections, the contents whereof shall not have been thus returned, shall be held and considered as containing the one-half or the one-fourth part, respectively, of the returned contents of the section of which they may make part.

Lines of division of half quarter-sections, how run.

5 April, 1832, c. 65, v. 4, p. 503.

24 April, 1820, c. 51, s. 1, v. 3, p. 566.

SEC. 2397. In every case of the division of a quarter-section the line for the division thereof shall run north and south, and the corners and contents of half quarter-sections which may thereafter be sold, shall be ascertained in the manner and on the principles directed and prescribed by the section preceding, and fractional sections containing one hundred and sixty acres or upwards shall in like manner as nearly as practicable be subdivided into half quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Interior, and in every case of a division of a half quarter-section, the line for the division thereof shall run east and west, and the corners and contents of quarter quarter-sections, which may thereafter be sold, shall be ascertained as nearly as may be, in the manner, and on the principles, directed and prescribed by the section preceding; and fractional sections containing fewer or more than one hundred and sixty acres shall in like manner, as nearly as may be practicable, be subdivided into quarter quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Contracts for surveys of public lands when binding.

30 May, 1862, c. 86, s. 1, v. 12, p. 409.

Magwire vs. Tyler, 1 Bl., 201.

What instructions to be deemed part of contract.

30 May, 1862, c. 86, s. 2, v. 12, p. 409.

SEC. 2398. Contracts for the survey of the public lands shall not become binding upon the United States until approved by the Commissioner of the General Land-Office, except in such cases as the Commissioner may otherwise specially order.

SEC. 2399. The printed manual of instructions relating to the public surveys, prepared at the General Land-Office, and bearing date February twenty-second, eighteen hundred and fifty-five, the instructions of the Commissioner of the General Land-Office, and the special instructions of the surveyor-general, when not in conflict with such printed manual, or the instructions of the Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands.

SEC. 2400. The Commissioner of the General Land-Office has power, and it shall be his duty, to fix the prices per mile for public surveys, which shall in no case exceed the maximum established by law; and, under instructions to be prepared by the Commissioner, an accurate account shall be kept by each surveyor-general of the cost of surveying and platting private land-claims, to be reported to the General Land-Office, with the map of such claim, and patents shall not issue for any such private claim until the cost of survey and platting has been paid into the Treasury by the claimant.

Prices of surveys, how established.

30 May, 1862, c. 86, s. 3, v. 12, p. 409.

SEC. 2401. When the settlers in any township, not mineral or reserved by Government, desire a survey made of the same, under the authority of the surveyor-general, and file an application therefor in writing, and deposit in a proper United States depository, to the credit of the United States, a sum sufficient to pay for such survey, together with all expenses incident thereto, without cost or claim for indemnity on the United States, it may be lawful for the surveyor-general, under such instructions as may be given him by the Commissioner of the General Land-Office, and in accordance with law, to survey such township and make return thereof to the general and proper local land-office, provided the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for the township and subdivisional surveys.

When survey may be had by settlers in township.

30 May, 1862, c. 86, s. 10, v. 12, p. 410.

SEC. 2402. The deposit of money in a proper United States depository, under the provisions of the preceding section, shall be deemed an appropriation of the sums so deposited for the objects contemplated by that section, and the Secretary of the Treasury is authorized to cause the sums so deposited to be placed to the credit of the proper appropriations for the surveying-service; but any excesses in such sums over and above the actual cost of the surveys, comprising all expenses incident thereto, for which they were severally deposited, shall be repaid to the depositors respectively.

Deposit for expenses of surveys deemed an appropriation, &c.

1 July, 1864, Res. No. 60, v. 13, p. 414.

SEC. 2403. Where settlers make deposits in accordance with the provisions of section twenty-four hundred and ~~eighty~~^{eighty}, the amount so deposited shall go in part payment for their lands situated in the townships, the surveying of which is paid for out of such deposits.

Deposits made by settlers for public surveys to go in part payment of lands.

3 March, 1871, c. 127, v. 16, p. 581.

SEC. 2404. The Commissioner of the General Land-Office may authorize, in his discretion, public lands in Oregon, densely covered with forests or thick undergrowth, to be surveyed at augmented rates, not exceeding eighteen dollars per mile for standard parallels, fifteen dollars for township, and twelve dollars for section lines.

Augmented rates for surveys of lands covered with forests, &c., in Oregon.

15 July, 1870, c. 292, s. 1, v. 16, pp. 304, 305.

SEC. 2405. The Commissioner of the General Land-Office, in his discretion, may hereafter authorize public lands in California and in Washington Territory, densely covered with forest or thick undergrowth, to be surveyed at augmented rates, not exceeding eighteen dollars per linear mile for standard parallels, sixteen dollars for township, and fourteen dollars for section lines.

Ibid. for California and Washington.

10 June, 1872, c. 415, s. 1, v. 17, p. 358.

SEC. 2406. There shall be no further geological survey by the Government, unless hereafter authorized by law. The public surveys shall extend over all mineral lands; and all subdividing of surveyed lands into lots less than one hundred and sixty acres may be done by county and local surveyors at the expense of claimants; but nothing in this section contained shall require the survey of waste or useless lands.

Geological surveys, extension of public surveys, expenses of subdividing.

21 July, 1862, c. 66, s. 1, v. 10, pp. 15, 21. 9 July, 1870, c. 235, s. 16, v. 16, p. 218.

SEC. 2407. Whenever, in the opinion of the President, a departure from the ordinary method of surveying land on any river, lake, bayon, or water-course would promote the public interest, he may direct the surveyor-general in whose district such land is situated, and where the change is intended to be made, to cause the lands thus situated to be

Surveys on rivers in certain cases.

24 May, 1824, c. 141, v. 4, p. 34.

surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or water-course, and running back the depth of forty acres; which tracts of land so surveyed shall be offered for sale entire, instead of in half quarter-sections, and in the usual manner and on the same terms in all respects as the other public lands of the United States.

Lines of surveys in Nevada.

4 July, 1866, c. 166, s. 5, v. 14, p. 86.

Geodetic method of survey in Oregon and California.

27 Sept., 1850, c. 76, s. 3, v. 9, p. 496.
3 March, 1853, c. 145, s. 4, v. 10, p. 245.

Rectangular mode of survey, when may be departed from.

3 March, 1853, c. 145, s. 4, v. 10, p. 245.

Compensation for surveying by the day in Oregon and California.

3 March, 1853, c. 145, s. 8, v. 10, p. 247.

Penalty for interrupting surveys.

29 May, 1830, c. 163, s. 1, v. 4, p. 417.

Protection of surveyor by marshal of district.

29 May, 1830, c. 163, s. 2, v. 4, p. 417.

SEC. 2408. In extending the surveys of the public lands in the State of Nevada, the Secretary of the Interior may vary the lines of the subdivisions from a rectangular form, to suit the circumstances of the country.

SEC. 2409. The Secretary of the Interior, if he deems it advisable, is authorized to continue the surveys in Oregon and California, to be made after what is known as the geodetic method, under such regulations and upon such terms as have been or may hereafter be prescribed by the Commissioner of the General Land-Office; but none other than township-lines shall be run where the land is unfit for cultivation; nor shall any deputy surveyor charge for any line except such as may be actually run and marked, or for any line not necessary to be run.

SEC. 2410. Whenever, in the opinion of the Secretary of the Interior, a departure from the rectangular mode of surveying and subdividing the public lands in California would promote the public interests, he may direct such change to be made in the mode of surveying and designating such lands as he deems proper, with reference to the existence of mountains, mineral deposits, and the advantages derived from timber and water privileges; but such lands shall not be surveyed into less than one hundred and sixty acres, or subdivided into less than forty acres.

SEC. 2411. Whenever the public surveys, or any portion of them, in the States of Oregon and California, are so required to be made as to render it expedient to make compensation for the surveying thereof by the day instead of by the mile, it shall be lawful for the Commissioner of the General Land-Office, under the direction of the Secretary of the Interior, to make such fair and reasonable allowance as, in his judgment, may be necessary to insure the accurate and faithful execution of the work.

SEC. 2412. Every person who in any manner, by threats or force, interrupts, hinders, or prevents the surveying of the public lands, or of any private land-claim which has been or may be confirmed by the United States, by the persons authorized to survey the same, in conformity with the instructions of the Commissioner of the General Land-Office, shall be fined not less than fifty dollars nor more than three thousand dollars, and be imprisoned not less than one nor more than three years.

SEC. 2413. Whenever the President is satisfied that forcible opposition has been offered, or is likely to be offered, to any surveyor or deputy surveyor in the discharge of his duties in surveying the public lands, it may be lawful for the President to order the marshal of the State or district, by himself or deputy, to attend such surveyor or deputy surveyor with sufficient force to protect such officer in the execution of his duty, and to remove force should any be offered.

CHAPTER TEN.

BOUNTY-LANDS.

Sec.

2414. Military bounty-land warrants and locations assignable.

2415. Warrants located at \$1.25; excess paid in cash.

2416. Claims for bounty-lands in virtue of certain acts named, &c.

Sec.

2417. Same subject.

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2419. Certain classes of persons in the Mexican war, their widows, &c., entitled to forty acres.

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2425. Additional bounty-lands, &c.	2441. New warrant issued in lieu of lost warrant.
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SEC. 2414. All warrants for military bounty-lands which have been or may hereafter be issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are declared to be assignable by deed or instrument of writing, made and executed according to such form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land-Office, so as to vest the assignee with all the rights of the original owner of the warrant or location.

SEC. 2415. The warrants which have been or may hereafter be issued in pursuance of law may be located according to the legal subdivisions of the public lands in one body upon any lands of the United States subject to private entry at the time of such location at the minimum price. When such warrant is located on lands which are subject to entry at a greater minimum than one dollar and twenty-five cents per acre, the locator shall pay to the United States in cash the difference between the value of such warrants at one dollar and twenty-five cents per acre and the tract of land located on. But where such tract is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

SEC. 2416. In all cases of warrants for bounty-lands, issued by virtue of an act approved July twenty-seven, one thousand eight hundred and forty-two, and of two acts approved January twenty-seven, one thousand eight hundred and thirty-five, therein and thereby revised, and of two acts to the same intent, respectively, approved June twenty-six, eighteen hundred and forty-eight, and February eight, eighteen hundred and fifty-four, for military services in the revolutionary war, or in the war of eighteen hundred and twelve with Great Britain, which remained unsatisfied on the second day of July, eighteen hundred and sixty-four, it is lawful for the person in whose name such warrant issued, his heirs or legal representatives, to enter in quarter sections, at the proper local land-office in any of the States or Territories, the quantity of the public lands subject to private entry which he is entitled to under such warrant.

SEC. 2417. All warrants for bounty-lands referred to in the preceding section may be located at any time, in conformity with the general laws in force at the time of such location.

SEC. 2418. Each of the surviving, or the widow or minor children of deceased commissioned and non-commissioned officers, musicians, or privates, whether of regulars, volunteers, rangers, or militia, who per-

Military bounty-land warrants and locations assignable.

22 March, 1852, c. 19, s. 1, v. 10, p. 3.
3 June, 1853, c. 84, s. 2, v. 11, p. 309.

Warrants located at \$1.25; excess paid in cash.

22 March, 1852, c. 19, s. 1, v. 10, p. 3.

Claims for bounty-lands in virtue of certain acts named, &c.

2 July, 1864, c. 226, s. 1, v. 13, p. 378.

Same subject.

2 July, 1864, c. 226, s. 2, v. 13, p. 379.

Bounty-lands for soldiers in certain wars.

28 Sept., 1850, c. 85, s. 1, v. 9, p. 520.
 11 Feb., 1847, c. 8, s. 9, v. 9, pp. 125, 126.

formed military service in any regiment, company, or detachment, in the service of the United States, in the war with Great Britain, declared on the eighteenth day of June, eighteen hundred and twelve, or in any of the Indian wars since seventeen hundred and ninety, and prior to the third of March, eighteen hundred and fifty, and each of the commissioned officers who was engaged in the military service of the United States in the war with Mexico, shall be entitled to lands as follows: Those who engaged to serve twelve months or during the war, and actually served nine months, shall receive one hundred and sixty acres, and those who engaged to serve six months, and actually served four months, shall receive eighty acres, and those who engaged to serve for any or an indefinite period, and actually served one month, shall receive forty acres; but wherever any officer or soldier was honorably discharged in consequence of disability contracted in the service, before the expiration of his period of service, he shall receive the amount to which he would have been entitled if he had served the full period for which he had engaged to serve. All the persons enumerated in this section who enlisted in the regular army, or were mustered in any volunteer company for a period of not less than twelve months, and who served in the war with Mexico and received an honorable discharge, or who were killed or died of wounds received or sickness incurred in the course of such service, or were discharged before the expiration of the term of service in consequence of wounds received or sickness incurred in the course of such service, shall be entitled to receive a certificate or warrant for one hundred and sixty acres of land: or at option Treasury scrip for one hundred dollars bearing interest at six per cent. per annum, payable semi-annually, at the pleasure of the Government. In the event of the death of any one of the persons mentioned in this section during service, or after his discharge, and before the issuing of a certificate or warrant, the warrant or scrip shall be issued in favor of his family or relatives; first, to the widow and his children; second, his father; third, his mother; fourth, his brothers and sisters.

Certain classes of persons in the Mexican war, their widows, &c., entitled to forty acres.

Ibid., p. 126.

Militia and volunteers in service since 1812.

22 March, 1852, c. 19, s. 4, v. 10, p. 4.

Persons not entitled under preceding sections.

28 Sept., 1850, c. 85, s. 1, v. 9, p. 520.
 Period of captivity added to actual service.

28 Sept., 1850, c. 85, s. 2, v. 9, p. 520.

Warrant and patent to issue, when.

28 Sept., 1850, c. 85, s. 3, v. 9, p. 520.

SEC. 2419. The persons enumerated in the preceding section received into service after the commencement of the war with Mexico, for less than twelve months, and who served such term, or were honorably discharged are entitled to receive a certificate or warrant for forty acres, or scrip for twenty-five dollars if preferred, and in the event of the death of such person during service, or after honorable discharge before the eleventh of February, eighteen hundred and forty-seven, the warrant or scrip shall issue to the wife, child, or children, if there be any, and if none, to the father, and if no father, to the mother of such soldier.

SEC. 2420. Where the militia, or volunteers, or State troops of any State or Territory, subsequent to the eighteenth day of June, eighteen hundred and twelve, and prior to March twenty-second, eighteen hundred and fifty-two, were called into service, the officers and soldiers thereof shall be entitled to all the benefits of section two thousand four hundred and eighteen upon proof of length of service as therein required.

SEC. 2421. No person shall take any benefit under the provisions of the three preceding sections, if he has received, or is entitled to receive, any military land-bounty under any act of Congress passed prior to the twenty-second March, eighteen hundred and fifty-two.

SEC. 2422. The period during which any officer or soldier remained in captivity with the enemy shall be estimated and added to the period of his actual service, and the person so retained in captivity shall receive land under the provisions of sections twenty-four hundred and eighteen and twenty-four hundred and twenty, in the same manner that he would be entitled in case he had entered the service for the whole term made up by the addition of the time of his captivity, and had served during such term.

SEC. 2423. Every person for whom provision is made by sections twenty-four hundred and eighteen and twenty-four hundred and twenty shall receive a warrant from the Department of the Interior for the

quantity of land to which he is entitled; and, upon the return of such warrant, with evidence of the location thereof having been legally made to the General Land-Office, a patent shall be issued therefor.

SEC. 2424. In the event of the death of any person, for whom provision is made by sections twenty-four hundred and eighteen and twenty-four hundred and twenty, and who did not receive bounty-land for his services, a like warrant shall issue in favor of his widow, who shall be entitled to one hundred and sixty acres of land in case her husband was killed in battle; nor shall a subsequent marriage impair the right of any widow to such warrant, if she be a widow at the time of making her application.

SEC. 2425. Each of the surviving persons specified in the classes enumerated in the following section, who has served for a period of not less than fourteen days, in any of the wars in which the United States have been engaged since the year seventeen hundred and ninety, and prior to the third day of March, eighteen hundred and fifty-five, shall be entitled to receive a warrant from the Department of the Interior, for one hundred and sixty acres of land; and, where any person so entitled has, prior to the third day of March, eighteen hundred and fifty-five, received a warrant for any number of acres less than one hundred and sixty, he shall be allowed a warrant for such quantity of land only as will make, in the whole, with what he may have received prior to that date, one hundred and sixty acres.

SEC. 2426. The classes of persons embraced as beneficiaries under the preceding section, are as follows, namely:

First. Commissioned and non-commissioned officers, musicians, and privates, whether of the regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States.

Second. Commissioned and non-commissioned officers, seamen, ordinary seamen, flotilla-men, marines, clerks, and landsmen in the Navy.

Third. Militia, volunteers, and State troops of any State or Territory, called into military service, and regularly mustered therein, and whose services have been paid by the United States.

Fourth. Wagon-masters and teamsters who have been employed under the direction of competent authority, in time of war, in the transportation of military stores and supplies.

Fifth. Officers and soldiers of the revolutionary war, and marines, seamen, and other persons in the naval service of the United States during that war.

Sixth. Chaplains who served with the Army.

Seventh. Volunteers who served with the armed forces of the United States in any of the wars mentioned, subject to military orders, whether regularly mustered into the service of the United States or not.

SEC. 2427. The following class of persons are included as beneficiaries under section twenty-four hundred and twenty-five, without regard to the length of service rendered.

First. Any of the classes of persons mentioned in section twenty-four hundred and twenty-six who have been actually engaged in any battle in any of the wars in which this country has been engaged since seventeen hundred and ninety, and prior to March third, eighteen hundred and fifty-five.

Second. Those volunteers who served at the invasion of Plattsburgh, in September, eighteen hundred and fourteen.

Third. The volunteers who served at the battle of King's Mountain, in the revolutionary war.

Fourth. The volunteers who served at the battle of Nickojack against the confederate savages of the South.

Fifth. The volunteers who served at the attack on Lewistown, in Delaware, by the British fleet, in the war of eighteen hundred and twelve.

SEC. 2428. In the event of the death of any person who would be entitled to a warrant, as provided in section twenty-four hundred and twenty-five, leaving a widow, or, if no widow, a minor child, such widow

Widows of persons entitled.

28 Sept., 1850, c. 85, s. 3, v. 9, p. 520.

Additional bounty-lands, &c.

3 March, 1855, c. 207, ss. 1, 3, v. 10, pp. 701, 702.

Classes under last section specified.

3 March, 1855, c. 207, ss. 1, 8, 10, v. 10, p. 701.

14 May, 1856, c. 26, ss. 4, 5, v. 11, pp. 8, 9.

What classes of persons entitled under section 2425, without regard to length of service.

3 March, 1855, c. 207, ss. 3, 9, 11, v. 10, p. 702.

Widows and children, of persons entitled under section 2425.

3 March, 1855, c. 207, s. 2, v. 10, p. 702.

Subsequent marriage of widow.

3 March, 1855, c. 207, s. 2, v. 10, p. 702.
Minors under section 2428.

3 March, 1855, c. 207, s. 2, v. 10, p. 702.
Proof of service.

3 March, 1855, c. 207, s. 3, v. 10, p. 702.
14 May, 1856, c. 26, s. 3, v. 11, p. 8.

Former evidence of right to bounty-land to be received in certain cases.

14 May, 1856, c. 26, s. 1, v. 11, p. 8.

Allowance of time of service for distance from home to place of muster or discharge.

14 May, 1856, c. 26, s. 7, v. 11, p. 9.

22 March, 1853, c. 19, s. 5, v. 10, p. 4.

Indians included.

3 March, 1855, c. 207, s. 7, v. 10, p. 702.

Former evidence of right to a pension to be received in certain cases on application for bounty-land.

14 May, 1856, c. 26, s. 2, v. 11, p. 8.

or such minor child shall receive a warrant for the same quantity of land that the decedent would be entitled to receive, if living on the third day of March, eighteen hundred and fifty-five.

SEC. 2429. A subsequent marriage shall not impair the right of any widow, under the preceding section, if she be a widow at the time of her application.

SEC. 2430. Persons within the age of twenty-one years on the third day of March, eighteen hundred and fifty-five, shall be considered minors within the intent of section twenty-four hundred and twenty-eight.

SEC. 2431. Where no record evidence of the service for which a warrant is claimed exists, parol evidence may be admitted to prove the service performed, under such regulations as the Commissioner of Pensions may prescribe.

SEC. 2432. Where certificate or a warrant for bounty-land for any less quantity than one hundred and sixty acres has been issued to any officer or soldier, or to the widow or minor child of any officer or soldier, the evidence upon which such certificate or warrant was issued shall be received to establish the service of such officer or soldier in the application of himself, or of his widow or minor child, for a warrant for so much land as may be required to make up the full sum of one hundred and sixty acres, to which he may be entitled under the preceding section, on proof of the identity of such officer or soldier, or, in case of his death, of the marriage and identity of his widow, or, in case of her death, of the identity of his minor child. But if, upon a review of such evidence, the Commissioner of Pensions is not satisfied that the former warrant was properly granted, he may require additional evidence, as well of the term as of the fact of service.

SEC. 2433. When any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized, in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized to the place where the same was mustered into the service of the United States, and one day for every twenty miles from the place where such company, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched to enter the service, provided that such march was in obedience to the command or direction of the President, or some general officer of the United States, commanding an army or department, or the chief executive officer of the State or Territory by which such company, battalion, or regiment was called into service.

SEC. 2434. The provisions of all the bounty-land laws shall be extended to Indians, in the same manner and to the same extent as to white persons.

SEC. 2435. Where a pension has been granted to any officer or soldier, the evidence upon which such pension was granted shall be received to establish the service of such officer or soldier in his application for bounty-land; and upon proof of his identity as such pensioner, a warrant may be issued to him for the quantity of land to which he is entitled; and in case of the death of such pensioned officer or soldier, his widow shall be entitled to a warrant for the same quantity of land to which her husband would have been entitled, if living, upon proof that she is such widow; and in case of the death of such officer or soldier, leaving a minor child and no widow, or where the widow may have deceased before the issuing of any warrant, such minor child shall be entitled to a warrant for the same quantity of land as the father would have been entitled to receive if living, upon proof of the decease of father and mother. But if, upon a review of such evidence, the Commissioner

of Pensions is not satisfied that the pension was properly granted, he may require additional evidence, as well of the term as of the fact of service.

SEC. 2436. All sales, mortgages, letters of attorney, or other instruments of writing, going to affect the title or claim to any warrant issued, or to be issued, or any land granted, or to be granted, under the preceding provisions of this chapter, made or executed prior to the issue of such warrant, shall be null and void to all intents and purposes whatsoever; nor shall such warrant, or the land obtained thereby, be in anywise affected by, or charged with, or subject to, the payment of any debt or claim incurred by any officer or soldier, prior to the issuing of the patent.

SEC. 2437. It shall be the duty of the Commissioner of the General Land-Office, under such regulations as may be prescribed by the Secretary of the Interior, to cause to be located, free of expense, any warrant which the holder may transmit to the General Land-Office for that purpose, in such State or land-district as the holder or warrantee may designate, and upon good farming-land, so far as the same can be ascertained from the maps, plats, and field-notes of the surveyor, or from any other information in the possession of the local office, and, upon the location being made, the Secretary shall cause a patent to be transmitted to such warrantee or holder.

SEC. 2438. No person who has been in the military service of the United States shall, in any case, receive a bounty-land warrant if it appears by the muster-rolls of his regiment or corps that he deserted or was dishonorably discharged from service.

SEC. 2439. When a soldier of the Regular Army, who has obtained a military land-warrant, loses the same, or such warrant is destroyed by accident, he shall, upon proof thereof to the satisfaction of the Secretary of the Interior, be entitled to a patent in like manner as if the warrant was produced.

SEC. 2440. In all cases of discharge from the military service of the United States of any soldier of the Regular Army, when it appears to the satisfaction of the Secretary of War that a certificate of faithful services has been omitted by the neglect of the discharging officer, by misconstruction of the law, or by any other neglect or casualty, such omission shall not prevent the issuing of the warrant and patent as in other cases. And when it is proved that any soldier of the Regular Army has lost his discharge and certificate of faithful service, the Secretary of War shall cause such papers to be furnished such soldier as will entitle him to his land-warrant and patent, provided such measure is justified by the time of his enlistment, the period of service, and the report of some officer of the corps to which he was attached.

SEC. 2441. Whenever it appears that any certificate or warrant, issued in pursuance of any law granting bounty-land, has been lost or destroyed, whether the same has been sold and assigned by the warrantee or not, the Secretary of the Interior is required to cause a new certificate or warrant of like tenor to be issued in lieu thereof; which new certificate or warrant may be assigned, located, and patented in like manner as other certificates or warrants for bounty-land are now authorized by law to be assigned, located, and patented; and in all cases where warrants have been, or may be, re-issued, the original warrant, in whose hands it may be, shall be deemed and held to be null and void, and the assignment thereof, if any there be, fraudulent; and no patent shall ever issue for any land located therewith, unless such presumption of fraud in the assignment be removed by due proof that the same was executed by the warrantee in good faith and for a valuable consideration.

SEC. 2442. The Secretary of the Interior is required to prescribe such regulations for carrying the preceding section into effect as he may deem necessary and proper in order to protect the Government against imposition and fraud by persons claiming the benefit thereof; and all

Sales, mortgages letters of attorney, &c., made before issue of warrant to be void.

28 Sept., 1850, c. 85, s. 4, v. 9, p. 521.

Warrants to be located free of expense by Commissioner of Land-Office, &c.

28 Sept., 1850, c. 85, s. 4, v. 9, p. 521.

Deserters not entitled to bounty-land.

28 Sept., 1850, c. 85, s. 1, v. 9, p. 520. 3 March, 1855, c. 207, s. 1, v. 10, p. 701.

Lost warrants, provisions for.

27 April, 1816, c. 127, s. 1, v. 3, p. 317.

Discharges, omissions, and loss of, provided for.

27 April, 1816, c. 127, s. 2, v. 3, p. 317.

New warrant issued in lieu of lost warrant.

23 June, 1860, c. 203, s. 1, v. 12, p. 90.

Regulations by Secretary of Interior.

23 June, 1860, c. 203, s. 2, v. 12

laws and parts of laws for the punishment of frauds against the United States are made applicable to frauds under that section.

Mode of issuing patents to the heirs of persons entitled to bounty-lands.

3 Mar., 1843, Res. No. 7, v. 5, p. 650.

SEC. 2443. In all cases where an officer or soldier of the revolutionary war, or a soldier of the war of eighteen hundred and twelve, was entitled to bounty-land, has died before obtaining a patent for the land, and where application is made by a part only of the heirs of such deceased officer or soldier for such bounty-land, it shall be the duty of the Secretary of the Interior to issue the patent in the name of the heirs of such deceased officer or soldier, without specifying each; and the patent so issued in the name of the heirs, generally, shall inure to the benefit of the whole, in such portions as they are severally entitled to by the laws of descent in the State or Territory where the officer or soldier belonged at the time of his death.

Death of claimant after establishing right and before issuing of warrant.

3 June, 1858, c. 84, s. 1, v. 11, p. 308.

SEC. 2444. When proof has been or hereafter is filed in the Pension-Office, during the life-time of a claimant, establishing, to the satisfaction of that office, his right to a warrant for military services, and such warrant has not been, or may not be, issued until after the death of the claimant, and all such warrants as have been heretofore issued subsequent to the death of the claimant, the title to such warrants shall vest in his widow, if there be one, and if there be no widow, then in the heirs or legatees of the claimant; and all military bounty-land warrants issued pursuant to law shall be treated as personal chattels, and may be conveyed by assignment of such widow, heirs, or legatees, or by the legal representatives of the deceased claimant, for the use of such heirs or legatees only.

When proofs may be filed by legal representatives.

3 March, 1869, c. 138, v. 15, p. 336.

SEC. 2445. The legal representatives of a deceased claimant for a bounty-land warrant, whose claim was filed prior to his death, may file the proofs necessary to perfect such claim.

Relocation of military bounty-land warrants in cases of error.

3 March, 1853, c. 147, s. 1, v. 10, p. 256.

SEC. 2446. Where an actual settler on the public lands has sought, or hereafter attempts, to locate the land settled on and improved by him, with a military bounty-land warrant, and where, from any cause, an error has occurred in making such location, he is authorized to relinquish the land so erroneously located, and to locate such warrant upon the land so settled upon and improved by him, if the same then be vacant, and if not, upon any other vacant land, on making proof of those facts to the satisfaction of the land-officers, according to such rules and regulations as may be prescribed by the Commissioner of the General Land-Office, and subject to his final adjudication.

CHAPTER ELEVEN.

MISCELLANEOUS PROVISIONS RELATING TO THE PUBLIC LANDS.

Sec.	Sec.
2447. Patents to issue for claims heretofore confirmed.	2456. Patents surrendered and new ones issued in certain cases.
2448. Patents issued to persons who had died before issue, effect of.	2457. Extent of foregoing provisions.
2449. Fee-simple to pass in all grants of land to States and Territories.	2458. Live-oak and red-cedar lands.
2450. Cases of suspended entries of public lands, and suspended pre-emption land-claims.	2459. Selection of live-oak and red-cedar tracts.
2451. Adjudications under above, how approved.	2460. Protection of live-oak and red-cedar timber.
2452. Report of adjudications under preceding sections.	2461. Cutting or destruction of live-oak or red-cedar, penalty.
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2455. Commissioner to order into market lands of second class.	2464. Growth of timber on public lands.
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| <p>Sec.
 2466. Certificate or patent to issue after ten years.
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 2475. Secretary of the Interior to have exclusive control of the park; removal of trespassers.
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 2479. Grant of swamp and overflowed lands to certain States to aid in construction of levees, &c.
 2480. Secretary of the Interior to make lists of such lands, for transmission to the governors of the States.
 2481. Legal subdivisions mostly wet and unfit for cultivation.
 2482. Indemnity to States where lands have been sold by United States.
 2483. Patents to issue for swamp-lands to purchasers and locators, prior to issuing of patents to States, &c.
 2484. Selection of swamp and overflowed lands confirmed.
 2485. Certain lands selected by California confirmed to that State.
 2486. Where selections are on lands already surveyed.
 2487. Where selections are upon lands surveyed only by State authority.
 2488. Swamp and overflowed lands to be certified to State within one year, in certain cases.
 2489. List of lands selected to be sent to General Land-Office.
 2490. Act of 1850, c. 84, v. 9, p. 519, extended to Minnesota and Oregon.</p> |
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SEC. 2447. In case of any claim to land in any State or Territory which has heretofore been confirmed by law, and in which no provision is made by the confirmatory statute for the issue of a patent, it may be lawful, where surveys for the land have been or may hereafter be made, to issue patents for the claims so confirmed, upon the presentation to the Commissioner of the General Land-Office of plats of survey thereof, duly approved by the surveyor-general of any State or Territory, if the same be found correct by the Commissioner. But such patents shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interfere with any valid adverse right to the same land, nor be construed to preclude a legal investigation and decision by the proper judicial tribunal between adverse claimants to the same land.

SEC. 2448. Where patents for public lands have been or may be issued, in pursuance of any law of the United States, to a person who had died, or who hereafter dies, before the date of such patent, the title to the land designated therein shall inure to and become vested in the heirs, devisees, or assignees of such deceased patentee as if the patent had issued to the deceased person during life.

SEC. 2449. Where lands have been or may hereafter be granted by any law of Congress to any one of the several States and Territories, and where such law does not convey the fee-simple title of the lands, or require patents to be issued therefor, the list of such lands which have been or may hereafter be certified by the Commissioner of the General Land-Office, under the seal of his office, either as originals or copies of the originals or records shall be regarded as conveying the fee-simple of all the lands embraced in such lists that are of the character contemplated by such act of Congress, and intended to be granted thereby; but where lands embraced in such lists are not of the character embraced by such acts of Congress, and are not intended to be granted thereby, the lists, so far as these lands are concerned, shall be perfectly null and void, and no right, title, claim, or interest shall be conveyed thereby.

Patents to issue for claims heretofore confirmed.

22 Dec., 1854, c. 10, v. 10, p. 599.

Patents issued to persons who had died before issue, effect of.

20 May, 1836, c. 76, v. 5, p. 31.

Fee-simple to pass in all grants of land to States and Territories.

3 Aug., 1854, c. 201, v. 10, p. 346.

Cases of "suspended entries of public lands" and "suspended pre-emption land-claims."

26 June, 1856, c. 47, v. 11, p. 22.

3 Aug., 1846, c. 78, s. 1, v. 9, p. 51.

Adjudications under above, how approved.

3 Aug., 1846, c. 78, s. 1, v. 9, p. 51.

Report of adjudications under preceding sections.

3 Aug., 1846, c. 78, s. 2, v. 9, p. 51.

Decisions to be arranged into classes.

3 Aug., 1846, c. 78, s. 3, v. 9, p. 51.

Patents to issue for lands in the first class, and lands in second class to revert to the United States.

3 Aug., 1846, c. 78, s. 4, v. 9, p. 51.

Commissioner to order into market lands of second class.

3 Aug., 1846, c. 78, s. 5, v. 9, p. 51.

Patents surrendered and new ones issued in certain cases.

3 March, 1853, c. 152, s. 2, v. 10, p. 258.

Extent of foregoing provisions.

26 June, 1856, c. 47, v. 11, p. 22.

Live-oak and red-cedar lands.

1 March, 1817, c. 22, s. 1, v. 3, p. 347.

15 May, 1820, c. 136, v. 3, p. 607.

3 March, 1827, c. 94, s. 3, v. 4, p. 242.

SEC. 2450. The Commissioner of the General Land-Office is authorized to decide upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be settled by the Secretary of the Treasury, the Attorney-General, and the Commissioner, conjointly, consistently with such principles, all cases of suspended entries of public lands and of suspended pre-emption land-claims, and to adjudge in what cases patents shall issue upon the same.

SEC. 2451. Every such adjudication shall be approved by the Secretary of the Treasury and the Attorney-General, acting as a board; and shall operate only to divest the United States of the title of the lands embraced thereby, without prejudice to the rights of conflicting claimants.

SEC. 2452. The Commissioner is directed to report to Congress at the first session after any such adjudications have been made a list of the same under the classes prescribed by law, with a statement of the principles upon which each class was determined.

SEC. 2453. The Commissioner shall arrange his decisions into two classes; the first class to embrace all such cases of equity as may be finally confirmed by the board, and the second class to embrace all such cases as the board reject and decide to be invalid.

SEC. 2454. For all lands covered by claims which are placed in the first class, patents shall issue to the claimants; and all lands embraced by claims placed in the second class shall ipso facto revert to, and become part of, the public domain.

SEC. 2455. It may be lawful for the Commissioner of the General Land-Office to order into market, after due notice, without the formality and expense of a proclamation of the President, all lands of the second class, though heretofore unproclaimed and unoffered, and such other isolated or disconnected tracts or parcels of unoffered lands which, in his judgment, it would be proper to expose to sale in like manner. But public notice of at least thirty days shall be given by the land-officers of the district in which such lands may be situated, pursuant to the directions of the Commissioner.

SEC. 2456. Where patents have been already issued on entries which are confirmed by the officers who are constituted the board of adjudication, the Commissioner of the General Land-Office, upon the canceling of the outstanding patent, is authorized to issue a new patent, on such confirmation, to the person who made the entry, his heirs or assigns.

SEC. 2457. The preceding provisions from section twenty-four hundred and fifty to section twenty-four hundred and fifty-six, inclusive, shall be applicable to all cases of suspended entries and locations, which have arisen in the General Land-Office since the twenty-sixth day of June, eighteen hundred and fifty-six, as well as to all cases of a similar kind which may hereafter occur, embracing as well locations under bounty-land warrants as ordinary entries or sales, including homestead entries and pre-emption locations or cases; where the law has been substantially complied with, and the error or informality arose from ignorance, accident, or mistake which is satisfactorily explained; and where the rights of no other claimant or pre-emptor are prejudiced, or where there is no adverse claim.

SEC. 2458. The Secretary of the Navy is authorized, under the direction of the President, to cause such vacant and unappropriated lands of the United States as produce the live-oak and red-cedar timbers to be explored, and selection to be made of such tracts or portions thereof, where the principal growth is of either of such timbers, as in his judgment may be necessary to furnish for the Navy a sufficient supply of the same.

SEC. 2459. The President is authorized to appoint surveyors of public lands, who shall perform the duties prescribed in the preceding section, and report to him the tracts by them selected, with the boundaries ascertained and accurately designated by actual survey or water-courses; and the tracts of land thus selected with the approbation of the President shall be reserved, unless otherwise directed by law, from any future sale of the public lands, and be appropriated to the sole purpose of supplying timber for the Navy of the United States; but nothing in this section contained shall be construed to prejudice the prior rights of any person claiming lands, which may be reserved in the manner herein provided.

Selection of live-oak and red-cedar tracts.

1 March, 1817, c. 22, s. 1, v. 3, p. 347.

SEC. 2460. The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

Protection of live-oak and red-cedar timber.

23 Feb., 1822, c. 9, v. 3, p. 651.

SEC. 2461. If any person shall cut, or cause or procure to be cut, or aid, assist, or be employed in cutting, or shall wantonly destroy, or cause or procure to be wantonly destroyed, or aid, assist, or be employed in wantonly destroying any live-oak or red-cedar trees, or other timber standing, growing, or being on any lands of the United States, which, in pursuance of any law passed, or hereafter to be passed, have been reserved or purchased for the use of the United States, for supplying or furnishing therefrom timber for the Navy of the United States; or if any person shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing from any such lands which have been reserved or purchased, any live-oak or red-cedar trees, or other timber, unless duly authorized so to do, by order, in writing, of a competent officer, and for the use of the Navy of the United States; or if any person shall cut, or cause or procure to be cut, or aid, or assist, or be employed in cutting any live-oak or red-cedar trees, or other timber on, or shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing any live-oak or red-cedar trees or other timber, from any other lands of the United States, acquired, or hereafter to be acquired, with intent to export, dispose of, use, or employ the same in any manner whatsoever, other than for the use of the Navy of the United States; every such person shall pay a fine not less than triple the value of the trees or timber so cut, destroyed, or removed, and shall be imprisoned not exceeding twelve months. [See § 4751.]

Cutting or destruction of live-oak or red-cedar, penalty.

2 March, 1831, c. 66, s. 1, v. 4, p. 472.

SEC. 2462. If the master, owner, or consignee of any vessel shall knowingly take on board any timber cut on lands which have been reserved or purchased as in the preceding section prescribed, without proper authority, and for the use of the Navy of the United States; or shall take on board any live-oak or red-cedar timber cut on any other lands of the United States, with intent to transport the same to any port or place within the United States, or to export the same to any foreign country, the vessel on board of which the same shall be taken, transported, or seized, shall, with her tackle, apparel, and furniture, be wholly forfeited to the United States, and the captain or master of such vessel wherein the same was exported to any foreign country against the provisions of this section shall forfeit and pay to the United States a sum not exceeding one thousand dollars. [See § 4751.]

Vessels employed in carrying away live-oak and red-cedar, forfeiture of.

2 March, 1831, c. 66, s. 2, v. 4, p. 472.

SEC. 2463. It shall be the duty of all collectors of the customs within the States of Alabama, Mississippi, Louisiana, and Florida, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, to ascertain satisfactorily that such timber was cut from private lands, or, if from public ones, by consent of the Navy Department. And it is also made the duty of all officers of the customs, and of the land officers within those States, to cause prosecutions to be seasonably instituted against all persons known to be guilty of depredations on, or injuries to, the live oak growing on the public lands. [See § 4203, 4751.]

Clearance of vessels laden with live-oak; prosecution of depredators.

2 March, 1833, c. 67, s. 3, v. 4, p. 647.

Growth of timber on public lands.

3 March, 1873, c. 277, s. 1, v. 17, pp. 605, 606.

Mode of application for benefit of preceding section.

3 March, 1873, c. 277, s. 2, v. 17, p. 606.

Certificate or patent to issue after ten years.

Ibid.

Effect of an abandonment or failure to cultivate.

Ibid., s. 3.

Land in cultivation for timber not liable to be taken for debt.

Ibid., s. 5.

Copies of records, &c., to be certified.

4 July, 1836, c. 352, s. 7, v. 5, p. 111.

Exemplifications valid without names of officers signing and countersigning.

3 March, 1843, c. 95, s. 1, v. 5, p. 627.

The false making, altering, &c., of any instrument in writing, &c., concerning lands, &c., in California, penalty.

18 May, 1858, c. 40, s. 1, v. 11, p. 290.

SEC. 2464. Every person who plants, protects, and keeps in a healthy growing condition for ten years forty acres of timber, the trees thereon not being more than twelve feet apart each way, on any quarter-section of any of the public lands, shall be entitled to a patent for the whole of such quarter-section at the expiration of the ten years, on making proof of such fact by not less than two credible witnesses: *Provided*, That only one quarter in any section shall be thus granted.

SEC. 2465. Every person applying for the benefit of the preceding section shall, upon application to the register of the land-office in which he is about to make such entry, make affidavit before the register or receiver that such entry is made for the cultivation of timber, and upon filing his affidavit with the register and receiver, and on payment of ten dollars, he shall thereupon be permitted to enter the quantity of land specified.

SEC. 2466. No certificate shall be given or patent issue therefor until the expiration of at least ten years from the date of such entry; and if at the expiration of such time, or at any time within three years thereafter, the person making such entry, or, if he be dead, his heirs or legal representatives, shall prove by two credible witnesses that he has planted and for not less than ten years has cultivated and protected such quantity and character of timber, he shall receive the patent for such quarter-section of land.

SEC. 2467. If at any time after the filing of such affidavit, and prior to the issuing of the patent for the land, it is proved, after due notice to the party making such entry and claiming to cultivate such timber, to the satisfaction of the register of the land-office, that such person has abandoned or failed to cultivate, protect, and keep in good condition such timber, then, and in that event, the land shall revert to the United States.

SEC. 2468. No land acquired under the provisions of the four preceding sections shall, in any event, become liable to the satisfaction of any debt or debts contracted prior to the issuing of a patent therefor.

SEC. 2469. The Commissioner of the General Land-Office shall cause to be prepared, and shall certify, under the seal of the office, such copies of records, books, and papers on file in his office, as may be applied for, to be used in evidence in courts of justice. [See § 891.]

SEC. 2470. Literal exemplifications of any records which have been or may be granted in virtue of the preceding section shall be deemed of the same validity in all proceedings, whether at law or in equity, wherein such exemplifications are adduced in evidence, as if the names of the officers signing and countersigning the same had been fully inserted in such record.

SEC. 2471. Every person who falsely makes, alters, forges, or counterfeits, or causes or procures to be falsely made, altered, forged, or counterfeited; or willingly aids and assists in the false making, altering, forging, or counterfeiting any petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, or any title-paper, or evidence of right, title, or claim to lands, mines, or minerals in California, or any instrument of writing whatever in relation to lands or mines or minerals in the State of California, for the purpose of setting up or establishing against the United States any claim, right, or title to lands, mines, or minerals within the State of California, or for the purpose of enabling any person to set up or establish any such claim; and every person, who, for such purpose, utters or publishes as true and genuine any such false, forged, altered, or counterfeited petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, title-paper, evidence of right, title, or claim to lands or mines or minerals in the State of California, or any instrument of writing whatever in relation to lands or mines or minerals in the State of California, shall

be punishable by imprisonment at hard labor not less than three years and not more than ten years, and by a fine of not more than ten thousand dollars. [See §§ 5411, 5412.]

SEC. 2472. Every person who makes, or causes or procures to be made, or willingly aids and assists in making any falsely dated petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, or any title-paper, or written evidence of right, title, or claim, under Mexican authority, to any lands, mines, or minerals in the State of California, or any instrument of writing in relation to lands or mines or minerals in the State of California, having a false date, or falsely purporting to be made by any Mexican officer or authority prior to the seventh day of July, eighteen hundred and forty-six, for the purpose of setting up or establishing any claim against the United States to lands or mines or minerals within the State of California, or of enabling any person to set up or establish any such claim; and every person who signs his name as governor, secretary, or other public officer acting under Mexican authority, to any instrument of writing falsely purporting to be a grant, concession, or denouncement under Mexican authority, and during its existence in California, of lands, mines, or minerals, or falsely purporting to be an informe, report, record, confirmation, or other proceeding on an application for a grant, concession, or denouncement under Mexican authority, during its existence in California, of lands, mines, or minerals, shall be punishable as prescribed in the preceding section. [See §§ 5411, 5412.]

SEC. 2473. Every person who, for the purpose of setting up or establishing any claim against the United States to lands, mines, or minerals within the State of California, presents, or causes or procures to be presented, before any court, judge, commission, or commissioner, or other officer of the United States, any false, forged, altered, or counterfeited petition, certificate, order, report, decree, concession, denouncement, deed, patent, diseño, map, expediente or part of an expediente, title-paper, or written evidence of right, title, or claim to lands, mines, or minerals in the State of California, knowing the same to be false, forged, altered, or counterfeited, or any falsely dated petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, title-paper, or written evidence of right, title, or claim, which has been forged, altered, counterfeited, or falsely dated, knowing the same to be forged, altered, counterfeited, or falsely dated, shall be punishable as prescribed in section twenty-four hundred and seventy-one. [See §§ 5411, 5412.]

SEC. 2474. The tract of land in the Territories of Montana and Wyoming, lying near the head-waters of the Yellowstone River, and described as follows, to wit, commencing at the junction of Gardiner's River with the Yellowstone River, and running east to the meridian passing ten miles to the eastward of the most eastern point of Yellowstone Lake; thence south along said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people; and all persons who locate, or settle upon, or occupy any part of the land thus set

Falsely dating any evidence of title under Mexican authority, &c., to lands in California, penalty.

18 May, 1856, c. 40, s. 2, v. 11, p. 291.

Presenting false or counterfeited evidences of title, &c., to lands in California, and prosecuting suits thereon, penalty.

18 May, 1856, c. 40, s. 3, v. 11, p. 291.

Public park established near the head-waters of the Yellowstone River.

1 March, 1872, c. 24, s. 1, v. 17, p. 32.

apart as a public park, except as provided in the following section, shall be considered trespassers and removed therefrom.

Secretary of the Interior to have exclusive control of the park; removal of trespassers.

Ibid., s. 2, p. 33.

SEC. 2475. Such public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years, of small parcels of ground, at such places in the park as may require the erection of buildings for the accommodation of visitors; all of the proceeds of such leases, and all other revenues that may be derived from any source connected with the park, to be expended under his direction in the management of the same, and the construction of roads and bridle paths therein. He shall provide against the wanton destruction of the fish and game found within the park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally is authorized to take all such measures as may be necessary or proper to fully carry out the objects and purposes of this section.

Navigable rivers within public lands to be public highways.

18 May, 1796, c. 29, s. 9, v. 1, p. 468.

3 March, 1803, c. 27, s. 17, v. 2, p. 235.

SEC. 2476. All navigable rivers, within the territory occupied by the public lands, shall remain and be deemed public highways; and, in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both.

Right of way for highways over public lands.

26 July, 1866, c. 262, s. 8, v. 14, p. 253.

SEC. 2477. The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

Power of Commissioner of Land-Office to enforce this Title.

Grant of swamp and overflowed lands to certain States to aid in construction of levees, &c.

28 Sept., 1850, c. 84, ss. 1, 4, v. 9, p. 520.

12 March, 1860, c. 5, s. 1, v. 12, p. 3.

SEC. 2478. The Commissioner of the General Land-Office, under the direction of the Secretary of the Interior, is authorized to enforce and carry into execution, by appropriate regulations, every part of the provisions of this Title not otherwise specially provided for.

SEC. 2479. To enable the several States (but not including the States of Kansas, Nebraska, and Nevada) to construct the necessary levees and drains, to reclaim the swamp and overflowed lands therein—the whole of the swamp and overflowed lands, made unfit thereby for cultivation, and remaining unsold on or after the twenty-eighth day of September, A. D. eighteen hundred and fifty, are granted and belong to the several States respectively, in which said lands are situated: *Provided, however*, That said grant of swamp and overflowed lands, as to the State of California, Minnesota, and Oregon, is subject to the limitations, restrictions and conditions hereinafter named and specified, as applicable to said three last-named States respectively.

Secretary of the Interior to make lists of such lands, for transmission to the governors of the States.

28 Sept., 1850, c. 84 s. 2, v. 9, p. 519.

SEC. 2480. It shall be the duty of the Secretary of the Interior, to make accurate lists and plats of all such lands, and transmit the same to the governors of the several States in which such lands may lie, and at the request of the governor of any State in which said swamp and overflowed lands may be, to cause patents to be issued to said State therefor, conveying to said State the fee-simple of said land.

The proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the reclaiming said lands, by means of levees and drains.

Legal subdivisions mostly wet and unfit for cultivation.

Ibid., s. 3, p. 519.

SEC. 2481. In making out lists and plats of the lands aforesaid all legal subdivisions, the greater part whereof is wet and unfit for cultivation, shall be included in said lists and plats, but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

SEC. 2482. Upon proof by the authorized agent of the State, before the Commissioner of the General Land-Office, that any of the lands, purchased by any person from the United States, prior to March 2d, 1855, were "swamp-lands," within the true intent and meaning of the act entitled "An act to enable the State of Arkansas and other States to reclaim the swamp-lands within their limits," approved September twenty-eight, eighteen hundred and fifty, the purchase-money shall be paid over to the State wherein said land is situate; and when the lands have been located by warrant or scrip, the said State shall be authorized to locate a like quantity of any of the public lands subject to entry, at one dollar and twenty-five cents per acre, or less, and patents shall issue therefor. The decision of the Commissioner of the General Land-Office shall be first approved by the Secretary of the Interior.

Indemnity to States where lands have been sold by United States.

2 March, 1855, c. 147, s. 2, v. 10, pp. 634, 635.

SEC. 2483. The President of the United States shall cause patents to be issued to the purchaser or purchasers, locator or locators, who made entries of the public lands claimed as swamp lands, either with cash or land-warrants, or scrip, or under any homestead or pre-emption laws prior to the issue of patents to the State or States: *Provided*, That in all cases where any State through its constituted authorities, may have sold or disposed of any tract or tracts of land prior to the entry sale or location of the same under the pre-emption or other laws of the United States, no patent shall be issued by the President for such tract or tracts of land, until such State through its constituted authorities, shall release its claim thereto in such form as shall be prescribed by the Secretary of the Interior. In all cases where such State did not within ninety days from the second day of March, 1855, the date of an act entitled, "An act for the relief of purchasers and locators of swamp and overflowed lands" through its constituted authorities, return to the General Land-Office of the United States, a list of all the lands sold as aforesaid, together with the dates of such sales and the names of the purchasers, the President shall issue patents to persons who made such entries of the public lands so claimed as swamp-land.

Patents to issue for swamp-lands to purchasers and locators, prior to issuing of patents to States, &c.

2 March, 1855, c. 147, s. 1, v. 10, p. 634.

SEC. 2484. All lands selected and reported to the General Land Office as swamp and overflowed land by the several States entitled to the provisions of said act of Sept. 28, 1850, prior to March third, A. D. eighteen hundred and fifty-seven, are confirmed to said States respectively so far as the same remained vacant and unappropriated and not interfered with by an actual settlement under any law of the United States.

Selection of swamp and overflowed lands confirmed.

3 March, 1857, c. 117, v. 11, p. 251.

SEC. 2485. All selections of any portion of the public domain, to which no homestead, pre-emption or other right had been acquired by any settler under the laws of the United States, and not being mineral-land, nor reserved for naval, military or Indian purposes nor held or claimed under any valid Mexican or Spanish grant, and not included within the limits of any city, town or village or of the county of San Francisco, made prior to the twenty-third day of July, one thousand eight hundred and sixty-six, and theretofore sold to bona-fide purchasers by the State of California are confirmed to the State of California: *Provided, however*, That said State shall not receive any greater quantity of land for school or improvement purposes than she is entitled to by law.

Certain lands selected by California confirmed to that State.

23 July, 1866, c. 219, s. 1, v. 14, p. 218.

SEC. 2486. When selections named in the foregoing section have been made upon lands already surveyed by authority of the United States, the authorities of said States, where the same has not been already done, shall notify the register of the land-office, for the district in which the land is situated, which notice shall be regarded as the date of the State selection; and the said registers of the several land-offices, after investigation and decision, shall, under the instruction of the Commissioner of the General Land-Office, forward all such selections to the General Land-Office, and the Commissioner of the General Land-Office shall certify the same over to the State in the usual manner.

Where selections are on lands already surveyed.

Ibid., s. 2, p. 219.

Where selections are upon land surveyed only by State authority.

Ibid., s. 3, p. 219.

SEC. 2487. When the State of California has made such selections from the lands not surveyed by the authority of the United States, but which selections have been surveyed by the authority of said State, and the land sold to purchasers in good faith, under the laws of the State, such selections, from said twenty-third of July, eighteen hundred and sixty-six, when marked off and designated in the field, shall have the same force and effect as the pre-emption rights of a settler upon unsurveyed public lands; and if upon a survey of such lands by the United States, the lines of the two surveys shall be found not to agree, the selection shall be so changed as to include those legal subdivisions which nearest conform to the identical land included in the State survey and selection. Upon filing with the register of the proper United States land-office of the township plat, in which any such selection of unsurveyed land is located, the holder of the State title shall be allowed the same time to present and prove up his purchase and claim as is allowed pre-emptors under existing laws—and if found in accordance with the law the land embraced therein shall be certified over to the State by the Commissioner of the General Land-Office.

Swamp and overflowed lands to be certified to State within one year, in certain cases.

Ibid., s. 4, p. 219.

SEC. 2488. It shall be the duty of the Commissioner of the General Land-Office, to certify over to the State of California as swamp and overflowed lands, all the lands represented as such upon the approved township surveys and plats, whether made before or after the 23d day of July, 1866, under the authority of the United States.

The surveyor-general of the United States for California, shall under the direction of the Commissioner of the General Land-Office, examine the segregation maps and surveys of the swamp and overflowed lands, made by said State; and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to the General Land-Office for approval.

In segregating large bodies of land, notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land.

In case such State surveys are found not to be in accordance with the system of United States surveys, and in such other townships as no survey has been made by the United States, the Commissioner shall direct the surveyor-general, to make segregation surveys, upon application to the surveyor-general, by the governor of said State, within one year of such application, of all the swamp and overflowed land in such townships, and to report the same to the General Land-Office, representing and describing what land was swamp and overflowed, under the grant, according to the best evidence he can obtain.

If the authorities of said State, shall claim as swamp and overflowed, any land not represented as such upon the map or in the returns of the surveyors, the character of such land at the date of the grant September twenty-eight, eighteen hundred and fifty, and the right to the same shall be determined by testimony, to be taken before the surveyor-general, who shall decide the same, subject to the approval of the Commissioner of the General Land-Office.

List of lands selected to be sent to General Land-Office.

Ibid., s. 5, p. 220.

SEC. 2489. It shall be the duty of the Commissioner of the General Land-Office, to require the officers of the local land-offices in said State (in case the same has not already been done) and the surveyor-general immediately to forward lists of all selections made by the State hereinbefore specified and lists and maps of all swamp and overflowed lands, claimed by said State or surveyed as provided in the ten preceding sections, for final disposition and determination, which final disposition shall be made by the Commissioner of the General Land-Office without delay.

SEC. 2490. The provisions of the act of Congress entitled "An act to enable the State of Arkansas and other States to redeem" the swamp lands within their limits, approved September 28, A. D. 1850, extend to the States of Minnesota and Oregon: *Provided*, That the grant shall not include any lands which the Government of the United States may have sold or disposed of under any law, enacted prior to March 12, 1860, prior to the confirmation of title to be made under the authority of said act—and the selections to be made from lands already surveyed in each of the States last named, under the authority of the act aforesaid, shall have been made within two years from the adjournment of the legislature of each State, at its next session after the 12th day of March, A. D. 1860—and as to all lands surveyed or to be surveyed, thereafter, within two years from such adjournment, at the next session after notice by the Secretary of the Interior to the governor of the State, that the surveys have been completed and confirmed.

Act of 1850, c. 84,
v. 9, p. 519, ex-
tended to Minne-
sota and Oregon.

12 March, 1860, c.
5, ss. 1, 2, v. 12, p. 3.

TITLE XXXIII.

DUTIES UPON IMPORTS.

Sec.	Sec.
2491. Prohibition upon importation of obscene articles.	H. Silks and silk goods.
2492. Mode of proceeding.	I. Spices.
2493. Importation of neat cattle.	J. Tobacco.
2494. When permitted.	K. Wood.
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2496. Prohibition upon importation of simulated watch-movements.	M. Sundries.
2497. Upon importation in foreign vessels.	2505. Free list.
2498. Limitation upon the foregoing.	2506. Fish-oil and fish the produce of the fisheries of Canada, Prince Edward's Island, and Newfoundland, when free.
2499. Rate for articles resembling enumerated articles; and for articles manufactured from two or more materials.	2507. Special exemption as to merchandise sunk and abandoned.
2500. For re-imported goods.	2508. As to lumber from St. John River.
2501. For goods produced east of the Cape of Good Hope, when imported from west of that cape.	2509. As to lumber from St. Croix River.
2502. For merchandise imported in foreign vessels.	2510. As to machinery for manufacture of beet-root sugar.
2503. Schedules of special rates of duty.	2511. As to machinery imported for repair.
2504. A. Cotton and cotton goods.	2512. Certain paintings, statuary, &c., to be admitted free of duty.
B. Earths and earthenware.	2513. Importation of materials for construction, &c., of vessels.
C. Hemp, jute, and flax goods.	2514. Importation of articles intended for the repair of vessels.
D. Liquors.	2515. Peltries and other goods of Indians, when to be admitted free.
E. Metals.	2516. Duty on articles not enumerated, raw or manufactured.
F. Provisions.	
G. Sugars.	

Prohibition upon importation of obscene articles.

2 March, 1857, c. 63, v. 11, p. 163.
3 March, 1873, c. 258, ss. 1, 3, v. 17, pp. 598, 599.

U. S. vs. One Case Stereoscopic Slides, Sprague, 467.

Mode of proceeding.

3 March, 1873, c. 258, s. 5, v. 17, p. 599.

SEC. 2491. All persons are prohibited from importing into the United States, from any foreign country, any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion. No invoice or package whatever, or any part of one, in which any such articles are contained shall be admitted to entry; and all invoices and packages whereof any such articles shall compose a part are liable to be proceeded against, seized, and forfeited by due course of law. All such prohibited articles in the course of importation shall be detained by the officer of customs, and proceedings taken against the same as prescribed in the following section: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this section. [See § 1155.]

SEC. 2492. Any judge of any district or circuit court of the United States, within the proper district, before whom complaint in writing of any violation of the preceding section is made, to the satisfaction of such judge, and founded on knowledge or belief, and, if upon belief, setting forth the grounds of such belief, and supported by oath or affirmation of the complainant, may issue, conformably to the Constitution, a warrant directed to the marshal, or any deputy marshal, in the proper district, directing him to search for, seize, and take possession of any such article or thing hereinbefore mentioned, and to make due and immediate return thereof, to the end that the same may be condemned and destroyed by proceedings, which shall be conducted in the same manner as other proceedings in case of municipal seizure, and with the same right of appeal or writ of error.

SEC. 2493. The importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited: *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this law into effect, or to suspend the same as therein provided, and to send copies thereof to the proper officers in the United States, and to such officers or agents of the United States in foreign countries as he shall judge necessary.

SEC. 2494. The President of the United States, whenever in his judgment the importation of neat cattle and the hides of neat cattle may be made without danger of the introduction or spread of contagious or infectious disease among the cattle of the United States, may, by proclamation, declare the provisions of the preceding section to be inoperative, and the same shall be afterward inoperative and of no effect from and after thirty days from the date of said proclamation.

SEC. 2495. Any person convicted of a willful violation of any of the provisions of the two preceding sections, shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 2496. No watches, watch-cases, watch-movements, or parts of watch-movements, of foreign manufacture, which shall copy or simulate the name or trade-mark of any domestic manufacturer, shall be admitted to entry at the custom-houses of the United States, unless such domestic manufacturer is the importer of the same. And in order to aid the officers of the customs in enforcing this prohibition, any domestic manufacturer of watches who has adopted trade-marks may require his name and residence and a description of his trade-marks to be recorded in books which shall be kept for that purpose in the Department of the Treasury, under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the Department fac-similes of such trade-marks; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of the customs.

SEC. 2497. No goods, wares, or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture; or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation. All goods, wares, or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned, in like manner, and under the same regulations, restrictions, and provisions, as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

SEC. 2498. The preceding section shall not apply to vessels, or goods, wares, or merchandise, imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States.

SEC. 2499. There shall be levied, collected, and paid, on each and every non-enumerated article which bears a similitude, either in material, quality, texture, or the use to which it may be applied, to any article enumerated in this Title, as chargeable with duty, the same rate of

Importation of
neat cattle.

6 March, 1866, c.
12, s. 1, v. 14, p. 3.

When permitted.

Ibid., s. 2, p. 4.

Penalty.

Ibid., s. 2, p. 4.

Prohibition upon
importation of sim-
ulated watch-
movements.

3 March, 1871, c.
125, v. 16, p. 580.

Upon importa-
tion in foreign ves-
sels.

1 March, 1817, c.
31, ss. 1, 2, v. 3, p.
351.

The Merritt, 17
Wall, 582.

Limitation upon
the foregoing.

1 March, 1817, c.
31, s. 1, v. 3, p. 351.

Rate for articles
resembling enu-
merated articles,
and for articles
manufactured

from two or more materials.

30 Aug., 1842, c. 270, s. 20, v. 5, p. 565.

Stewart vs. Maxwell, 16 How., 150; *Ross vs. Peaslee*, 2 Curt. C. C., 499; *Morlot vs. Lawrence*, 1 Blatch., 608; *Lottimer vs. Lawrence*, 1 Blatch., 613; *Field vs. Schell*, 5 Blatch., 1; *Gamble vs. Mason*, 7 Am. Law Reg., 178.

For re-imported goods.

28 July, 1866, c. 296, s. 12, v. 14, p. 330.

For goods produced east of the Cape of Good Hope, when imported from west of that cape.

6 June, 1872, c. 315, s. 3, v. 17, p. 232.

Hodden vs. The Collector, 5 Wall., 107; *Sturgis vs. The Collector*, 12 Wall., 19; *Campbell vs. Barney*, 5 Blatch., 221; *Williams vs. Barney*, 5 Blatch., 219.

For merchandise imported in foreign vessels.

30 June, 1864, c. 171, s. 17, v. 13, p. 215.

Schedule of special rates of duty.

6 June, 1872, c. 315, s. 2, v. 17, p. 231.

U. S. vs. Vowell, 5 Cr., 368; *Arnold vs. U. S.*, 9 Cr., 104; *Brig Concord*, 9 Cr., 387; Two hundred Chests of Tea, 9 Wh., 430; *Barlow vs. U. S.*, 7 Pet., 404; *U. S. vs. One hundred and twelve Casks of Sugar*, 8 Pet., 277; *Elliott vs. Swartwout*, 10 Pet., 137; *Meredith vs. U. S.*, 13 Pet., 493; *Curtis vs. Martin*, 3 How., 106; *De Forest vs. Lawrence*, 13 How., 274; *Maitland vs. Lawrence*, 16 How., 251; *U. S. vs. Clarke*, 5 Mas., 30; *U. S. vs. Breed*, 1 Sumn., 159. *Bacon vs. Bancroft*,

duty which is levied and charged on the enumerated article which it most resembles in any of the particulars before mentioned; and if any non-enumerated article equally resembles two or more enumerated articles, on which different rates of duty are chargeable, there shall be levied, collected, and paid, on such non-enumerated article, the same rate of duty as is chargeable on the article which it resembles paying the highest duty; and on all articles manufactured from two or more materials, the duty shall be assessed at the highest rates at which any of its component parts may be chargeable.

SEC. 2500. Upon the re-importation of articles once exported, of the growth, product, or manufacture of the United States, upon which no internal tax has been assessed or paid, or upon which such tax has been paid and refunded by allowance or drawback, there shall be levied, collected, and paid a duty equal to the tax imposed by the internal-revenue laws upon such articles.

SEC. 2501. There shall be levied, collected, and paid on all goods, wares, and merchandise of the growth or produce of the countries east of the Cape of Good Hope, (except wool, raw cotton, and raw silk, as reeled from the cocoon, or not further advanced than tram, thrown, or organzine,) when imported from places west of the Cape of Good Hope, a duty of ten per centum ad valorem in addition to the duties imposed on any such article when imported directly from the place or places of their growth or production.

SEC. 2502. A discriminating duty of ten per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, and merchandise which shall be imported in vessels not of the United States; but this discriminating duty shall not apply to goods, wares, and merchandise which shall be imported in vessels not of the United States, entitled, by treaty or any act of Congress, to be entered in the ports of the United States on payment of the same duties as shall then be paid on goods, wares, and merchandise imported in vessels of the United States.

SEC. 2503. There shall be levied, collected, and paid upon all articles mentioned in the schedules contained in the next section, imported from foreign countries, the rates of duty which are by the schedules respectively prescribed: *Provided*, That on the goods, wares, and merchandise in this section enumerated and provided for, imported from foreign countries, there shall be levied, collected, and paid only ninety per centum of the several duties and rates of duty imposed by the said schedules upon said articles severally, that is to say:

On all manufactures of cotton of which cotton is the component part of chief value.

On all wools, hair of the alpaca, goat, and other animals, and all manufactures wholly or in part of wool or hair of the alpaca and other like animals, except umbrellas, parasols, and sun-shades covered with silk or alpaca.

On all iron and steel, and on all manufactures of iron and steel, of which such metals or either of them shall be the component part of chief value, excepting cotton-machinery.

On all metals not herein otherwise provided for, and on all manufactures of metals of which either of them is the component part of chief value, excepting percussion-caps, watches, jewelry, and other articles of ornament: *Provided*, That all wire rope and wire strand or chain made of iron wire, either bright, coppered, galvanized, or coated with other metals, shall pay the same rate of duty that is now levied on the iron wire of which said rope or strand or chain is made; and all wire rope, and wire strand or chain made of steel wire, either bright, coppered,

galvanized, or coated with other metals, shall pay the same rate of duty that is now levied on the steel wire of which said rope or strand or chain is made.

On all paper, and manufactures of paper, excepting unsized printing-paper, books and other printed matter, and excepting sized or glued paper suitable only for printing-paper.

On all manufactures of India rubber, gutta-percha, or straw, and on oil-cloths of all descriptions.

On glass and glass ware, and on unwrought pipe-clay, fine clay, and fullers' earth.

On all leather not otherwise herein provided for, and on all manufactures of skins, bone, ivory, horn, and leather, except gloves and mittens, and of which either of said articles is the component part of chief value; and on liquorice-paste or liquorice-juice.

1 Story, 341; The Gertrude, 3 Story, 71; U. S. vs. Dodge, 1 Deady, 124; Cog-gill vs. Lawrence, 1 Blatch., 602; U. S. vs. Lutz, 2 Blatch., 383; Roosevelt vs. Maxwell, 3 Blatch., 391; Wilkinson vs. Greely, 1 Curt. C. C. 439.

SCHEDULE A.—COTTON AND COTTON GOODS.

Cotton and cot-ton goods.

SEC. 2504. On all manufactures of cotton (except jeans, denims, drillings, bed-tickings, gingham, plaids, cottonades, pantaloons, stuff, and goods of like description) not bleached, colored, stained, painted, or printed, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding in weight five ounces per square yard, five cents per square yard; if bleached, five cents and a half per square yard; if colored, stained, painted, or printed, five cents and a half per square yard, and in addition thereto, ten per centum ad valorem.

3 March, 1865, c. 80, s. 1, v. 13, p. 491.

On finer and lighter goods of like description, not exceeding two hundred threads to the square inch, counting the warp and filling, unbleached, five cents per square yard; if bleached, five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard, and, in addition thereto, twenty per centum ad valorem.

On goods of like description, exceeding two hundred threads to the square inch, counting the warp and filling, unbleached, five cents per square yard; if bleached, five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard, and, in addition thereto, twenty per centum ad valorem.

On cotton jeans, denims, drillings, bed-tickings, gingham, plaids, cottonades, pantaloons, stuffs, and goods of like description, or for similar use, if unbleached, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding five ounces to the square yard, six cents per square yard; if bleached, six cents and a half per square yard; if colored, stained, painted, or printed, six cents and a half per square yard, and, in addition thereto, ten per centum ad valorem;

On finer, or lighter goods of like description, not exceeding two hundred threads to the square inch, counting the warp and filling, if unbleached, six cents per square yard; if bleached, six and a half cents per square yard; if colored, stained, painted, or printed, six and a half cents per square yard, and, in addition thereto, fifteen per centum ad valorem;

On goods of lighter description, exceeding two hundred threads to the square inch, counting the warp and filling, if unbleached, seven cents per square yard; if bleached, seven and a half cents per square yard; if colored, stained, painted, or printed, seven and a half cents per square yard, and, in addition thereto, fifteen per centum ad valorem: *Provided*, That upon all plain woven cotton goods, not included in the foregoing schedule, unbleached, valued at over sixteen cents per square yard; bleached, valued at over twenty cents per square yard; colored, valued at over twenty-five cents per square yard, and cotton jeans, denims and drillings, unbleached, valued at over twenty cents per square yard, and all other cotton goods of every description, the value of which shall exceed twenty-five cents per square yard, there shall be levied, collected,

and paid a duty of thirty-five per centum ad valorem: *And provided further*, That no cotton goods having more than two hundred threads to the square inch, counting the warp and filling, shall be admitted to a less rate of duty than is provided for goods which are of that number of threads.

14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Cotton thread, yarn, warps, or warp-yarn, not wound upon spools, whether single or advanced beyond the condition of single by twisting two or more single yarns together, whether on beams or in bundles, skeins, or cops, or in any other form, valued at not exceeding forty cents per pound: ten cents per pound; valued at over forty cents per pound and not exceeding sixty cents per pound: twenty cents per pound; valued at over sixty cents per pound and not exceeding eighty cents per pound: thirty cents per pound; valued at over eighty cents per pound: forty cents per pound; and, in addition to such rates of duty, twenty per centum ad valorem.

3 March, 1865, c. 80, s. 1, v. 13, p. 491.

Spool-thread of cotton: six cents per dozen spools, containing on each spool not exceeding one hundred yards of thread, and, in addition thereto, thirty per centum ad valorem; exceeding one hundred yards, for every additional hundred yards of thread on each spool or fractional part thereof, in excess of one hundred yards: six cents per dozen, and thirty-five per centum ad valorem.

Cotton cords, gimps, and galloons and cotton laces colored: thirty-five per centum ad valorem.

30 June, 1864, c. 171, s. 6, v. 13, p. 208.

Cotton shirts and drawers, woven or made on frames, and on all cotton hosiery: thirty-five per centum ad valorem.

Cotton-velvet: thirty-five per centum ad valorem.

Cotton braids, insertings, lace, trimming, or bobbinet, and all other manufactures of cotton, not otherwise provided for: thirty-five per centum ad valorem.

SCHEDULE B.—EARTHS AND EARTHEN WARES.

30 June, 1864, c. 171, s. 9, v. 13, p. 210.

Brown earthen ware and common stone ware, gas-retorts, stoue ware not ornamented: twenty-five per centum ad valorem.

China, porcelain, and Parian ware, gilded, ornamented, or decorated in any manner: fifty per centum ad valorem.

China, porcelain, and Parian ware, plain white, and not decorated in any manner: forty-five per centum ad valorem; on all other earthen, stone, or crockery ware, white, glazed, edged, printed, painted, dipped, or cream-colored, composed of earthy or mineral substances, and not otherwise provided for: forty per centum ad valorem.

Stone ware above the capacity of ten gallons: twenty per centum ad valorem.

Slates, slate-pencils, slate chimney-pieces, mantels, slabs for tables, and all other manufactures of slate: forty per centum ad valorem. Roofing-slates: thirty-five per centum ad valorem.

Unwrought clay, pipe-clay, fire-clay: five dollars per ton.

Kaoline: five dollars per ton.

On fullers' earth: three dollars per ton.

Red and French chalk: twenty per centum ad valorem.

Chalk of all descriptions, not otherwise provided for: twenty-five per centum ad valorem.

Whiting and Paris-white: one cent per pound.

Whiting ground in oil: two cents per pound.

Paris white ground in oil: one cent and a half per pound.

All plain and mould and press glass not cut, engraved, or painted: thirty-five per centum ad valorem.

All articles of glass, cut, engraved, painted, colored, printed, stained, silvered, or gilded, not including plate-glass silvered, or looking-glass plates: forty per centum ad valorem.

All unpolished cylinder, crown, and common window-glass, not exceeding ten by fifteen inches square: one cent and a half per pound;

above that and not exceeding sixteen by twenty-four inches square: two cents per pound; above that and exceeding twenty-four by thirty inches square: two cents and a half per pound; all above that: three cents per pound.

Cylinder and crown glass, polished, not exceeding ten by fifteen inches square: two and one-half cents per square foot; above that, and not exceeding sixteen by twenty-four inches square: four cents per square foot; above that, and not exceeding twenty-four by thirty inches square: six cents per square foot; above that, and not exceeding twenty-four by sixty inches: twenty cents per square foot; all above that: forty cents per square foot.

30 June, 1864, c. 171, s. 9, v. 13, p. 210.

Fluted, rolled, or rough plate-glass, not including crown, cylinder, or common window-glass, not exceeding ten by fifteen inches square: seventy-five cents per one hundred square feet; above that, and not exceeding sixteen by twenty-four inches square: one cent per square foot; above that, and not exceeding twenty-four by thirty inches square: one cent and a half per square foot; all above that: two cents per square foot. And all fluted, rolled, or rough plate-glass, weighing over one hundred pounds per one hundred square feet, shall pay an additional duty on the excess at the same rates herein imposed.

Cast polished plate-glass, unsilvered, not exceeding ten by fifteen inches square: three cents per square foot; above that, and not exceeding sixteen by twenty-four inches square: five cents per square foot; above that, and not exceeding twenty-four by thirty inches square: eight cents per square foot; above that, and not exceeding twenty-four by sixty inches square: twenty-five cents per square foot; all above that: fifty cents per square foot.

Cast polished plate-glass, silvered, or looking-glass plates not exceeding ten by fifteen inches square: four cents per square foot; above that, and not exceeding sixteen by twenty-four inches square: six cents per square foot; above that, and not exceeding twenty-four by thirty inches square: ten cents per square foot; above that, and not exceeding twenty-four by sixty inches square: thirty-five cents per square foot; all above that: sixty cents per square foot. But no looking-glass plates or plate-glass, silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed, but shall be liable to pay in addition thereto thirty per centum ad valorem upon such frames.

Glass bottles or jars filled with articles not otherwise provided for: thirty per centum ad valorem.

Porcelain and Bohemian glass, glass crystals for watches, glass pebbles for spectacles, not rough; paintings on glass or glasses, and all manufactures of glass, or of which glass shall be a component material, not otherwise provided for, and all glass bottles or jars filled with sweetmeats or preserves, not otherwise provided for: forty per centum ad valorem.

SCHEDULE C.—HEMP, JUTE, AND FLAX GOODS.

Flax-straw: five dollars per ton.

Flax not hackled or dressed: twenty dollars per ton.

Flax hackled, known as "dressed line:" forty dollars per ton.

Hemp, Manila, and other like substitutes for hemp, not otherwise provided for: twenty-five dollars per ton.

Tow of flax or hemp: ten dollars per ton.

Jute, sunn, and Sisal grass, and other vegetable substances not enumerated, used for cordage: fifteen dollars per ton.

Brown and bleached linens, ducks, canvas, paddings, cot bottoms, diapers, crash, huckabacks, handkerchiefs, lawns, or other manufactures of flax, jute, or hemp, or of which flax, jute, or hemp shall be the component material of chief value, not otherwise provided for, valued at thirty cents or less per square yard: thirty-five per centum ad valorem;

14 July, 1870, c. 255, s. 21, v. 16, p. 262.

30 June, 1864, c. 171, s. 7, v. 13, p. 209.

valued at above thirty cents per square yard: forty per centum ad valorem; flax or linen yarns for carpets, not exceeding number eight Lea, and valued at twenty-four cents or less per pound: thirty per centum ad valorem; flax or linen yarns valued at above twenty-four cents per pound: thirty-five per centum ad valorem; flax or linen thread, twine and pack-thread, and all other manufactures of flax, or of which flax shall be the component material of chief value, not otherwise provided for: forty per centum ad valorem.

Thread lace and insertings: thirty per centum ad valorem.

6 June, 1872, c.
315, s. 4, v. 17, p.
232.

On all burlaps, and like manufactures of flax, jute, or hemp, or of which flax, jute, or hemp shall be the component material of chief value, excepting such as may be suitable for bagging for cotton: thirty per centum ad valorem.

Oil-cloth foundations or floor-cloth canvas, made of flax, jute, or hemp, or of which flax, jute, or hemp shall be the component material of chief value: forty per centum ad valorem; gunny-cloth, not bagging, valued at ten cents or less per square yard, three cents per pound; over ten cents per square yard, four cents per pound.

On bagging for cotton, or other manufactures, not otherwise herein provided for, suitable to the uses for which cotton bagging is applied, composed in whole or in part of hemp, jute, flax, gunny-bags, gunny-cloth, or other material, and valued at seven cents or less per square yard, two cents per pound; valued at over seven cents per square yard, three cents per pound.

Bags, cotton bags, and bagging, and all other like manufactures, not herein otherwise provided for, (except bagging for cotton,) composed wholly or in part of flax, hemp, jute, gunny-cloth, gunny-bags, or other material: forty per centum ad valorem.

30 June, 1864, c.
171, s. 7, v. 13, p. 209.

Tarred cables or cordage: three cents per pound.

Untarred Manila cordage: two and a half cents per pound.

All other untarred cordage: three and a half cents per pound.

Hemp yarn: five cents per pound.

Seines: six and a half cents per pound.

Sail-duck or canvas for sails: thirty per centum ad valorem.

Russia and other sheetings of flax or hemp, brown and white: thirty-five per centum ad valorem.

All other manufactures of hemp, or of which hemp shall be the component material of chief value, not otherwise provided for: thirty per centum ad valorem.

Grass-cloth: thirty per centum ad valorem.

Jute yarns: twenty-five per centum ad valorem.

All other manufactures of jute or Sisal-grass, not otherwise provided for: thirty per centum ad valorem.

SCHEDULE D.—LIQUORS.

14 July, 1870, c.
255, s. 21, v. 16, p.
262.

Bensuran vs. Murphy, 17 Int. Rev. Rec., 84.

Wines imported in casks, containing not more than twenty-two per centum of alcohol, and valued at not exceeding forty cents per gallon: twenty-five cents per gallon; valued at over forty cents, and not over one dollar per gallon: sixty cents per gallon; valued at over one dollar per gallon: one dollar per gallon, and, in addition thereto, twenty-five per centum ad valorem.

Wines of all kinds, imported in bottles, and not otherwise provided for: the same rate per gallon as wines imported in casks. But all bottles containing one quart or less than one quart, and more than one pint, shall be held to contain one quart, and all bottles containing one pint or less shall be held to contain one pint, and shall pay in addition three cents for each bottle.

Champagne and all other sparkling wines, in bottles, containing each not more than one quart and more than one pint: six dollars per dozen bottles; containing not more than one pint each, and more than one-half pint: three dollars per dozen bottles; containing one-half pint each, or

less: one dollar and fifty cents per dozen bottles; and in bottles containing more than one quart each, shall pay, in addition to six dollars per dozen bottles, at the rate of two dollars per gallon on the quantity in excess of one quart per bottle. But any liquors containing more than twenty-two per centum of alcohol, which shall be entered under the name of wine, shall be forfeited to the United States. And wines, brandy, and other spirituous liquors imported in bottles shall be packed in packages containing not less than one dozen bottles in each package; and all such bottles shall pay an additional duty of three cents for each bottle. No allowance shall be made for breakage unless such breakage is actually ascertained by count, and certified by a custom-house appraiser.

Brandy and on other spirits manufactured or distilled from grain or other materials, and not otherwise provided for: two dollars per proof-gallon. Each and every gauge or wine-gallon of measurement shall be counted as at least one proof-gallon; and the standard for determining the proof of brandy and other spirits, and of wine or liquors of any kind imported, shall be the same as that which is defined in the laws relating to internal revenue. But any brandy or other spirituous liquors imported in casks of less capacity than fourteen gallons shall be forfeited to the United States.

On all compounds or preparations of which distilled spirits is a component part of chief value, there shall be levied a duty not less than that imposed upon distilled spirits.

Cordials, liqueurs, arrack, absinthe, kirschwasser, ratafia, and other similar spirituous beverages, or bitters containing spirits, and not otherwise provided for: two dollars per proof-gallon.

No lower rate or amount of duty shall be levied, collected, and paid, on brandy, spirits, and other spirituous beverages, than that fixed by law for the description of first proof, but it shall be increased in proportion for any greater strength than the strength of first proof; and no brandy, spirits, or other spirituous beverages under first proof shall pay a less rate of duty than fifty per centum ad valorem; and all imitations of brandy, or spirits, or of wines imported by any names whatever, shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than one dollar per gallon.

Ale, porter, and beer, in bottles: thirty-five cents per gallon; otherwise than in bottles: twenty cents per gallon.

Vermuth: the same duty as on wines of the same cost.

28 July, 1866, c. 298, s. 1, v. 14, p. 328.

14 July, 1870, c. 255, s. 21, v. 16, p. 262.

30 June, 1864, c. 171, s. 2, v. 13, p. 202.

U. S. vs. Seventy-eight Casks of White Wine, 9 Int. Rev. Rec., 105.

30 June, 1864, c. 171, s. 2, v. 13, p. 202.

6 June, 1872, c. 315, s. 4, v. 17, p. 232.

SCHEDULE E.—METALS.

Iron in pigs: seven dollars per ton.

Bar-iron, rolled or hammered, comprising flats not less than one inch or more than six inches wide, nor less than three-eighths of an inch or more than two inches thick; rounds not less than three-fourths of an inch nor more than two inches in diameter; and squares not less than three-fourths of an inch nor more than two inches square: one cent per pound. Bar-iron, rolled or hammered, comprising flats less than three-eighths of an inch or more than two inches thick, or less than one inch or more than six inches wide; rounds less than three-fourths of an inch or more than two inches in diameter; and squares less than three-fourths of an inch or more than two inches square: one cent and one-half per pound. But all iron in slabs, blooms, loops, or other forms, less finished than iron in bars, and more advanced than pig-iron, except castings, shall be rated as iron in bars, and pay a duty accordingly; and none of the above iron shall pay a less rate of duty than thirty-five per centum ad valorem.

Moisic iron, made from sand ore by one process: fifteen dollars per ton.

Iron bars for railroads or inclined planes: seventy cents per one hundred pounds.

14 July, 1870, c. 255, s. 21, v. 16, p. 262.

30 June, 1864, c. 171, s. 3, v. 13, p. 203.

6 June, 1872, c. 315, s. 4, v. 17, p. 232.

3 March, 1865, c. 80, s. 2, v. 13, p. 492.

30 June, 1864, c.
171, s. 3, v. 13, p. 203.

Boiler or other plate-iron not less than three-sixteenths of an inch in thickness: one cent and a half per pound.

Boiler and other plate-iron, not otherwise provided for: twenty-five dollars per ton.

Iron wire, bright, coppered, or tinned, drawn and finished, not more than one-fourth of an inch in diameter, not less than number sixteen, wire-gauge: two dollars per one hundred pounds, and in addition thereto fifteen per centum ad valorem; over number sixteen and not over number twenty-five, wire-gauge: three dollars and fifty cents per one hundred pounds, and in addition thereto fifteen per centum ad valorem; over or finer than number twenty-five, wire-gauge, four dollars per one hundred pounds, and, in addition thereto, fifteen per centum ad valorem. But wire covered with cotton, silk, or other material shall pay five cents per pound in addition to the foregoing rates.

14 July, 1870, c.
255, s. 21, v. 16, p.
262.

Round iron in coils, three-sixteenths of an inch or less in diameter, whether coated with metal or not so coated, and all descriptions of iron wire, and wire of which iron is a component part, not otherwise specifically enumerated and provided for, shall pay the same duty as iron wire, bright, coppered, or tinned.

25 March, 1867
Res. No. 11, v. 15
p. 22.

Wire spiral furniture springs, manufactured of iron wire: two cents per pound and fifteen per centum ad valorem.

30 June, 1864, c.
171, s. 3, v. 13, p. 203.

Smooth or polished sheet-iron, by whatever name designated: three cents per pound.

Sheet iron, common or black, not thinner than number twenty, wire-gauge: one cent and one-fourth of one cent per pound; thinner than number twenty and not thinner than number twenty-five, wire-gauge: one cent and one-half per pound; thinner than number twenty-five, wire-gauge: one cent and three-fourths of one cent per pound.

All band, hoop, and scroll iron from one-half to six inches in width, not thinner than one-eighth of an inch: one and one-fourth cents per pound.

All band, hoop, and scroll iron from one-half to six inches wide, under one-eighth of an inch in thickness, and not thinner than number twenty, wire-gauge: one and one-half cents per pound.

All band, hoop, and scroll iron thinner than number twenty, wire-gauge: one and three fourth cents per pound.

Slit rods: one cent and one-half per pound.

All other descriptions of rolled or hammered iron not otherwise provided for: one cent and one-fourth per pound.

All handsaws not over twenty-four inches in length: seventy-five cents per dozen, and in addition thereto thirty per centum ad valorem; over twenty-four inches in length: one dollar per dozen, and in addition thereto thirty per centum ad valorem.

All back-saws not over ten inches in length: seventy-five cents per dozen, and in addition thereto thirty per centum ad valorem; over ten inches in length: one dollar per dozen, and in addition thereto thirty per centum ad valorem.

Files, file-blanks, rasps, and floats of all descriptions, not exceeding ten inches in length: ten cents per pound, and in addition thereto thirty per centum ad valorem; exceeding ten inches in length: six cents per pound, and in addition thereto thirty per centum ad valorem.

Penknives, jack-knives, and pocket-knives of all kinds: fifty per centum ad valorem.

Sword-blades: thirty-five per centum ad valorem.

14 July, 1870, c.
255, s. 21, v. 16, p.
264.

Swords: forty-five per centum ad valorem.

30 June, 1864, c.
171, s. 3, v. 13, p. 203.

Needles for knitting or sewing machines: one dollar per thousand, and in addition thereto thirty-five per centum ad valorem.

Iron squares marked on one side: three cents per pound, and in addition thereto thirty per centum ad valorem; all other squares of iron or steel: six cents per pound, and thirty per centum ad valorem.

All manufactures of steel, or of which steel shall be a component part, not otherwise provided for: forty-five per centum ad valorem. But all

articles of steel partially manufactured, or of which steel shall be a component part, not otherwise provided for, shall pay the same rate of duty as if wholly manufactured.

Steel railway-bars: one and one-quarter cents per pound.

Railway-bars made in part of steel: one cent per pound. Aud metal converted, cast, or made from iron by the Bessemer or pneumatic process, of whatever form or description, shall be classed as steel.

Locomotive-tire, or parts thereof: three cents per pound.

Mill-irons and mill-cranks of wrought iron, and wrought iron for ships, steam-engines, and locomotives, or parts thereof, weighing each twenty-five pounds or more: two cents per pound.

Anvils and iron cables, or cable-chains, or parts thereof: two cents and a half per pound: *Provided*, That no chains made of wire or rods of a diameter less than one-half of one inch, shall be considered a chain-cable.

Chains, trace-chains, halter-chains, and fence-chains, made of wire or rods, not less than one-fourth of one inch in diameter: two cents and a half per pound; less than one-fourth of one inch in diameter, and not under number nine, wire-gauge: three cents per pound; under number nine, wire-gauge: thirty-five per centum ad valorem.

Anchors, or parts thereof: two cents and one-fourth per pound.

Blacksmiths' hammers and sledges, axles, or parts thereof, and malleable iron in castings, not otherwise provided for: two cents and a half per pound.

Wrought-iron railroad-chairs, and wrought-iron nuts and washers, ready punched: two cents per pound.

Bed-screws and wrought-iron hinges: two cents and a half per pound.

Wrought board-nails, spikes, rivets, and bolts: two and one-half cents per pound.

Steam, gas, and water tubes and flues of wrought iron: three and a half cents per pound.

Cut nails and spikes: one and a half cents per pound.

Horseshoe-nails: five cents per pound.

Cut tacks, brads, or sprigs, not exceeding sixteen ounces to the thousand: two and one-half cents per thousand; exceeding sixteen ounces to the thousand: three cents per pound.

Screws, commonly called wood-screws, two inches or over in length: eight cents per pound; less than two inches in length: eleven cents per pound.

Screws of any other metal than iron, and all other screws of iron, except wood-screws: thirty-five per centum ad valorem.

Vessels of cast iron, not otherwise provided for, and on andirons, sad-irons, tailors' and hatters' irons, stoves and stove-plates, of cast iron: one and one-half cents per pound.

Cast-iron steam, gas, and water pipe: one and one-half cents per pound.

Cast-iron butts and hinges: two and a half cents per pound.

Hollow ware, glazed or tinned: three and one-half cents per pound.

Cast scrap-iron of every description: six dollars per ton.

Wrought scrap-iron of every description: eight dollars per ton. But nothing shall be deemed scrap-iron except waste or refuse iron that has been in actual use, and is fit only to be remanufactured.

All other castings of iron, not otherwise provided for: thirty per centum ad valorem.

Taggers' iron: thirty per centum ad valorem.

Steel, in ingots, bars, coils, sheets, and steel wire, not less than one-fourth of one inch in diameter, valued at seven cents per pound or less: two cents and one-fourth per pound; valued at above seven cents and not above eleven cents per pound: three cents per pound; valued at above eleven cents per pound: three cents and a half per pound, and ten per centum ad valorem.

14 July, 1870, c. 255, s. 21, v. 16, p. 262.

30 June, 1864, c. 171, s. 3, v. 13, p. 203.

3 March, 1865, c. 80, s. 2, v. 13, p. 492.
30 June, 1864, c. 171, s. 3, v. 13, p. 203.

14 July, 1870, c. 255, s. 21, v. 16, p. 262.

30 June, 1864, c. 171, s. 3, v. 13, p. 203.

Ibid., s. 11.

Ibid., s. 3.

Steel wire less than one-fourth of an inch in diameter and not less than number sixteen, wire-gauge: two and one-half cents per pound, and in addition thereto twenty per centum ad valorem; less or finer than number sixteen, wire-gauge: three cents per pound, and in addition thereto twenty per centum ad valorem.

14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Steel, commercially known as crinoline, corset, and hat steel wire: nine cents per pound and ten per centum ad valorem.

30 June, 1864, c. 171, s. 3, v. 13, p. 203.

Steel, in any form, not otherwise provided for: thirty per centum ad valorem: *Provided*, That no allowance or reduction of duties for partial loss or damage shall be hereafter made in consequence of rust of iron or steel or upon the manufactures of iron or steel, except on polished Russia sheet iron.

Cross-cut saws: ten cents per lineal foot.

On mill, pit, and drag saws, not over nine inches wide: twelve and a half cents per lineal foot; over nine inches wide: twenty cents per lineal foot.

Lead in sheets, pipes, or shot: two and three-quarters cents per pound.

Lead ore: one and a half cents per pound.

Lead in pigs and bars: two cents per pound.

Old scrap-lead, fit only to be remanufactured: one and one-half cents per pound.

Zinc, spelter, or tutenague, manufactured in blocks or pigs: one and one-half cents per pound.

Zinc, spelter, tutenague in sheets: two and one-quarter cents per pound.

6 June, 1872, c. 315, s. 4, v. 17, p. 232.

Tin in plates or sheets, terne and taggers' tin: fifteen per centum ad valorem.

Iron and tin plates galvanized or coated with any metal by electric batteries: two cents per pound.

Iron and tin plates galvanized or coated with any metal otherwise than by electric batteries: two and one-half cents per pound.

24 Feb., 1869, c. 45, v. 5, p. 274.

Copper imported in the form of ores: three cents on each pound of fine copper contained therein.

Regulus of copper, and on all black or coarse copper: four cents on each pound of fine copper contained therein.

Old copper, fit only for remanufacture: four cents per pound.

Copper in plates, bars, ingots, pigs, and in other forms not manufactured or here enumerated: five cents per pound.

Copper in rolled plates called braziers' copper, sheets, rods, pipes, and copper bottoms, and all manufactures of copper, or of which copper shall be a component of chief value, not otherwise provided for: forty-five per centum ad valorem.

Sheathing or yellow metal not wholly of copper, nor wholly nor in part of iron, ungalvanized, in sheets forty-eight inches long and fourteen inches wide, and weighing from fourteen to thirty-four ounces per square foot: three cents per pound.

14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Nickel: thirty cents per pound.

Nickel oxide and alloy of nickel with copper: twenty cents per pound.

14 July, 1862, c. 163, s. 5, v. 12, p. 546.

Gold-leaf: one dollar and fifty cents per package of five hundred leaves; silver-leaf: seventy-five cents per package of five hundred leaves.

2 March, 1861, c. 68, s. 22, v. 12, p. 191.

Argentine, alabatta, or German silver, unmanufactured: thirty-five per centum ad valorem.

Brass in bars or pigs, and old brass, fit only to be remanufactured: fifteen per centum ad valorem.

Dutch and bronze metal in leaf: ten per centum ad valorem.

30 June, 1864, c. 171, s. 11, v. 15, p. 211.

Articles not otherwise provided for, made of gold, silver, German silver, or platina, or of which either of these metals shall be a component part: forty per centum ad valorem.

Silver-plated metal, in sheets or other form : thirty-five per centum ad valorem. 2 March, 1861, c. 68, s. 22, v. 12, p. 190.

14 July, 1862, c. 163, s. 13, v. 12, p. 555.

Manufactures, articles, vessels, and wares not otherwise provided for, of brass, iron, lead, pewter, and tin or other metal, (except gold, silver, platina, copper, and steel,) or of which either of these metals shall be the component material of chief value: thirty-five per centum ad valorem. 2 March, 1861, c. 68, s. 22, v. 12, p. 190.

14 July, 1862, c. 163, s. 13, v. 12, p. 555. 2 March, 1861, c. 68, s. 20, v. 12, p. 189.

Metals, unmanufactured, not otherwise provided for: twenty per centum ad valorem. 2 March, 1861, c. 68, s. 10, v. 12, p. 183.

SCHEDULE F.—PROVISIONS.

Beef and pork : one cent per pound.

2 March, 1861, c. 68, s. 12, v. 12, p. 183.

Hams and bacon : two cents per pound.

Cheese : four cents per pound.

Wheat : twenty cents per bushel.

Butter : four cents per pound.

Lard : two cents per pound.

Rye and barley : fifteen cents per bushel.

Indian corn or maize : ten cents per bushel.

Oats : ten cents per bushel.

Fish: Mackerel, two dollars per barrel; herrings, pickled or salted, one dollar per barrel; pickled salmon, three dollars per barrel; all other fish pickled, in barrels, one dollar and fifty cents per barrel; all other foreign-caught fish imported otherwise than in barrels or half-barrels, or whether fresh, smoked, or dried, salted, or pickled, not otherwise provided for, fifty cents per one hundred pounds.

Salmon, preserved : thirty per centum ad valorem.

2 March, 1861, c. 68, s. 22, v. 12, p. 190.
30 June, 1864, c. 171, s. 12, v. 12, p. 213.

Anchovies and sardines, preserved in oil or otherwise : fifty per centum ad valorem.

Fish preserved in oil, except anchovies and sardines : thirty per centum ad valorem.

2 March, 1861, c. 68, s. 22, v. 12, p. 190.

Corn-meal : ten per centum ad valorem.

Ibid., s. 19.

Oat-meal : one-half cent per pound.

2 March, 1861, c. 68, s. 19, v. 12, p. 187.

Rye-flour : ten per centum ad valorem.

2 March, 1861, c. 68, s. 19, v. 12, p. 190.

Rice : cleaned, two and a half cents per pound; on uncleaned, two cents per pound.

30 June, 1864, c. 171, s. 13, v. 13, p. 213.

On paddy : one cent and one-half per pound.

Capers, pickles, and sauces of all kinds, not otherwise provided for : thirty-five per centum ad valorem.

2 March, 1861, c. 68, s. 22, v. 12, p. 190.

14 July, 1862, c. 163, s. 13, v. 12, p. 555.

Catsup : forty per centum ad valorem.

14 July, 1862, c.

163, s. 6, v. 12, p. 549. 14 July, 1862, c. 163, s. 13, v. 12, p. 555.

Preserved or condensed milk : twenty per centum ad valorem.

6 June, 1872, c. 315, s. 4, v. 17, p. 232.

Potatoes : fifteen cents per bushel.

Ibid., s. 1.

Vegetables, not otherwise provided for : ten per centum ad valorem.

2 March, 1861, c. 68, s. 19, v. 12, p. 187.

Prepared vegetables, meats, fish, poultry, and game, sealed or unsealed, in cans or otherwise : thirty-five per centum ad valorem.

Ibid., s. 22.

14 July, 1862, c. 163, s. 13, v. 12, p. 555.

Vinegar : ten cents per gallon.

30 June, 1864, c. 171, s. 11, v. 13, p. 211.

SCHEDULE G.—SUGARS.

22 Dec., 1870, c. 6,
v. 16, p. 307.

Sugar not above number seven, Dutch standard in color: one and three-quarters cents per pound.

Sugar above number seven, and not above number ten, Dutch standard in color: two cents per pound.

Sugar above number ten, and not above number thirteen, Dutch standard in color: two and one-quarter cents per pound.

Sugar above number thirteen, and not above number sixteen, Dutch standard in color: two and three-quarters cents per pound.

Sugar above number sixteen, and not above number twenty, Dutch standard in color: three and one-quarter cents per pound.

30 June, 1864, c.
171, s. 1, v. 13, p.
202.

Sugar above number twenty, Dutch standard in color, and on all refined loaf, lump, crushed, powdered, and granulated sugar: four cents per pound. But sirup of sugar, sirup of sugar-cane juice, melado, concentrated melado, or concentrated molasses, entered under the name of molasses, shall be forfeited to the United States.

Sugar-candy, not colored: ten cents per pound.

All other confectionery, not otherwise provided for, made wholly or in part of sugar, and on sugars after being refined, when tintured, colored, or in any way adulterated, valued at thirty cents per pound or less: fifteen cents per pound.

Confectionery valued above thirty cents per pound, or when sold by the box, package, or otherwise than by the pound: fifty per centum ad valorem.

14 July, 1870, c.
255, s. 21, v. 16, p.
262.

Molasses: five cents per gallon.

Tank-bottoms, sirup of sugar-cane juice, melado, concentrated melado, and concentrated molasses: one and one-half cents per pound.

SCHEDULE H.—SILKS AND SILK GOODS.

30 June, 1864, c.
171, s. 8, v. 13, p. 210.

Silk in the gum not more advanced than singles, tram, and thrown or organzine: thirty-five per centum ad valorem.

3 March, 1865, c.
80, s. 2, v. 13, p. 492.

Spun silk for filling in skeins or cops: thirty-five per centum ad valorem.

30 June, 1864, c.
171, s. 6, v. 13, p.
210.

Floss-silks: thirty-five per centum ad valorem.

Sewing-silk in the gum or purified: forty per centum ad valorem.

Silk twist, twist composed of mohair and silk: forty per centum ad valorem.

Dress and piece silks, ribbons, and silk-velvets, or velvets of which silk is the component material of chief value: sixty per centum ad valorem.

3 March, 1865, c.
80, s. 3, v. 13, p. 493.

Silk vestings, pongees, shawls, scarfs, mantillas, pelerines, handkerchiefs, veils, laces, shirts, drawers, bonnets, hats, caps, turbans, chemisettes, hose, mitts, aprons, stockings, gloves, suspenders, watch-chains, webbing, braids, fringes, galloons, tassels, cords, and trimmings, and ready-made clothing of silk, or of which silk is a component material of chief value: sixty per centum ad valorem.

14 July, 1870, c.
255, s. 21, v. 16, p.
262.

Buttons and ornaments for dresses and outside garments made of silk, or of which silk is the component material of chief value, and containing no wool, worsted, or goats' hair: fifty per centum ad valorem.

30 June, 1864, c.
171, s. 8, v. 13, p. 210.

Manufactures of silk, or of which silk is the component material of chief value, not otherwise provided for: fifty per centum ad valorem.

SCHEDULE I.—SPICES.

14 July, 1870, c.
255, s. 21, v. 16, p.
262.

Pimento and black, white, and red or cayenne pepper: five cents per pound.

Ground pimento and ground pepper of all kinds: ten cents per pound.

Cinnamon: twenty cents per pound.

Mace: twenty-five cents per pound.

Nutmegs: twenty cents per pound.
 Cloves: five cents per pound.
 Clove-stems: three cents per pound.
 Cassia and cassia vera: ten cents per pound.
 Cassia buds and ground cassia: twenty cents per pound.
 All other spices: twenty cents per pound; ground or prepared: thirty cents per pound.
 Ginger, ground: three cents per pound.
 Ginger, preserved or pickled: thirty-five per centum ad valorem.
 Essence of ginger: thirty-five per centum ad valorem.

6 June, 1872, c.
 315, s. 1, v. 17, p.
 230.

SCHEDULE J.—TOBACCO.

Cigars, cigarettes, and cheroots of all kinds: two dollars and fifty cents per pound, and, in addition thereto, twenty-five per centum ad valorem. But paper cigars and cigarettes, including wrappers, shall be subject to the same duties as are herein imposed upon cigars.

28 July, 1866, c.
 298, s. 1, v. 14, p.
 328.

Tobacco in leaf, unmanufactured and not stemmed: thirty-five cents per pound.

30 June, 1864, c.
 171, s. 2, v. 13, p. 202.

Tobacco stems: fifteen cents per pound.

3 March, 1865, c.
 80, s. 3, v. 13, p. 493.

Tobacco manufactured, of all descriptions, and stemmed tobacco not otherwise provided for: fifty cents per pound.

30 June, 1864, c.
 171, s. 2, v. 13, p. 202.

Snuff and snuff-flour, manufactured of tobacco, ground, dry, or damp, and pickled, scented, or otherwise, of all descriptions: fifty cents per pound.

30 June, 1864, c.
 171, s. 2, v. 13, p.
 202.

Unmanufactured tobacco, not otherwise provided for: thirty per centum ad valorem.

SCHEDULE K.—WOOD.

Timber, hewn or sawed; timber used in building wharves, and spars: twenty per centum ad valorem.

6 June, 1872, c.
 315, s. 1, v. 17, p.
 230.

Timber, squared or sided, not otherwise provided for: one cent per cubic foot.

Sawed boards, plank, deals, and other lumber of hemlock, white-wood, sycamore, and bass-wood: one dollar per thousand feet, board-measure.

All other varieties of sawed lumber: two dollars per thousand feet, board-measure. But when lumber of any sort is planed or finished, in addition to the rates herein provided, there shall be levied and paid, for each side so planed or finished, fifty cents per thousand feet; and if planed on one side and tongued and grooved, one dollar per thousand feet; and if planed on two sides and tongued and grooved, one dollar and fifty cents per thousand feet.

Hubs for wheels, posts, last-blocks, wagon-blocks, oar-blocks, gun-blocks, heading-blocks, and all like blocks or sticks, rough-hewn or sawed only: twenty per centum ad valorem.

Staves for pipes, hogsheads, and other casks: ten per centum ad valorem.

Staves not otherwise provided for: twenty per centum ad valorem.

Pickets and palings: twenty per centum ad valorem.

Laths: fifteen cents per thousand pieces.

Shingles: thirty-five cents per thousand.

Pine clapboards: two dollars per thousand.

Spruce clapboards: one dollar and fifty cents per thousand.

House or cabinet furniture, in pieces or rough, and not finished: thirty per centum ad valorem.

Cabinet wares and house furniture, finished: thirty-five per centum ad valorem.

Casks and barrels, empty, sugar-box shooks, and packing-boxes of wood, not otherwise provided for: thirty per centum ad valorem.

6 June, 1872, c.
 315, s. 1, v. 17, p.
 230.

Manufactures of cedar-wood, granadilla, ebony, mahogany, rose-wood,

2 March, 1861, c. 68, s. 22, v. 12, p. 190. and satin-wood: thirty-five per centum ad valorem; manufactures of wood, or of which wood is the chief component part, not otherwise provided for: thirty-five per centum ad valorem.

14 July, 1862, c. 163, s. 13, v. 12, p. 555. Wood unmanufactured, not otherwise provided for: twenty per centum ad valorem.

2 March, 1861, c. 68, s. 20, v. 12, p. 189.

SCHEDULE L.—WOOL AND WOOLEN GOODS.

2 March, 1867, c. 197, s. 1, v. 14, p. 559. All wools, hair of the alpaca, goat, and other like animals, shall be divided, for the purpose of fixing the duties to be charged thereon, into the three following classes:

CLASS 1.—CLOTHING-WOOL.

23 March, 1867, Res. No. 8, v. 15, p. 21. That is to say, merino, mestiza, metz or metis wools, or other wools of merino blood, immediate or remote; down clothing-wools, and wools of like character with any of the preceding, including such as have been heretofore usually imported into the United States from Buenos Ayres, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, and elsewhere, and also including all wools not hereinafter described or designated in classes two and three.

CLASS 2.—COMBING-WOOLS.

14 July, 1870, c. 255, s. 21, v. 16, p. 202. That is to say, Leicester, Cotswold, Lincolnshire, down combing-wools, Canada long wools, or other like combing-wools of English blood, and usually known by the terms herein used; and also all hair of the alpaca, goat, and other like animals.

CLASS 3.—CARPET-WOOLS AND OTHER SIMILAR WOOLS.

Such as Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and including all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Egypt, Syria, and elsewhere. The duty upon wool of the first class which shall be imported washed, shall be twice the amount of the duty to which it would be subjected, if imported unwashed.

2 March, 1867, c. 197, s. 1, v. 14, p. 559. And the duty upon wool of all classes which shall be imported scoured shall be three times the duty to which it would be subject if imported unwashed. And the duty upon wool of the sheep, or hair of the alpaca, goat, and other like animals, which shall be imported in any other than the ordinary condition as now and heretofore practiced, or which shall be changed in its character or condition, for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt, or any other foreign substance, shall be twice the duty to which it would be otherwise subject.

Ibid.

Wools of the first class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be thirty-two cents or less per pound: ten cents per pound, and, in addition thereto, eleven per centum ad valorem. Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed thirty-two cents per pound: twelve cents per pound, and, in addition thereto, ten per centum ad valorem.

2 March, 1867, c. 197, s. 1, v. 14, p. 559. Wools of the second class, and all hair of the alpaca, goat, and other like animals, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be thirty-two cents or less per pound: ten cents per pound, and, in addition thereto, eleven per centum ad valorem.

Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed thirty-two cents per pound: twelve cents per pound, and, in addition thereto, ten per centum ad valorem.

Wools of the third class, the value whereof at the last port or place whence exported into the United States, excluding charges in such port, shall be twelve cents or less per pound: three cents per pound.

Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed twelve cents per pound: six cents per pound.

Wools on the skin: the same rates as other wools, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may prescribe.

14 July, 1870, c. 255, a. 21, v. 16, p. 262.

Sheep-skins and Angora goat skins, raw or unmanufactured, imported with the wool on, washed or unwashed: thirty per centum ad valorem on the skins alone.

Woolen rags, shoddy, mungo, waste, and flocks: twelve cents per pound.

2 March, 1867, c. 197, a. 1, v. 14, p. 559.

Woolen cloths, woolen shawls, and all manufactures of wool of every description, made wholly or in part of wool, not herein otherwise provided for: fifty cents per pound, and, in addition thereto, thirty-five per centum ad valorem.

2 March, 1867, c. 197, a. 1 v. 14, p. 559.

Flannels, blankets, hats of wool, knit goods, balmorals, woolen and worsted yarns, and all manufactures of every description composed wholly or in part of worsted, the hair of the alpaca, goat, or other like animals, except such as are composed in part of wool, not otherwise provided for, valued at not exceeding forty cents per pound: twenty cents per pound; valued at above forty cents per pound and not exceeding sixty cents per pound: thirty cents per pound; valued at above sixty cents per pound and not exceeding eighty cents per pound: forty cents per pound; valued at above eighty cents per pound: fifty cents per pound; and, in addition thereto, upon all the above-named articles: thirty-five per centum ad valorem.

2 March, 1867, c. 197, a. 2, v. 14, p. 561.

Endless belts or felts for paper or printing machines: twenty cents per pound and thirty-five per centum ad valorem.

Bunting: twenty cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Women's and children's dress-goods and real or imitation Italian cloths, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other like animals, valued at not exceeding twenty cents per square yard: six cents per square yard, and, in addition thereto, thirty-five per centum ad valorem; valued at above twenty cents per square yard: eight cents per square yard, and, in addition thereto, forty per centum ad valorem. But on all goods weighing four ounces and over per square yard, the duty shall be fifty cents per pound, and, in addition thereto, thirty-five per centum ad valorem.

Clothing ready made, and wearing apparel of every description, and balmoral skirts and skirting, and goods of similar description, or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other like animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods: fifty cents per pound, and, in addition thereto, forty per centum ad valorem.

Webbings, beltings, bindings, braids, galloons, fringes, gimps, cords, cords and tassels, dress-trimmings, head-nets, buttons, or barrel buttons, or buttons of other forms for tassels or ornaments, wrought by hand or braided by machinery, made of wool, worsted, or mohair, or of which wool, worsted, or mohair is a component material: fifty cents per pound, and, in addition thereto, fifty per centum ad valorem.

2 March, 1867, c. 197, a. 2, v. 14, p. 561.

29 March, 1867, Res. No. 19, v. 15, p. 24.

Aubusson and Axminster carpets, and carpets woven whole for rooms: fifty per centum ad valorem.

2 March, 1867, c. 197, a. 2, v. 14, p. 561.

Saxony, Wilton, and Tornay velvet carpets, wrought by the Jacquard machine: seventy cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Brussels carpets, wrought by the Jacquard machine: forty-four cents

per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Patent velvet and tapestry velvet carpets, printed on the warp or otherwise: forty cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Tapestry Brussels carpets printed on the warp or otherwise: twenty-eight cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Treble ingrain, three-ply, and worsted chain Venetian carpets: seventeen cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Yarn Venetian and two-ply ingrain carpets: twelve cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Druggets and bookings, printed, colored, or otherwise: twenty-five cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Hemp or jute carpeting: eight cents per square yard.

Carpets and carpetings of wool, flax, or cotton, or parts of either, or other material not otherwise herein specified: forty per centum ad valorem. And mats, rugs, screens, covers, hassocks, bedsides, and other portions of carpets or carpetings shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description, and the duty on all other mats, (not exclusively of vegetable material,) screens, hassocks, and rugs, shall be forty-five per centum ad valorem.

2 March, 1867, c. 197, s. 2, v. 14, p. 561.

Oil-cloths for floors, stamped, painted, or printed, valued at fifty cents or less per square yard, thirty-five per centum ad valorem; valued at over fifty cents per square yard, and on all other oil-cloth, (except silk oil-cloth,) and on water-proof cloth, not otherwise provided for, forty-five per centum ad valorem.

Oil-silk cloth: sixty per centum ad valorem.

SCHEDULE M.—SUNDRIES.

2 March, 1861, c. 68, ss. 9, 15, 19, 20, 21, 22, v. 12, pp. 182, 186, 187, 189, 190.

5 Aug., 1861, c. 45, ss. 1, 2, v. 12, p. 292.

14 July, 1862, c. 163, ss. 5, 6, 7, 8, 13, v. 12, pp. 546, 549, 550, 556.

3 March, 1863, c. 77, s. 7, v. 12, p. 742.

30 June, 1864, c. 171, ss. 10, 11, 12, 13, v. 13, pp. 211, 213, 214.

14 July, 1870, c. 255, s. 21, v. 16, p. 262.

6 June, 1872, c. 315, ss. 1, 4, v. 17, pp. 230, 232.

Acetates.—Of ammonia, twenty-five cents per pound; baryta, twenty-five cents per pound; copper, ten cents per pound; iron, twenty-five cents per pound; lead, brown, five cents per pound; white, ten cents per pound; lime, twenty-five per centum ad valorem; magnesia, fifty cents per pound; potassa, twenty-five cents per pound; soda, twenty-five cents per pound; strontia, twenty-five cents per pound; zinc, twenty-five cents per pound.

Acids.—Acetic, acetous, and pyroligneous of specific gravity of 1.047, or less, five cents per pound; acetic, acetous, and pyroligneous of specific gravity over 1.047, thirty cents per pound; benzoic, ten per centum ad valorem; carbolic, liquid, ten per centum ad valorem; chromic, fifteen per centum ad valorem; citric, ten cents per pound; gallic, one dollar per pound; nitric, ten per centum ad valorem; sulphuric, fuming, (Nordhansen,) one cent per pound; tannic, one dollar per pound; tartaric, fifteen cents per pound; and all other acids of every description used for medicinal purposes, or in the fine arts, not otherwise provided for, ten per centum ad valorem.

Acorn, and dandelion root, raw or prepared, and all other articles used or intended to be used as coffee or a substitute for coffee, not otherwise provided for: three cents per pound.

Alabaster and spar ornaments: thirty per centum ad valorem.

Albata, unmanufactured: thirty-five per centum ad valorem.

Almonds: six cents per pound; shelled: ten cents per pound.

Alum, patent alum, alum substitute, sulphate of alumina, and aluminous cake: sixty cents per one hundred pounds.

Ammonia.—Ammonia, and sulphate and carbonate of ammonia: twenty per centum ad valorem; sal ammonia and muriate of ammonia: ten per centum ad valorem.

Animals, live: twenty per centum ad valorem.

Antimony, crude, and regulus of: ten per centum ad valorem.

Argols, (other than crude:) six cents per pound.

Asbestos, manufactured: twenty-five per centum ad valorem.

Arrowroot: thirty per centum ad valorem.

Asphaltum: twenty-five per centum ad valorem.

Assafœtida: twenty per centum ad valorem.

Balsams, used for medicinal purposes, not otherwise provided for: thirty per centum ad valorem.

Barley, pearl or hulled: one cent per pound.

Barytes, and sulphate of: one-half cent per pound; nitrate of: twenty per centum ad valorem.

Baskets, and all other articles composed of grass, osier, palm-leaf, whalebone, or willow, not otherwise provided for: thirty-five per centum ad valorem; composed of straw: thirty-five per centum ad valorem.

Bay-rum or bay-water, whether distilled or compounded: one dollar per gallon of first proof, and in proportion for any greater strength than first proof.

All beads and bead ornaments, except amber: fifty per centum ad valorem.

Bees-wax: twenty per centum ad valorem.

Benzoates: thirty per centum ad valorem.

Billiard-chalk: fifty per centum ad valorem.

Black of bone, or ivory drop black: twenty-five per centum ad valorem.

Blacking of all descriptions: thirty per centum ad valorem.

Bladders, manufactures of: thirty per centum ad valorem.

Manufactures of bones, horn, ivory, or vegetable ivory: thirty-five per centum ad valorem.

Bonnets, hats, and hoods, for men, women, and children, composed of chip, grass, palm-leaf, willow, or any other vegetable substance, hair, whalebone, or other material, not otherwise provided for: forty per centum ad valorem; composed of straw: forty per centum ad valorem.

Books, periodicals, pamphlets, blank-books, bound or unbound, and all printed matter, engravings, bound or unbound, illustrated books and papers, and maps and charts: twenty-five per centum ad valorem.

Borax, refined: ten cents per pound.

Bouillons or cannetille, and metal threads, filé or gespinst: twenty-five per centum ad valorem.

Brick, fire-brick, and roofing and paving-tile, not otherwise provided for: twenty per centum ad valorem.

Brimstone, in rolls, or refined: ten dollars per ton.

Bristles: fifteen cents per pound.

Britannia ware: thirty-five per centum ad valorem.

Bronze liquor: ten per centum ad valorem.

Bronze powder: twenty per centum ad valorem.

Brooms of all kinds: thirty-five per centum ad valorem.

Brushes of all kinds: forty per centum ad valorem.

Bulbous roots, not otherwise provided for: thirty per centum ad valorem.

Burning-fluid: fifty cents per gallon.

Burr-stones, manufactured or bound up into millstones: twenty per centum ad valorem.

Buttons and button-molds, not otherwise provided for: thirty per centum ad valorem.

Calomel: thirty per centum ad valorem.

Camphor, refined: five cents per pound.

Candles and tapers, stearine and adamantine: five cents per pound; spermaceti, paraffine, and wax candles and tapers, pure or mixed: eight cents per pound; all other candles and tapers: two and one-half cents per pound.

Canes, and sticks for walking, finished or unfinished: thirty-five per centum ad valorem.

Card-cases, pocket-books, shell-boxes, souvenirs, and all similar articles of whatever material composed: thirty-five per centum ad valorem.

Carriages and parts of carriages: thirty-five per centum ad valorem.

Castor beans or seeds, per bushel of fifty pounds: sixty cents.

Chicory-root, ground or unground: one cent per pound.

Chicory-root, burnt or prepared: five cents per pound.

Chloroform: one dollar per pound.

Chocolate: five cents per pound.

Chronometers, box or ship's, and parts thereof: ten per centum ad valorem.

Clocks, and parts of clocks: thirty-five per centum ad valorem.

Clothing, ready-made, and wearing-apparel of every description, of whatever material composed, except wool, silk, and linen, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, not otherwise provided for, caps, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, of whatever material composed, except silk and linen, worn by men, women, or children, and not otherwise provided for, articles worn by men, women, or children, of whatever material composed, except silk and linen, made up, or made wholly or in part by hand, not otherwise provided for: thirty-five per centum ad valorem.

Coach and harness furniture of all kinds, saddlery, coach and harness hardware, silver plated, brass, brass plated or covered, common tinned, burnished or japanned, not otherwise provided for: thirty-five per centum ad valorem.

Slack coal or culm, such as will pass through a half-inch screen: forty cents per ton of twenty-eight bushels, eighty pounds to the bushel; bituminous coal, and shale: seventy-five cents per ton of twenty-eight bushels, eighty pounds to the bushel.

Cobalt, oxide of: twenty per centum ad valorem.

Cocoa, prepared or manufactured: two cents per pound.

Coke: twenty-five per centum ad valorem.

Collodion and ethers of all kinds, not otherwise provided for, and ethereal preparations or extracts, fluid: one dollar per pound.

Coloring for brandy: fifty per centum ad valorem.

Combs of all kinds: thirty-five per centum ad valorem.

Comfits, sweetmeats, or fruits preserved in sugar, brandy, or molasses, not otherwise provided for: thirty-five per centum ad valorem.

Compositions of glass or paste, when set: thirty per centum ad valorem; when not set: ten per centum ad valorem.

Composition tops for tables, or other articles of furniture: thirty-five per centum ad valorem.

Copperas, green vitriol, or sulphate of iron: one-half of one cent per pound.

Coral, cut or manufactured: thirty per centum ad valorem.

Corks and cork-bark, manufactured: thirty per centum ad valorem.

Corsets, or manufactured cloth, woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for corsets, when valued at six dollars per dozen or less: two dollars per dozen; when valued over six dollars per dozen: thirty-five per centum ad valorem.

Court-plaster: thirty-five per centum ad valorem.

Crayons of all kinds: thirty per centum ad valorem.

Cream tartar: ten cents per pound.

Cutlery of all kinds: thirty-five per centum ad valorem.

Currants, Zante, or other: one cent per pound.

Dates and prunes: one cent per pound.

Dolls: thirty-five per centum ad valorem.

Dried pulp: twenty per centum ad valorem.

Drugs, medicinal and other, crude, not otherwise provided for: twenty per centum ad valorem.

Embroidery.—Manufactures of cotton, linen or silk, if embroidered or tamped, in the loom or otherwise, by machinery or with the needle, or other process, not otherwise provided for: thirty-five per centum ad valorem; articles embroidered with gold and silver or other metal: thirty-five per centum ad valorem.

Emery-grains: two cents per pound; emery-ore: six dollars per ton.

Emery, manufactured, ground, or pulverized, one cent per pound.

Encaustic tiles: thirty-five per centum ad valorem.

Epaullets, galloons, laces, knots, stars, tassels, tresses, and wings of gold, silver, or other metal: thirty-five per centum ad valorem.

Essences, extracts, toilet-waters, cosmetics, hair-oils, pomades, hair-dressings, hair-restoratives, hair-dyes, tooth-washes, dentifrice, tooth-pastes, aromatic cachous, or other perfumeries or cosmetics, by whatsoever name or names known, used or applied as perfumes or applications to the hair, mouth, or skin: fifty per centum ad valorem; cologne-water and other perfumery, of which alcohol forms the principal ingredient: three dollars per gallon, and fifty per centum ad valorem; rum essence or oil, and bay-rum essence or oil: fifty cents per ounce.

Eyelets of every description: six cents per thousand.

Fans and fire-screens of every description, except common palm-leaf fans, of whatever material composed: thirty-five per centum ad valorem.

Feathers: ostrich, vulture, cock, and other ornamental, crude or not dressed, colored or manufactured: twenty-five per centum ad valorem; when dressed, colored, or manufactured: fifty per centum ad valorem. Artificial and ornamental feathers and flowers, or parts thereof, of whatever material composed, not otherwise provided for: fifty per centum ad valorem.

Feather-beds: twenty per centum ad valorem.

Feldspar: twenty per centum ad valorem.

Figs: two and one-half cents per pound.

Filberts and walnuts, of all kinds: three cents per pound.

Finishing-powder: twenty per centum ad valorem.

Fire-crackers: one dollar per box of forty packs, not exceeding eighty to each pack, and in the same proportion for any greater or less number.

Fire-crackers, not otherwise provided for: thirty per centum ad valorem.

Fish-skins: twenty per centum ad valorem.

Fruit ethers, essences or oils of apple, pear, peach, apricot, strawberry, and raspberry, made of fusel-oil or of fruit, or imitations thereof: two dollars and fifty cents per pound.

Fruits.—Oranges, lemons, pine-apples, and grapes: twenty per centum ad valorem; limes, bananas, plantains, shaddocks, mangoes, ten per centum ad valorem. But no allowance shall be made for loss by decay on the voyage, unless the loss shall exceed twenty-five per centum of the quantity, and the allowance then made shall be only for the amount of loss in excess of twenty-five per centum of the whole quantity. Green, ripe, or dried, not otherwise provided for: ten per centum ad valorem; preserved in their own juice, and fruit-juice: twenty-five per centum ad valorem.

Fulminates, fulminating-powders, and all articles used for like purposes, not otherwise provided for: thirty per centum ad valorem.

Fur, articles made of: Caps, hats, muffs, and tippets of fur, and all other manufactures of fur, or of which fur shall be a component material: thirty-five per centum ad valorem.

Fusel-oil, or amylic alcohol: two dollars per gallon.

Gelatine, and all similar preparations, not otherwise provided for: thirty-five per centum ad valorem.

Glass plates or disks, unwrought, for optical instruments: ten per centum ad valorem.

Gloves, kid or other leather, of all descriptions, for men's, women's, or children's wear: fifty per centum ad valorem.

Glue: twenty per centum ad valorem.

Glycerine: thirty per centum ad valorem.

Grease, all not specified: ten per centum ad valorem.

Grindstones, rough or unfinished: one dollar and fifty cents per ton; finished: two dollars per ton.

Gum substitute, or burnt starch: ten per centum ad valorem.

Gunpowder and all explosive substances used for mining, blasting, artillery, or sporting purposes, when valued at twenty cents or less per pound: six cents per pound, and, in addition thereto, twenty per centum ad valorem; valued above twenty cents per pound: ten cents per pound, and, in addition thereto, twenty per centum ad valorem.

Gutta-percha, manufactured: forty per centum ad valorem.

Hair.—Bracelets, braids, chains, curls, or ringlets, composed of hair, or of which hair is a component material: thirty-five per centum ad valorem; curled hair, except hair of hogs, used for beds or mattresses: thirty per centum ad valorem; hair of hogs: one cent per pound; human hair, raw, uncleaned, and not drawn: twenty per centum ad valorem; when cleaned or drawn, but not manufactured: thirty per centum ad valorem; when manufactured: forty per centum ad valorem; hair of all kinds, cleaned, but unmanufactured, not otherwise provided for: ten per centum ad valorem.

Hair-cloth known as "crinoline-cloth," and all other manufactures of hair, not otherwise provided for: thirty per centum ad valorem; of the description known as "hair-seating," eighteen inches wide or over: forty cents per square yard; less than eighteen inches wide: thirty cents per square yard.

Hair-pencils: thirty-five per centum ad valorem.

Hair-pins, made of iron wire: fifty per centum ad valorem.

Hat-bodies of cotton: thirty-five per centum ad valorem.

Hats, &c., materials for.—Braids, plaits, flats, laces, trimmings, tissues, willow sheets and squares, used for making or ornamenting hats, bonnets, and hoods, composed of straw, chip, grass, palm-leaf, willow, or any other vegetable substance, or of hair, whalebone, or other material, not otherwise provided for: thirty per centum ad valorem.

Hatters' furs not on the skin, and dressed furs on the skin: twenty per centum ad valorem.

Hatters' plush, composed of silk and cotton, but of which cotton is the component material of chief value: twenty-five per centum ad valorem.

Hempseed and rapeseed, and other oil-seeds of like character other than linseed or flaxseed: one-half cent per pound.

Hoffman's anodyne and spirits of nitric ether: fifty cents per pound.

Honey: twenty cents per gallon.

Hops: five cents per pound.

India rubber and silk, manufactures of, or manufactures of India rubber and silk and other materials: fifty per centum ad valorem.

India rubber, articles composed of.—Braces, suspenders, webbing, or other fabrics, composed wholly or in part of India rubber, not otherwise provided for: thirty-five per centum ad valorem.

Articles composed wholly of India rubber, not otherwise provided for: twenty-five per centum ad valorem.

India rubber boots and shoes: thirty per centum ad valorem.

Ink, printers' ink, and ink-powders: thirty-five per centum ad valorem.

Insulators for use exclusively in telegraphy, except those made of glass: twenty-five per centum ad valorem.

Iodine, salts of: fifteen per centum ad valorem; resublimed: seventy-five cents per pound.

Ivory or bone dice, draughts, chess-men, chess-balls, and bagatelle-balls: fifty per centum ad valorem.

Japanned ware of all kinds, not otherwise provided for: forty per centum ad valorem.

Jellies of all kinds: fifty per centum ad valorem.

Jet, manufactures and imitations of: thirty-five per centum ad valorem.

Lead, nitrate of: three cents per pound.

Leather.—Bend or belting-leather, and Spanish or other sole-leather: fifteen per centum ad valorem; calf-skins, tanned, or tanned and dressed: twenty-five per centum ad valorem; upper-leather of all other kinds, and skins dressed and finished of all kinds, not otherwise provided for: twenty per centum ad valorem; skins for morocco, tanned, but unfinished: ten per centum ad valorem; manufactures and articles of leather, or of which leather shall be a component part, not otherwise provided for: thirty-five per centum ad valorem.

Leather and skins, japanned, patent or enameled: thirty-five per centum ad valorem.

All leather and skins, tanned, not otherwise provided for: twenty-five per centum ad valorem.

Lemon and lime-juice: ten per centum ad valorem.

Licorice-paste, or licorice in rolls: ten cents per pound.

Licorice-juice: five cents per pound.

Lime: ten per centum ad valorem.

Linseed or flaxseed: twenty cents per bushel of fifty-six pounds weight. But no drawback shall be allowed on oil-cake made from imported seed.

Magnesia, carbonate: six cents per pound; calcined, twelve cents per pound.

Malt: twenty per centum ad valorem.

Marble.—Marble, white statuary, brocatella, sienna, and verd-antique, in block, rough or squared: one dollar per cubic foot, and, in addition thereto, twenty-five per centum ad valorem; veined marble and marble of all other descriptions, not otherwise provided for, in block, rough or squared: fifty cents per cubic foot, and, in addition thereto, twenty per centum ad valorem; sawed, dressed, or polished marble, marble slabs, and marble paving-tiles: thirty per centum ad valorem, and, in addition, twenty-five cents per superficial square foot not exceeding two inches in thickness. If more than two inches in thickness, ten cents per foot, in addition to the above rate, for each inch or fractional part thereof in excess of two inches in thickness, but if exceeding six inches in thickness, such marble shall be subject to the duty imposed upon marble blocks. All manufactures of marble not otherwise provided for: fifty per centum ad valorem.

Mats of cocoa-nut: thirty per centum ad valorem.

Matting, China, and other floor-matting, and mats made of flags, jute, or grass: thirty per centum ad valorem. Cocoa or coir: twenty-five per centum ad valorem.

Medicinal preparations not otherwise provided for: forty per centum ad valorem.

Mercurial preparations not otherwise provided for: twenty per centum ad valorem.

Mineral and bituminous substances in a crude state not otherwise provided for: twenty per centum ad valorem.

Mineral kermes: ten per centum ad valorem.

Mineral or medicinal waters, artificial, for each bottle or jug containing not more than one quart: three cents, and, in addition thereto, twenty-five per centum ad valorem; containing more than one quart: three cents for each additional quart, or fractional part thereof, and, in addition thereto, twenty-five per centum ad valorem. Otherwise than in bottles, thirty per centum ad valorem.

Morphia, and all salts of morphia: one dollar per ounce.

Music, printed with lines, bound or unbound: twenty per centum ad valorem.

Musical instruments of all kinds: thirty per centum ad valorem.

Muskets, rifles, and other fire-arms: thirty-five per centum ad valorem.

Mustard, ground, in bulk: ten cents per pound; when inclosed in glass or tin: fourteen cents per pound.

Needles, sewing, darning, knitting, and all other descriptions not otherwise provided for: twenty-five per centum ad valorem.

Nuts of all kinds, not otherwise provided for: two cents per pound.

Oils.—Illuminating, and naphtha, benzine, and benzole, refined or produced from the distillation of coal, asphaltum, shale, peat, petroleum or rock-oil, or other bituminous substances used for like purposes: forty cents per gallon; coal-oil, crude: fifteen cents per gallon; crude petroleum or rock-oil: twenty cents per gallon; croton: one dollar per pound; olive, in flasks or bottles, and salad: one dollar per gallon; castor: one dollar per gallon; cloves: two dollars per pound; cognac or œnantbic ether: four dollars per ounce; linseed or flaxseed: thirty cents per gallon, seven pounds and a half of weight to be estimated as a gallon; hempseed and rapeseed: twenty-three cents per gallon; neat's-foot, and all animal, whale, seal, and fish oils: twenty per centum ad valorem; cottonseed: thirty cents per gallon; cenne: thirty cents per gallon.

Oils, essential or essence.—Bay-leaves: seventeen dollars and fifty cents per pound; cubeb: one dollar per pound; lemons: fifty cents per pound; orange: fifty cents per pound; all other essential oils, not otherwise provided for: fifty per centum ad valorem.

Oils, fixed or expressed.—Bay or laurel: twenty cents per pound; olive, not salad: twenty-five cents per gallon; mustard, not salad: twenty-five cents per gallon; oils expressed, not otherwise provided for: twenty per centum ad valorem.

Opium: one dollar per pound; prepared for smoking, and all other preparations of opium not otherwise provided for: six dollars per pound. But opium prepared for smoking, and other preparations of opium, deposited in bonded warehouse, shall not be removed therefrom for exportation without payment of duties, and such duties shall not be refunded.

Osier or willow, prepared for basket-makers' use: thirty per centum ad valorem.

Paintings and statuary, not otherwise provided for: ten per centum ad valorem. But the term "statuary," as used in the laws now in force imposing duties on foreign importations, shall be understood to include professional productions of a statuary or of a sculptor only.

Paints and dyes.—Aniline dyes and colors, by whatever name known: fifty cents per pound, and thirty-five per centum ad valorem.

Blanc-fixe, enameled white, satin-white, lime-white, and all combinations of barytes with acids or water: three cents per pound; carmine lake, dry or liquid: thirty-five per centum ad valorem.

French green, Paris green, mineral green, mineral blue, and Prussian blue, dry or moist: thirty per centum ad valorem.

Indian red: twenty-five per centum ad valorem.

Indigo, extract of: ten per centum ad valorem; carmined: twenty per centum ad valorem.

Iron liquor: ten per centum ad valorem.

Lamp-black: twenty per centum ad valorem.

Lastings, mohair cloth, silk twist, or other manufactures of cloth woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for buttons exclusively, not combined with India rubber: ten per centum ad valorem.

Lead, white or red, and litharge, dry or ground in oil: three cents per pound.

Logwood, and other dye-woods, extracts and decoctions of: ten per centum ad valorem.

Ochers and ochery earths, not otherwise provided for, when dry: fifty cents per one hundred pounds; when ground in oil: one dollar and fifty cents per one hundred pounds; Spanish brown: twenty-five per centum ad valorem.

Sumac: ten per centum ad valorem.

Ultramarine: six cents per pound.

Umber: fifty cents per one hundred pounds.

Vandyke brown : twenty per centum ad valorem.

Water-colors : thirty-five per centum ad valorem.

Wood lake, Venetian red, vermilion, chrome-yellow, rose-pink, Dutch pink, and paints and painters' colors, (except white and red lead and oxide of zinc,) dry or ground in oil, and moist water-colors used in the manufacture of paper-hangings and colored papers and cards, not otherwise provided for : twenty-five per centum ad valorem.

Zinc, oxide of, dry or ground in oil : one and three-fourths cents per pound.

Paper.—Sized or glued, suitable only for printing paper : twenty-five per centum ad valorem ; printing, unsized, used for books and newspapers exclusively : twenty per centum ad valorem ; manufactures of, or of which paper is a component material, not otherwise provided for : thirty-five per centum ad valorem ; sheathing paper : ten per centum ad valorem.

Paper boxes, and all other fancy boxes : thirty-five per centum ad valorem.

Paper envelopes : thirty-five per centum ad valorem.

Paper-hangings and paper for screens or fire-boards ; paper, antiquarian, demy, drawing, elephant, foolscap, imperial letter, and all other paper not otherwise provided for : thirty-five per centum ad valorem.

Papier-maché, manufactures, articles, and wares of : thirty-five per centum ad valorem.

Paraffine : ten cents per pound.

Parchment : thirty per centum ad valorem.

Patent size : twenty per centum ad valorem.

Paving-stones not otherwise provided for : ten per centum ad valorem.

Pea-nuts or ground beans : one cent per pound ; shelled, one and a half cents per pound.

Pencils of wood, filled with lead or other materials : fifty cents per gross, and, in addition thereto, thirty per centum ad valorem.

Pencils, lead, not in wood : one dollar per gross.

Pens, metallic : ten cents per gross, and, in addition thereto, twenty-five per centum ad valorem.

Pen-tips and pen-holders, or parts thereof : thirty-five per centum ad valorem.

Percussion-caps : forty per centum ad valorem.

Philosophical apparatus and instruments : forty per centum ad valorem : *Provided*, That any philosophical apparatus and instruments imported for the use of any society incorporated for religious purposes, are subject to a duty of fifteen per centum ad valorem.

Pins, solid-head or other : thirty-five per centum ad valorem.

Pipe-cases, pipe-stems, tips, mouth-pieces, and metallic mountings for pipes, and all other parts of pipes or pipe-fixtures, and all smokers' articles : seventy-five per centum ad valorem.

Pipes and pipe-bowls.—Meerschaum, wood, porcelain, lava, and all other tobacco-smoking pipes and pipe-bowls, not otherwise provided for : one dollar and fifty cents per gross, and, in addition thereto, seventy-five per centum ad valorem ; pipes, clay, common or white : thirty-five per centum ad valorem.

Pitch : twenty per centum ad valorem.

Plants.—Fruit, shade, lawn, and ornamental trees, shrubs, plants, and flower-seeds, not otherwise provided for ; garden seeds, and all other seeds for agricultural and horticultural purposes, not otherwise provided for : twenty per centum ad valorem.

Plaster of Paris, when ground or calcined : twenty per centum ad valorem.

Plated and gilt ware of all kinds : thirty-five per centum ad valorem.

Plates, engraved, of steel : twenty-five per centum ad valorem ; of wood or other material : twenty-five per centum ad valorem.

Playing-cards, costing not over twenty-five cents per pack : twenty-

five cents per pack; costing over twenty-five cents per pack: thirty-five cents per pack.

Plums: two and one-half cents per pound.

Polishing-powders of all descriptions, Frankfort black, and Berlin, Chinese, fig, and wash blue: twenty-five per centum ad valorem.

Potash.—Bichromate of: three cents per pound; chlorate and chromate of: three cents per pound; hydriodate, iodate, iodide: seventy-five cents per pound; acetate: twenty-five cents per pound; prussiate, yellow: five cents per pound; prussiate, red: ten cents per pound.

Precious stones and jewelry.—Diamonds, cameos, mosaics, gems, pearls, rubies, and other precious stones, when not set: ten per centum ad valorem; when set in gold, silver, or other metal, or on imitations thereof, and all other jewelry: twenty-five per centum ad valorem; watch-jewels: ten per centum ad valorem.

Proprietary medicines: Pills, powders, tinctures, troches or lozenges, sirups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, spirits, oils, or other medicinal preparations or compositions, recommended to the public as proprietary medicines, or prepared according to some private formula or secret art as remedies or specifics for any disease or diseases or affections whatever affecting the human or animal body: fifty per centum ad valorem.

Putty: one dollar and fifty cents per one hundred pounds.

Quicksilver: fifteen per centum ad valorem.

Quinine, salts of, other than sulphate of: forty-five per centum ad valorem; sulphate of: twenty per centum ad valorem.

Bags of whatever material, not otherwise provided for: ten per centum ad valorem.

Raisins: two and one-half cents per pound.

Rattans and reeds, manufactured or partially manufactured: twenty-five per centum ad valorem.

Red precipitate: twenty per centum ad valorem.

Resins, gum, not otherwise provided for, and rosin: twenty per centum ad valorem.

Rochelle salts: five cents per pound.

Roman cement: twenty per centum ad valorem.

Saleratus and bicarbonate of soda: one and one-half cents per pound.

Sal-soda and soda-ash: one-fourth of one cent per pound.

Salt.—In bags, sacks, barrels, or other packages: twelve cents per one hundred pounds; in bulk: eight cents per one hundred pounds.

Salt-peter.—Crude: one cent per pound; refined and partially refined: two cents per pound.

Salts.—Epsom: one cent per pound; glauber: one-half of one cent per pound; preparations of, not otherwise provided for: twenty per centum ad valorem.

Santonine: three dollars per pound.

Scagliola tops, for tables or other articles of furniture: thirty-five per centum ad valorem.

Sealing-wax: thirty-five per centum ad valorem.

Shaddock: ten per centum ad valorem.

Shells, manufactures of: thirty-five per centum ad valorem.

Side-arms of every description, not otherwise provided for: thirty-five per centum ad valorem.

Skates costing twenty cents or less per pair: eight cents per pair; costing over twenty cents per pair: thirty-five per centum ad valorem.

Smalts: twenty per centum ad valorem.

Soap, fancy, perfumed, honey, transparent, and all descriptions of toilet and shaving soaps: ten cents per pound, and, in addition thereto, twenty-five per centum ad valorem; soap not otherwise provided for: one cent per pound, and, in addition thereto, thirty per centum ad valorem.

Soda.—Caustic: one and one-half cents per pound; hyposulphate of, and all carbonates of, by whatever name designated, not otherwise pro-

vided for: twenty per centum ad valorem; silicate of, or other alkaline silicates: one-half cent per pound.

Sponges: twenty per centum ad valorem.

Sporting-gun wads of all descriptions: thirty-five per centum ad valorem.

Starch, made of potatoes or corn: one cent per pound, and twenty per centum ad valorem; made of rice, or any other material: three cents per pound, and twenty per centum ad valorem.

Staves for pipes, hogsheads, or other casks: ten per centum ad valorem; other staves: twenty per centum ad valorem.

Stereotype plates: twenty-five per centum ad valorem.

Stones: freestone, granite, sandstone, and all building or monumental stone, except marble: one dollar and fifty cents per ton.

Strings: all strings of whip-gut or cat-gut, other than strings for musical instruments, thirty per centum ad valorem.

Strychnia: one dollar per ounce.

Strychnine, salts of, not otherwise provided for: one dollar and fifty cents per ounce.

Sulphur, flour of: twenty dollars per ton and fifteen per centum ad valorem.

Tallow: one cent per pound.

Tannin: two dollars per pound.

Tar: twenty per centum ad valorem.

Tartar-emetic: fifteen cents per pound.

Teeth, manufactured: twenty per centum ad valorem.

Tin, oxide, muriatic and salts of tin and tin-foil: thirty per centum ad valorem.

Toys, wooden and other, for children: fifty per centum ad valorem.

Twine or pack-thread, not otherwise provided for: thirty-five per centum ad valorem.

Turpentine, spirits of: thirty cents per gallon.

Types, new: twenty-five per centum ad valorem.

Type-metal: twenty-five per centum ad valorem.

Umbrella and parasol ribs and stretchers, frames, tips, runners, handles, or other parts thereof, when made in whole or chief part of iron, steel, or any other metal: forty-five per centum ad valorem; umbrellas, parasols, and sun-shades, when covered with silk or alpaca: sixty per centum ad valorem; all other umbrellas: forty-five per centum ad valorem.

Umbrellas, parasols, and sun-shades, frames and sticks for, finished or unfinished, not otherwise provided for: thirty-five per centum ad valorem.

Varnish valued at one dollar and fifty cents or less per gallon: fifty cents per gallon, and twenty per centum ad valorem; valued at above one dollar and fifty cents per gallon: fifty cents per gallon, and twenty-five per centum ad valorem.

Vellum: thirty per centum ad valorem.

Velvet, when printed or painted: thirty-five per centum ad valorem.

Vitriol, white, or sulphate of zinc: twenty per centum ad valorem; blue vitriol: four cents per pound.

Waste, all not otherwise provided for: twenty per centum ad valorem.

Watches, watch-cases, watch-movements, parts of watches, and watch materials: twenty-five per centum ad valorem.

Webbing, composed of cotton, flax, or any other materials, not otherwise provided for: thirty-five per centum ad valorem.

THE FREE LIST.

Free list.

SEC. 2505. The importation of the following articles shall be exempt from duty:

Acids: arsenious, crude; boracic; nitric, not chemically pure; muriatic; oxalic; picric and nitro-picric; succinic; sulphuric. But car-

2 March, 1861, c.
98, s. 23, v. 12, p.
193.
3 Feb., 1868, c. 5,
v. 15, p. 34.

14 July, 1870, c.
255, a. 22, v. 16, p.
265.

1 May, 1872, c.
131, v. 17, p. 59.

6 June, 1872, c.
315, a. 5, v. 17, p.
233.

boys containing acids shall be subject to the same duty as if empty. And all acids of every description used for chemical and manufacturing purposes, not otherwise provided for.

Aconite, root, leaf, and bark.

Agaric.

Agates, unmanufactured.

Albumen and lactarine.

Alcornoque.

Alkanet root.

Alkekengi.

Almond-shells.

Aloes.

Aluminium.

Amber beads.

Ambergris.

Amber gum.

American manufactures of casks, barrels, or carboys, and other vessels, and grain-bags, [the manufacture of the United States,] if exported containing American produce, and declaration be made of intent to return the same empty, under such regulations as shall be prescribed by the Secretary of the Treasury.

Ammonia, crude.

Angelica root.

Aniline oil, crude.

Animals brought into the United States temporarily and for a period not exceeding six months, for the purpose of exhibition or competition for prizes offered by any agricultural or racing association. But a bond shall be first given, in accordance with the regulations to be prescribed by the Secretary of the Treasury, with the condition that the full duty to which such animals would otherwise be liable shall be paid in case of their sale in the United States, or if not re-exported within six months.

Animals, alive, specially imported for breeding purposes from beyond the seas, shall be admitted free, upon proof thereof satisfactory to the Secretary of the Treasury, and under such regulations as he may prescribe. And teams of animals, including their harness and tackle, actually owned by persons immigrating to the United States with their families from foreign countries, and in actual use for the purposes of such immigration, shall also be admitted free of duty, under such regulations as the Secretary of the Treasury may prescribe.

Annatto, roncou, rocou, or orleans, and all extracts of.

Annatto seed.

Antimony, ore, and crude sulphuret of.

Aqua-fortis.

Argal-dust.

Argols, crude.

Arsenic.

Arseniate of aniline.

Articles, the growth, produce, and manufacture of the United States, when returned in the same condition as exported. But proof of the identity of such articles shall be made under regulations to be prescribed by the Secretary of the Treasury; and if such articles were subject to internal tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded.

Articles imported for the use of the United States: *Provided*, That the price of the same did not include the duty.

Asbestos, not manufactured.

Balm of Gilead.

Balsams: copaiva, fir or Canada, Peru, and tolu.

Bamboo-reeds, no further manufactured than cut into suitable lengths for walking-sticks or canes, or for sticks for umbrellas, parasols, or sun-shades.

Bamboos, unmanufactured.

Barrels, of American manufacture, exported filled with domestic petroleum and returned empty, under such regulations as the Secretary of the Treasury may prescribe, and without requiring the filing of a declaration at time of export of intent to return the same empty.

Barilla.

Barks: Quilla, Peruvian, Lima, calisaya, and all cinchona barks, cañella alba, pomegranate, croton, cascarilla, and all other barks not otherwise provided for.

Beans, vanilla, or vanilla plants.

Bed feathers and downs.

Belladonna, root and leaf.

Bells, broken, and bell-metal, broken, and fit only to be remanufactured.

Bells, old, and bell-metal.

Berries, nuts, and vegetables for dyeing, or used for composing dyes, not otherwise provided for.

Bezoar stones.

Birds, stuffed.

Birds, singing and other, and land and water fowls.

Bismuth.

Bitter apples, colocynth, colocunitida.

Black salts.

Black tares.

Bladders, crude, and all integuments of animals not otherwise provided for.

Bologna sausages.

Bolting-cloths.

Bones, crude and not manufactured; burned; calcined; ground; or steamed.

Bone-dust and bone-ash for manufacture of phosphates and fertilizers.

Books which shall have been printed and manufactured more than twenty years at the date of importation.

Books, maps, and charts imported by authority for the use of the United States or for the use of the Library of Congress. But the duty shall not have been included in the contract or price paid.

Books, maps, and charts, specially imported, not more than two copies in any one invoice, in good faith for the use of any society incorporated or established for philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use, or by the order, of any college, academy, school, or seminary of learning in the United States.

Books, professional, of persons arriving in the United States.

Books, household effects, or libraries, or parts of libraries, in use of persons or families from foreign countries, if used abroad by them not less than one year, and not intended for any other person or persons, nor for sale.

Borate of lime.

Borax, crude.

Brazil paste.

Brazil pebbles for spectacles, and pebbles for spectacles, rough.

Brazil-wood, braziletto, and all other dye-woods, in sticks.

Breccia, in blocks or slabs.

Brime.

Brimstone, crude.

Bromine.

Buchu-leaves.

Bullion, gold and silver.

Burgundy pitch.

Burr-stone in blocks, rough or unmanufactured, and not bound up into millstones.

Cabinets of coins, medals, and all other collections of antiquities.

Cadmium.

Calamine.

Camphor, crude.

Cantharides.
 Carnelian, unmanufactured.
 Castor, or castoreum.
 Catechu or cutch.
 Cat-gut strings, or gut-cord, for musical instruments.
 Cat-gut or whip-gut, unmanufactured.
 Chalk and cliff-stone, unmanufactured.
 Chamomile-flowers.
 Charcoal.
 China-root.
 Chloride of lime.
 Cinchona-root.
 Citrate of lime.
 Coal, anthracite.
 Coal-stores of American vessels; but none shall be unloaded.
 Cobalt, ore of.
 Cocculus indicus.
 Cochineal.
 Cocoa, or cacao, crude, and fiber, leaves, and shells of.
 Coffee.
 Coins, gold, silver, and copper.
 Coir and coir-yarn.
 Colcothar, dry, or oxide of iron.
 Collections of antiquity, specially imported, and not for sale.
 Colt's foot, (crude drug.)
 Columbo root.
 Conium cicuta, or hemlock, seed and leaf.
 Contrayerva root.
 Copper, old, taken from the bottom of American vessels, compelled by marine disaster to repair in foreign ports.
 Copper, when imported for the United States Mint.
 Coral, marine, unmanufactured.
 Cork-wood, or cork-bark, unmanufactured.
 Cotton.
 Cowage down.
 Cow or kine pox, or vaccine virus.
 Cubebs.
 Cudbear.
 Curling-stones or quoits.
 Curry and curry-powders.
 Cuttle fish bone.
 Cyanite, or kyanite.
 Diamonds, rough or uncut, including glaziers' diamonds.
 Diamond-dust or bort.
 Divi-divi.
 Dragon's-blood.
 Dried and prepared flowers.
 Dried blood.
 Dried bugs.
 Dyeing or tanning: articles in a crude state, used in dyeing or tanning, not otherwise provided for.
 Eggs.
 Elecampane-root.
 Ergot.
 Esparto, or Spanish grass, and other grasses, and pulp of, for the manufacture of paper.
 Fans, common palm-leaf.
 Farina.
 Fashion-plates engraved on steel or on wood, colored or plain.
 Felt, adhesive, for sheathing vessels.
 Fibrin, in all forms.
 Fire-wood.

- Fish, fresh, for immediate consumption.
 Fish for bait.
 Flint, flints, and ground flint-stones.
 Flowers, leaves, plants, roots, barks, and seeds, for medicinal purposes, in a crude state, not otherwise provided for.
 Foliæ digitalis.
 Fossils.
 Fruit-plants tropical and semi-tropical, for the purpose of propagation or cultivation.
 Fur-skins of all kinds not dressed in any manner.
 Galanga or galangal.
 Garancine.
 Gentian-root.
 Ginger-root.
 Ginseng-root.
 Glass, broken in pieces, and old glass which cannot be cut for use, and fit only to be remanufactured.
 Goat-skins, raw.
 Goldbeaters' molds and goldbeaters' skins.
 Gold size.
 Grease, for use as soap-stock only, not otherwise provided for.
 Guano, and other animal manures.
 Gums.—Arabic, Jeddo, Senegal, Barbary, East India, Cape Australian, gum benzoin or benjamin, gum copal, sandarac, dammar, gamboge, cowrie, mastic, shellac, tragacanth, olebanum, guiac, myrrh, bdellium, garbanum, and all gums not otherwise provided for.
 Gunny-bags and gunny-cloth, old or refuse, fit only for remanufacture.
 Gut and worm-gut, manufactured or unmanufactured, for whip and other cord.
 Guts, salted.
 Gutta-percha, crude.
 Hair, all horse, cattle, cleaned or uncleaned, drawn or undrawn, but unmanufactured.
 Hair of hogs, curled, for beds and mattresses, and not fit for bristles.
 Hellebore-root.
 Hemlock-bark.
 Hide-cuttings, raw, with or without the hair on, for glue-stock.
 Hide-rope.
 Hides.—Raw or uncured, whether dry, salted, or pickled, and skins, except sheep-skins with the wool on, Angora-goat skins, raw, without the wool, unmanufactured, asses' skins, raw, unmanufactured.
 Bones and whetstones.
 Hoofs, horns, and horn-tips.
 Horn-strips.
 Hop-roots for cultivation.
 Hyoscyamus, or henbane-leaf.
 Ice.
 India rubber, crude, and milk of.
 Indian hemp, (crude drug.)
 Indigo.
 India or Malacca joints, not further manufactured than cut into suitable lengths for the manufactures into which they are intended to be converted.
 Iodine, crude.
 Ipecac.
 Iridium.
 Iris, orris root.
 Isinglass, or fish-glass.
 Istle, or Tampico fiber.
 Ivory and vegetable ivory, unmanufactured.
 Jalap.
 Jet, unmanufactured.
 Joss-stick, or joss-light.

- Juniper and laurel berries.
- Junk, old.
- Jute-butts.
- Kelp.
- Kryolite.
- Lac, dye, crude, seed, button, stick, and shell.
- Lac spirits.
- Lac sulphur.
- Lava, unmanufactured.
- Leather, old scrap.
- Leaves, all, not otherwise provided for.
- Leeches.
- Licorice-root.
- Life-boats and life-saving apparatus, specially imported by societies incorporated or established to encourage the saving of human life.
- Lithographic stones, not engraved.
- Litmus and all lichens, prepared or not prepared.
- Loadstones.
- Logs, and round unmanufactured timber not otherwise provided for, and ship-timber.
- Macaroni and vermicelli.
- Madder and munjeet, or Indian madder, ground or prepared, and all extracts of.
- Magnets.
- Manganese, oxide and ore of.
- Manna.
- Manuscripts.
- Marrow, crude.
- Marsh-mallows.
- Matico-leaf.
- Medals, of gold, silver, or copper.
- Meerschaum, crude or raw.
- Mica and mica waste.
- Mineral waters, all, not artificial.
- Models of inventions and other improvements in the arts. But no article or articles shall be deemed a model, or improvement, which can be fitted for use.
- Moss, Iceland, and other mosses, crude.
- Moss, sea-weed, and all other vegetable substances used for beds and mattresses.
- Murexide, (a dye.)
- Musk and civet, crude, in natural pod.
- Mustard-seed, brown and white.
- Nitrate of soda, or cubic niter.
- Nut-galls.
- Nuts, cocoa and Brazil or cream.
- Nux vomica.
- Oak-bark.
- Oakum.
- Oil-cake.
- Oil, essential, fixed or expressed, viz: Almonds; amber, crude and rectified; ambergris; anise, or anise-seed; anthos, or rosemary; bergamot; cajeput; caraway; cassia; cedrat; chamomile; cinnamon; citronella, or lemon-grass; civet; fennel; jasmine, or jessamine; juglandium; juniper; lavender; mace; ottar of roses; poppy; sesame, or sesamum-seed, or bene; thyme, red, or origanum; thyme, white; valerian.
- Oil, spermaceti, whale, and other fish, of American fisheries; and all other articles the produce of such fisheries.
- Olives, green or prepared.
- Orange and lemon peel, not preserved, candied, or otherwise prepared.
- Orange buds and flowers.

- Orchil, or archil, in the weed or liquid.
 Ores of gold and silver.
 Orpiment.
 Osmium.
 Oxidizing-paste.
 Palladium.
 Palm and cocoa-nut oil.
 Palm-leaf, unmanufactured.
 Palm-nuts and palm-nut kernels.
 Paper-stock, crude, of every description, including all grasses, fibers, rags other than wool, waste, shavings, clippings, old paper, rope-ends, waste rope, waste bagging, gunny-bags and gunny-cloth, old or refuse, to be used in making and fit only to be converted into paper, and unfit for any other manufacture, and cotton-waste, whether for paper-stock or other purposes.
 Pearl, mother of.
 Pellitory-root.
 Persis, or extract of archil, and cudbear.
 Personal and household effects, not merchandise, of citizens of the United States dying abroad.
 Peruvian bark.
 Pewter and britannia metal, old, and fit only to be remanufactured.
 Phanglein.
 Philosophical and scientific apparatus, instruments, and preparations, statuary, casts of marble, bronze, alabaster, or plaster of Paris, paintings, drawings, and etchings, specially imported in good faith for the use of any society or institution incorporated or established for philosophical, educational, scientific, or literary purposes, or encouragement of the fine arts, and not intended for sale.
 Phosphates, crude or native, for fertilizing purposes.
 Plants, trees, shrubs, roots, seed-cane, and seeds imported by the Department of Agriculture, or the United States Botanical Garden.
 Plaster of Paris, or sulphate of lime, unground.
 Platina, unmanufactured.
 Platinum vases or retorts for chemical uses, or parts thereof.
 Plumbago.
 Polishing-stones.
 Polypodium.
 Potassa, muriate of.
 Pulu.
 Pumice and pumice-stones.
 Quassia-wood.
 Quick-grass root.
 Quills, prepared or unprepared.
 Rags, of cotton, linen, jute, and hemp, and paper-waste, or waste or clippings of any kind fit only for the manufacture of paper, including waste rope and waste bagging.
 Railroad-ties, of wood.
 Rattans and reeds, unmanufactured.
 Regalia and gems, and statues and specimens of sculpture, where specially imported, in good faith, for the use of any society incorporated or established for philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use or by the order of any college, academy, school, or seminary of learning in the United States.
 Rennets, raw or prepared.
 Resins, crude, not otherwise provided for.
 Rhubarb.
 Root-flour.
 Rose-leaves.
 Rottenstone.
 Saffron and safflower, and extract of.
 Saffron-cake.

- Sago, sago crude, and sago-flour.
 Saint John's beans.
 Salacine.
 Salep, or saloup.
 Sandal-wood.
 Sarsaparilla, crude.
 Sassafras bark and root.
 Sauerkraut.
 Sausage-skins.
 Scammony, or resin of scammony.
 Sea-weed, not otherwise provided for.
 Seeds: cardamom, caraway, coriander, fenugreek, fennel, cummin, and other seeds, not otherwise provided for.
 Seeds: anise, anise star, canary, chia, sesamum, sugar-cane, and seeds of forest-trees.
 Senna, in leaves.
 Shark-skins.
 Shells of every description, not manufactured.
 Shingle-bolts and stave-bolts, and "heading-bolts" shall be held and construed to be included under the term "stave-bolts."
 Shrimps, or other shell-fish.
 Silk, raw, or as reeled from the cocoon, not being doubled, twisted, or advanced in manufacture any way, and silk cocoons and silk waste.
 Silk-worm eggs.
 Skeletons, and other preparations of anatomy.
 Skins, dried, salted, or pickled, ten per centum ad valorem.
 Snails.
 Soap-stocks.
 Spatterre for making or ornamenting hats.
 Specimens of natural history, botany, and mineralogy, when imported for cabinets as objects of taste or science, and not for sale.
 Spunk.
 Squilla, or silla.
 Staves-acre, crude.
 Storax, or styrax.
 Straw, unmanufactured.
 Strontia, oxide of, or protoxide of strontium.
 Substances expressly used for manure.
 Sugar of milk.
 Sweepings of silver or gold.
 Talc.
 Tamarinds.
 Tapioca, cassava, or cassada.
 Tea.
 Tea-plants.
 Teasels.
 Teeth, unmanufactured.
 Terra-alba, aluminous.
 Terra japonica.
 Tica, crude.
 Tin, in pigs, bars, or blocks, and grain-tin.
 Tonquin, Tonqua, or Tonka beans.
 Tortoise and other shells, unmanufactured.
 Tripoli.
 Turmeric.
 Turtles.
 Types, old, and fit only to be remanufactured.
 Umbrella-sticks, crude, to wit, all partridge, hair-wood, pimento, orange, myrtle, and other sticks and canes in the rough, or no further manufactured than cut into lengths suitable for umbrella, parasol, or sun-shade sticks or walking-canes.
 Uranium, oxide of.

Venice turpentine.

Verdigris, or subacetate of copper.

Wafers.

Wax, bay or myrtle, Brazilian and Chinese.

Wearing apparel in actual use, and other personal effects, (not merchandise,) professional books, implements, instruments, and tools of trade, occupation, or employment of persons arriving in the United States. But this exemption shall not be construed to include machinery, or other articles imported for use in any manufacturing establishment, or for sale.

Whalebone, unmanufactured.

Woad, weld or pastel.

Wood-ashes, and lye of, and beet-root ashes.

Woods, poplar, or other woods for the manufacture of paper.

Woods, namely, cedar, lignum-vitæ, lance-wood, ebony, box, granadilla, mahogany, rose-wood, satin-wood, and all cabinet woods, unmanufactured.

Works of art: paintings, statuary, fountains, and other works of art, the production of American artists. But the fact of such production must be verified by the certificate of any consul or minister of the United States indorsed upon the written declaration of the artist.

Works of art: paintings, statuary, fountains, and other works of art, imported expressly for presentation to national institutions or to any State, or to any municipal corporation.

Worm-seed, Levant.

Xylonite, or Xylotile.

Yams.

Yeast-cakes.

Zaffer.

SEC. 2506. Whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the legislature of Prince Edward's Island have passed laws on their part to give full effect to the provisions of the treaty between the United States and Great Britain signed at the city of Washington on the eighth day of May, eighteen hundred and seventy-one, as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty, he is hereby authorized to issue his proclamation declaring that he has such evidence, and thereupon, from the date of such proclamation, and so long as the said articles eighteenth to twenty-fifth inclusive, and article thirtieth of said treaty, shall remain in force, according to the terms and conditions of article thirty-third of said treaty, all fish-oil and fish of all kinds, (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil,) being the produce of the fisheries of the Dominion of Canada or of Prince Edward's Island, shall be admitted into the United States free of duty, and whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty, from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty-fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty, so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth, of said treaty, shall remain in force, according to the terms and conditions of article thirty-third of said treaty; but the provisions of this section shall not apply to any articles of merchandise mentioned

Fish oil and fish the produce of the fisheries of Canada, Prince Edward's Island, and Newfoundland, when free.

1 March, 1873, c. 213, s. 1, v. 17, p. 482.

Special exemption as to merchandise sunk and abandoned.

3 March, 1843, c. 72, v. 5, p. 609.

As to lumber from Saint John River.

16 March, 1866, c. 18, v. 14, p. 9.

As to lumber from Saint Croix River.

1 June, 1866, c. 105, s. 1, v. 14, p. 56.

As to machinery for manufacture of beet-root sugar.

2 March, 1867, Res. 47, s. 2, v. 14, p. 571.

As to machinery imported for repair.

19 Feb., 1869, c. 35, v. 15, p. 271.

Certain paintings, statuary, &c., to be admitted free of duty.

5 March, 1872, c. 29, v. 17, p. 35.

Importation of materials for construction, &c., of vessels.

6 June, 1872, c. 315, s. 10, v. 17, p. 238.

therein which were held in bond by the customs officers of the United States on the first day of July, eighteen hundred and seventy-three.

SEC. 2507. Whenever any vessel laden with merchandise in whole or in part subject to duty has been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States, and within its limits, for the period of two years, and is abandoned by the owner thereof, any person who may raise such vessel shall be permitted to bring any merchandise recovered therefrom into the port nearest to the place where such vessel was so raised, free from the payment of any duty thereupon, and without being obliged to enter the same at the custom-house; but under such regulations as the Secretary of the Treasury may prescribe.

SEC. 2508. The produce of the forests of the State of Maine upon the Saint John River and its tributaries, owned by American citizens, and sawed or hewed in the Province of New Brunswick by American citizens, the same being unmanufactured in whole or in part, which is now admitted into the ports of United States free of duty, shall continue to be so admitted under such regulations as the Secretary of the Treasury shall, from time to time, prescribe.

SEC. 2509. The produce of the forests of the State of Maine upon the Saint Croix River and its tributaries, owned by American citizens, and sawed in the Province of New Brunswick by American citizens, the same being unmanufactured in whole or in part, and having paid the same taxes as other American lumber on that river, shall be admitted into the ports of the United States free of duty, under such regulations as the Secretary of the Treasury shall, from time to time, prescribe.

SEC. 2510. Machinery for the manufacture of beet-sugar, and imported for that purpose solely, shall be exempted from duty.

SEC. 2511. Machinery for repair may be imported into the United States without payment of duty, under bond, to be given in double the appraised value thereof, to be withdrawn and exported after said machinery shall have been repaired; and the Secretary of the Treasury is authorized and directed to prescribe such rules and regulations as may be necessary to protect the revenue against fraud, and secure the identity and character of all such importations when again withdrawn and exported, restricting and limiting the export and withdrawal to the same port of entry where imported, and also limiting all bonds to a period of time of not more than six months from the date of the importation.

SEC. 2512. All paintings, statuary, and photographic pictures imported into the United States for exhibition by any association duly authorized under the laws of the United States or any State for the promotion and encouragement of science, art, or industry, and not intended for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury shall prescribe. But bonds shall be given for the payment to the United States of such duties as are now imposed by law upon any and all of such articles as shall not be re-exported within six months after such importation.

SEC. 2513. All lumber, timber, hemp, manila, and iron and steel rods, bars, spikes, nails, and bolts, and copper and composition metal which may be necessary for the construction and equipment of vessels built in the United States for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, and finished after the sixth day of June, eighteen hundred and seventy-two, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and, upon proof that such materials have been used for such purpose, no duties shall be paid thereon. But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than two months in any one year, except upon the payment to the United States of the duties on which a rebate is herein allowed.

SEC. 2514. All articles of foreign production needed for the repair of American vessels engaged exclusively in foreign trade may be withdrawn from bonded warehouses free of duty, under such regulations as the Secretary of Treasury may prescribe.

Importation of articles intended for the repair of vessels.

6 June, 1872, c. 315, s. 10, v. 17, p. 238.

SEC. 2515. That no duty shall be levied or collected on the importation of peltries brought into the Territories of the United States, nor on the proper goods and effects, of whatever nature, of Indians passing or repassing the boundary-line aforesaid, unless the same be goods in bales or other large packages unusual among Indians, which shall not be considered as goods belonging to Indians, nor be entitled to the exemption from duty aforesaid.

Peltries and other goods of Indians, when to be admitted free.

2 March, 1799, c. 22, s. 106, v. 1, p. 702.

SEC. 2516. There shall be levied, collected, and paid on the importation of all raw or unmanufactured articles, not herein enumerated or provided for, a duty of ten per centum ad valorem; and on all articles manufactured in whole or in part, not herein enumerated or provided for, a duty of twenty per centum ad valorem.

Duty on articles not enumerated, raw or manufactured.

2 March, 1861, c. 68, s. 24, v. 12, p. 196.

TITLE XXXIV.
COLLECTION OF DUTIES UPON IMPORTS.

CHAPTER ONE.

COLLECTION-DISTRICTS, PORTS, AND OFFICERS.

Sec.	Sec.
2517. Districts in Maine.	2567. Officers in Mississippi.
2518. Officers in Maine.	2568. Districts in Louisiana.
2519. Collectors may agree upon division of districts.	2569. Officers in Louisiana.
2520. Unloading vessels entered at Wiscasset.	2570. Vessels bound to ports of delivery must make entry at New Orleans.
2521. Entering and clearing vessels at Calais.	2571. Vessels bound for Bayou Saint John.
2522. District in New Hampshire.	2572. Vessels bound for Lakeport.
2523. Officers in New Hampshire.	2573. Vessels departing from Lakeport.
2524. Merchandise for Kittery or Berwick, where may be entered.	2574. Vessels bound for Ponchartrain.
2525. District of Vermont.	2575. Vessels departing from Ponchartrain.
2526. Officers in Vermont.	2576. Collector at New Orleans may appoint additional inspectors.
2527. Districts in Massachusetts.	2577. Collector at New Orleans may appoint head gaugers.
2528. Ports of Sippican and Mattapoisett.	2578. Districts in Texas.
2529. Officers in Massachusetts.	2579. Officers in Texas.
2530. Employés in appraiser's office at Boston.	2580. Additional inspectors.
2531. Districts in Rhode Island.	2581. Transshipment of goods transported in bond to Brownsville.
2532. Officers in Rhode Island.	2582. Districts in California.
2533. Districts in Connecticut.	2583. Officers in California.
2534. Officers in Connecticut.	2584. Vessels going to or from Vallejo.
2535. Districts in New York.	2585. Vessels going to or from Eureka or Wilmington.
2536. Officers in New York.	2586. Districts in Oregon and Washington Territory.
2537. Entry of merchandise for Greenport.	2587. Officers in Oregon and Washington.
2538. Examiners at New York.	2588. Manifests of vessels bound for Portland.
2539. Employés in appraiser's office at New York.	2589. Manifests of vessels clearing from Portland.
2540. Entry of merchandise for Cold Spring, Long Island.	2590. Vessels having merchandise for both Astoria and Portland.
2541. Districts in New Jersey.	2591. District of Alaska.
2542. Officers in New Jersey.	2592. Officer in Alaska.
2543. Districts in Pennsylvania.	2593. District of Montana and Idaho.
2544. Officers in Pennsylvania.	2594. Officers in Montana and Idaho.
2545. Employés in appraiser's office at Philadelphia.	2595. Districts in Minnesota.
2546. District of Delaware.	2596. Officers in Minnesota.
2547. Officers in Delaware.	2597. District in Wisconsin.
2548. Districts in Maryland.	2598. Officers in Wisconsin.
2549. Officers in Maryland.	2599. Districts in Michigan.
2550. District of Columbia.	2600. Officers in Michigan.
2551. Officers in District of Columbia.	2601. District of Indiana and Illinois.
2552. Districts in Virginia.	2602. Officers in Indiana and Illinois.
2553. Officers in Virginia.	2603. Districts in Ohio.
2554. Clearance at Richmond of vessel loaded in Petersburg.	2604. Officers in Ohio.
2555. Districts in North Carolina.	2605. Additional inspectors for certain districts.
2556. Officers in North Carolina.	2606. Weighers, gaugers, measurers, and inspectors.
2557. Districts in South Carolina.	2607. Weighers, gaugers, measurers, &c., at San Diego.
2558. Officers in South Carolina.	2608. General appraisers.
2559. Districts in Georgia.	2609. Merchants employed as appraisers.
2560. Officers in Georgia.	2610. Merchant refusing to serve as appraiser.
2561. Collectors of Savannah and Brunswick may grant permits, &c.	2611. Oath of special examiners of drugs.
2562. Districts in Florida.	2612. Instructions to prevent importation of adulterated drugs.
2563. Officers in Florida.	
2564. District in Alabama.	
2565. Officers in Alabama.	
2566. Districts in Mississippi.	

SEC. 2517. There shall be in the State of Maine fourteen collection-districts, as follows: [See § 252.]

First. The district of Aroostook; to comprise the county of Aroostook as bounded on the twenty-second day of February, eighteen hundred and sixty-nine; in which Houlton shall be the only port of entry.

Second. The district of Passamaquoddy; in which Eastport shall be a port of entry and delivery, and the towns of Calais, Pembroke, and Robbinston ports of delivery.

3 March, 1803, c. 26, s. 4, v. 2, p. 229. 5 Feb., 1833, c. 16, v. 4, p. 611. v. 5, p. 609.

Third. The district of Machias; in which Machias shall be the port of entry.

Fourth. The district of Frenchman's Bay; in which Ellsworth shall be the port of entry, and Union River the port of delivery.

Fifth. The district of Castine; in which Castine shall be the port of entry, and Blue Hill, Deer Island, and Bucksport ports of delivery.

22, s. 2, v. 1, p. 627. 13 April, 1866, c. 44, s. 3, v. 14, p. 33. 5 June, 1868, c. 50, v. 15, p. 63.

Sixth. The district of Bangor; to comprise the counties of Penobscot and Piscataquis, and the town of Frankfort, in the county of Waldo, as they were bounded on the third day of March, eighteen hundred and forty-seven; in which Bangor shall be the port of entry and delivery, and Frankfort and Hampden ports of delivery.

Seventh. The district of Belfast; to comprise all the ports and harbors on the western shore of the Penobscot Bay and River from the town of Frankfort, as bounded on the third day of March, eighteen hundred and forty-seven, to and including the town of Camden, as bounded on the twentieth day of April, eighteen hundred and eighteen, and the towns of Vinalhaven, North Haven, and Islesborough, as bounded on the third day of March, eighteen hundred and forty-nine; in which Belfast shall be the port of entry, and Prospect, Vinalhaven, North Haven, and Camden ports of delivery.

Eighth. The district of Waldoborough; to comprise all the waters and shores from the town of Camden, as bounded on the twentieth day of April, eighteen hundred and eighteen, to the middle of Damariscotta River; in which Waldoborough shall be the port of entry, and Bristol, Nobleborough, Warren, Thomaston, Cushing, and Saint George ports of delivery.

Ninth. The district of Wiscasset; in which Wiscasset shall be the port of entry, and Booth Bay and Alna ports of delivery.

22, s. 2, v. 1, p. 627. 5 June, 1868, c. 50, v. 15, p. 63.

Tenth. The district of Bath; in which Bath shall be the port of entry, and Hallowell, Pittston, Georgetown, Brunswick, and Bowdoinham ports of delivery.

3 March, 1835, c. 26, s. 2, v. 4, p. 137.

Eleventh. The district of Portland and Falmouth; in which Portland shall be the port of entry, and North Yarmouth, Brunswick, Freeport, and Harpswell ports of delivery.

Twelfth. The district of Saco; in which Scarborough shall be a port of delivery.

2 March, 1799, c. 22, s. 2, v. 1, p. 627. 15 Dec., 1807, c. 3, v. 2, p. 451.

Thirteenth. The district of Kennebunk; to comprise the towns of Wells and Arundel as they were bounded on the tenth day of May, eighteen hundred, and all the shores and waters thereof; in which Kennebunk shall be the port of entry, and Wells and Cape Porpoise ports of delivery.

Fourteenth. The district of York; in which York shall be the port of entry.

Districts in
Maine.

Aroostook.
22 Feb., 1869, c. 42, s. 1, v. 15, p. 273.
Passamaquoddy.

2 March, 1799, c. 22, s. 2, v. 1, p. 637.
3 March, 1843, c. 71,

Machias.
2 March, 1799, c. 22, s. 2, v. 1, p. 637.
Frenchman's Bay.

Ibid.
30 June, 1834, c. 135, s. 11, v. 4, p. 716.

Castine.
2 March, 1799, c. 22, s. 2, v. 1, p. 637.
Bangor.

2 March, 1799, c. 22, s. 2, v. 1, p. 637.
3 March, 1847, c. 60, ss. 1, 2, 3, v. 9, p. 183.

Belfast
20 April, 1818, c. 110, s. 2, v. 3, p. 465.
2 March, 1831, c. 76, s. 5, v. 4, p. 476.
3 March, 1849, c. 125, v. 9, p. 412.
5 June, 1868, c. 50, v. 15, p. 63.

Waldoborough.
2 March, 1799, c. 22, s. 2, v. 1, p. 637.
20 April, 1818, c. 110, s. 2, v. 3, p. 465.
5 June, 1868, c. 50, v. 15, p. 63.

Wiscasset.
2 March, 1799, c. 22, s. 2, v. 1, p. 637.

Bath.
2 March, 1799, c. 22, s. 2, v. 1, p. 637.
3 March, 1835, c. 26, s. 2, v. 4, p. 137.

Portland and
Falmouth.
2 March, 1799, c. 22, s. 2, v. 1, p. 637.
Saco.

2 March, 1799, c. 22, s. 2, v. 1, p. 451.
Kennebunk.
10 May, 1800, c. 49, s. 1, v. 2, p. 68.

York.
2 March, 1799, c. 22, s. 2, v. 1, p. 637.

- Officers in Maine.** SEC. 2518. There shall be in the collection-districts in the State of Maine the following officers:
- Aroostook.** First. In the district of Aroostook, a collector, who shall reside at Houlton.
22 Feb., 1869, c. 42, s. 1, v. 15, p. 273.
- Passamaquoddy.** Second. In the district of Passamaquoddy, a collector, who shall reside at Eastport, a deputy collector to reside at the port of Calais, and at Eastport a surveyor, to be called the surveyor of Eastport and the district of Passamaquoddy.
3 March, 1803, c. 26, s. 4, v. 2, p. 229.
7 May, 1822, c. 107, s. 5, v. 3, p. 694.
30 March, 1871, c. 7, v. 17, p. 3. 25 July, 1886, c. 255, v. 14, p. 251.
- Machias.** Third. In the district of Machias, a collector, who shall reside at Machias.
2 March, 1799, c. 22, s. 2, v. 1, p. 629.
- Frenchman's Bay.** Fourth. In the district of Frenchman's Bay, a collector, who shall reside at Ellsworth.
Ibid. 30 June, 1834, c. 135, s. 11, v. 4, p. 716.
- Castine.** Fifth. In the district of Castine, a collector, who shall reside at Castine.
2 March, 1799, c. 22, s. 2, v. 1, p. 628.
- Bangor.** Sixth. In the district of Bangor, a collector and a deputy collector, who shall reside at Frankfort.
3 March, 1847, c. 60, ss. 2, 3, v. 9, p. 183.
- Belfast.** Seventh. In the district of Belfast, a collector, who shall reside at Belfast.
20 April, 1818, c. 113, s. 2, v. 3, p. 466.
- Waldoborough.** Eighth. In the district of Waldoborough, a collector, who shall reside at Waldoborough.
2 March, 1799, c. 22, s. 2, v. 1, p. 629.
- Wiscasset.** Ninth. In the district of Wiscasset, a collector, who shall reside at Wiscasset.
2 March, 1799, c. 22, s. 2, v. 1, p. 628.
- Bath.** Tenth. In the district of Bath, a collector, who shall reside at Bath.
2 March, 1799, c. 22, s. 2, v. 1, p. 628.
- Portland and Falmouth.** Eleventh. In the district of Portland and Falmouth, a collector, who shall reside at Portland, not exceeding three deputy collectors, a surveyor, an appraiser, and an assistant appraiser.
2 March, 1799, c. 22, s. 2, v. 1, p. 628.
9 April, 1864, c. 54, v. 13, p. 46.
- Saco.** Twelfth. In the district of Saco, a collector, who may reside at Saco or Biddeford.
2 March, 1799, c. 22, s. 2, v. 1, p. 628.
15 Dec., 1807, c. 3, v. 2, p. 451.
- Kennebunk.** Thirteenth. In the district of Kennebunk, a collector, who shall reside at Kennebunk.
10 May, 1800, c. 49, s. 1, v. 2, p. 66.
- York.** Fourteenth. In the district of York, a collector, who shall reside at York.
2 March, 1799, c. 22, s. 2, v. 1, p. 628.
- SEC. 2519.** The collectors of the several districts within the State of Maine, for which no boundaries are prescribed by the preceding section, shall, from time to time, agree upon a divisional line between their respective districts, and transmit the same to the Comptroller of the Treasury; and such districts so agreed upon shall include all the waters, shores, and islands within the same, and all the lands adjoining to the provinces of New Brunswick and Québec, within the State of Maine. In case of disagreement between any of the collectors concerning such divisional line, the President shall determine the same.
- SEC. 2520.** Vessels owned in whole or in part in the towns of Edgecomb and Newcastle in Maine, having entered in due form of law at the port of Wiscasset, and taken on board an officer, shall be permitted to unlade in the parts of those towns which adjoin Sheepscoot River.
- Unlading vessels entered at Wiscasset.**
10 May, 1800, c. 49, s. 2, v. 2, p. 68.

SEC. 2521. The Secretary of the Treasury may authorize, under such regulations as he shall deem necessary, the deputy collector of customs at the port of Calais in Maine to enter and clear vessels, and to perform such other official acts as the Secretary shall think advisable.

SEC. 2522. There shall be in the State of New Hampshire one collection-district, as follows:

The district of Portsmouth; to comprise the State of New Hampshire and the towns of Kittery and Berwick, in Maine, in which Portsmouth shall be the port of entry, and Newcastle, Dover, Exeter, Kittery, and Berwick, ports of delivery.

SEC. 2523. There shall be in the district of Portsmouth a collector and a surveyor, who shall reside at Portsmouth.

Entering and clearing vessels at Calais.

25 July, 1866, c. 255, v. 14, p. 251.

District in New Hampshire.

Portsmouth.

2 March, 1799, c. 22, s. 1, v. 1, p. 627.

25 Feb., 1801, c. 7, s. 3, v. 2, p. 102.

Officers in New Hampshire.

2 March, 1799, c. 22, s. 1, v. 1, p. 627.

SEC. 2524. Merchandise destined for either of the towns of Kittery or Berwick, in Maine, may be, at the option of the master of the vessel, entered and permit for the delivery thereof obtained, either in the district of Portsmouth, in the State of New Hampshire, or in the district of York, in the State of Maine.

Merchandise destined for Kittery or Berwick may be entered at Portsmouth or York.

25 Feb., 1801, c. 7, s. 3, v. 2, p. 102.

SEC. 2525. There shall be in the State of Vermont one collection-district, as follows:

The district of Vermont; to comprise all such waters and shores of Lake Champlain, and the rivers connected therewith, as lie within the State of Vermont, and to extend along the northern boundary-line of the State, adjoining the Dominion of Canada; in which Burlington shall be the port of entry, and the President may, if he deems it expedient, establish not exceeding two places as ports of delivery only.

SEC. 2526. There shall be in the district of Vermont a collector, who shall reside at Burlington, and, at the discretion of the President, two surveyors for such ports of delivery as shall be designated by him.

District of Vermont.

2 March, 1799, c. 22, s. 6, v. 1, p. 631.

2 March, 1811, c. 31, s. 4, v. 2, p. 656.

Officers in Vermont.

2 March, 1799, c. 22, s. 6, v. 1, pp. 631, 632.

SEC. 2527. There shall be in the State of Massachusetts eleven collection-districts, as follows:

First. The district of Newburyport; to comprise all the waters and shores from the State of New Hampshire to and including the town of Ipswich; in which Newburyport shall be the port of entry, and Amesbury, Salisbury, Haverhill, Newbury, and Ipswich ports of delivery.

Second. The district of Gloucester; to comprise all the waters and shores in the towns of Gloucester and Manchester, as bounded on the second day of March, seventeen hundred and ninety-nine, and the town of Essex as bounded on the seventh day of August, eighteen hundred and forty-eight; in which Gloucester shall be the port of entry, and Manchester a port of delivery.

Third. The district of Salem and Beverly; to comprise all the waters and shores within the towns of Beverly, Salem, and Danvers, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Salem shall be the port of entry, and Danvers a port of delivery.

Fourth. The district of Marblehead; to comprise all the waters and shores within the towns of Marblehead and Lynn, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Marblehead shall be the port of entry, and Lynn the port of delivery.

Fifth. The district of Boston and Charlestown; to comprise all the waters and shores within the counties of Middlesex, Suffolk, and Norfolk, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Boston shall be the port of entry, and Medford, Cohasset, Hingham, Weymouth, Cambridge, Roxbury, and Dorchester ports of delivery. And the town of Chelsea shall be attached to and made a part of the port of entry and collection-district of Boston and Charlestown.

Districts in Massachusetts.

Newburyport.

2 March, 1799, c. 22, s. 2, v. 1, p. 627.

15 June, 1844, c. 51, s. 1, v. 5, p. 664.

Gloucester.

2 March, 1799, c. 22, s. 2, v. 1, p. 627.

7 Aug., 1848, c. 144, v. 9, p. 275.

Salem and Beverly.

2 March, 1799, c. 22, s. 2, v. 1, p. 627.

Marblehead.

2 March, 1799, c. 22, s. 2, v. 1, p. 627.

Boston and Charlestown.

2 March, 1799, c. 22, s. 2, v. 1, p. 627.

11 Jan., 1805, c. 6, v. 2, p. 310.

22 Jan., 1806, c. 4, s. 3, v. 2, p. 349.

30 June, 1834, c. 135, s. 4, v. 4, p. 715.

28 Sept., 1850, c. 79, s. 13, v. 9, p. 511.

Plymouth.	Sixth. The district of Plymouth; to comprise all the waters and shores within the county of Plymouth, except the towns of Wareham and Rochester, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Plymouth shall be the port of entry, and Scituate, Duxbury, Kingston, and Marshfield ports of delivery.
2 March, 1799, c. 22, s. 2, v. 1, p. 627.	
2 March, 1827, c. 58, v. 4, p. 237.	
Barnstable.	Seventh. The district of Barnstable; to comprise all the waters and shores within the county of Barnstable, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Barnstable shall be the port of entry, and Sandwich, Falmouth, Harwich, Wellfleet, Provincetown, and Chatham, ports of delivery.
2 March, 1799, c. 22, s. 2, v. 1, p. 627.	
Nantucket.	Eighth. The district of Nantucket; to comprise the waters and shores of the island of Nantucket; in which Nantucket shall be the port of entry.
Ibid.	Ninth. The district of Edgartown; to comprise all the waters and shores within the county of Duke's County, as bounded on the second day of March, seventeen hundred and ninety; in which Edgartown shall be the port of entry.
Edgartown.	
Ibid.	
New Bedford.	Tenth. The district of New Bedford; to comprise all the waters and shores within the towns of New Bedford, Dartmouth, Westport, Rochester, and Wareham, together with all the islands within the county of Bristol, as bounded on the second day of March, seventeen hundred and ninety-nine; in which New Bedford shall be the port of entry, and Westport, Rochester, and Wareham ports of delivery.
Ibid.	
Fall River.	Eleventh. The district of Fall River; to comprise all the waters and shores on Taunton River, and in the town of Behoboth, as bounded on the second day of March, seventeen hundred and ninety-nine, and all that part of the town of Tiverton, in Rhode Island, north of the south line of the farm of William Slade, and of the farm of the heirs of Boylston Brayton, as bounded on the ninth day of August, eighteen hundred and forty-two, to Wattupper Pond, and by that pond to the south line of the State of Massachusetts, and the waters and shores adjoining thereto; in which Fall River shall be the port of entry and delivery, and Swansea, Somerset, Freetown, Berkley, and Taunton ports of delivery.
2 March, 1799, c. 22, s. 2, v. 1, p. 627.	
2 March, 1833, c. 74, ss. 1, 2, v. 4, p. 651.	
9 Aug., 1842, c. 126, v. 5, p. 504.	
Ports of Sippican and Mattapoisett.	SEC. 2528. Sippican and Mattapoisett Harbors, within the township of Rochester, in Massachusetts, shall be known as ports under those names within the collection-district of New Bedford, and the respective inhabitants are authorized to describe, as the law requires, their vessels as belonging to those places respectively instead of Rochester.
27 May, 1840, c. 27, v. 5, p. 381.	
Officers in Massachusetts.	SEC. 2529. There shall be in the collection-districts in the State of Massachusetts the following officers:
Newburyport.	First. In the district of Newburyport, a collector and a surveyor, who shall reside at Newburyport.
2 March, 1799, c. 22, s. 2, v. 1, p. 628.	
Gloucester.	Second. In the district of Gloucester, a collector and a surveyor, who shall reside at Gloucester.
2 March, 1799, c. 22, s. 2, v. 1, p. 628.	
Salem and Beverly.	Third. In the district of Salem and Beverly, a collector and a surveyor, who shall reside at Salem.
2 March, 1799, c. 22, s. 2, v. 1, p. 628.	
Marblehead.	Fourth. In the district of Marblehead, a collector, who shall reside at Marblehead.
2 March, 1799, c. 22, s. 2, v. 1, p. 628.	
Boston and Charlestown.	Fifth. In the district of Boston and Charlestown, a collector, a naval officer, a surveyor, who shall reside at Boston, two appraisers, and two assistant appraisers, a special examiner of drugs, medicines, and chemicals; and the Secretary of the Treasury may appoint an inspector of customs for the port of Chelsea.
2 March, 1799, c. 22, s. 2, v. 1, p. 628.	
1 March, 1823, c. 21, s. 16, v. 3, p. 735.	
23 May, 1830, c. 147, s. 2, v. 4, p. 409.	
26 June, 1848, c. 70, s. 5, v. 9, p. 238.	
28 Sept., 1850, c. 79, s. 13, v. 9, p. 511.	
Plymouth.	Sixth. In the district of Plymouth, a collector, who shall reside at Plymouth.
2 March, 1799, c. 22, s. 2, v. 1, p. 628.	
Barnstable.	Seventh. In the district of Barnstable, a collector, who shall reside at Barnstable.
Ibid.	

Eighth. In the district of Nantucket, a collector, who shall reside at Nantucket.

Nantucket.

Ninth. In the district of Edgartown, a collector, who shall reside at Edgartown.

Ibid.

Edgartown.

Tenth. In the district of New Bedford, a collector, who shall reside at New Bedford.

Ibid.

New Bedford.

Eleventh. In the district of Fall River, a collector, who shall reside at Fall River.

Ibid.

Fall River.

2 March, 1833, c. 74, ss. 1, 2, v. 4, p. 651.

SEC. 2530. The clerks and other persons employed in the appraiser's office at the port of Boston shall be appointed by the principal appraiser, and their number and compensation shall be fixed by the Secretary of the Treasury.

Employés in appraiser's office at Boston.

SEC. 2531. There shall be in the State of Rhode Island three collection-districts, as follows:

28 May, 1830, c. 107, s. 6, v. 4, p. 411.
District in Rhode Island.

First. The district of Newport; to comprise all the waters and shores from the east line of the town of Westerly, as bounded on the third day of August, eighteen hundred and forty-two, along the sea-coast, and northward, up the Narragansett Bay, as far as the southerly boundary of Kent County on the twenty-ninth day of July, eighteen hundred and fifty, including the several towns, harbors, and landing-places at Charleston, South Kingston, and North Kingston, and also the towns, harbors, and landing-places of Tiverton and Little Compton, as bounded on the second day of March, seventeen hundred and ninety-nine, and all the towns, harbors, and landing-places of the islands of Rhode Island, Jamestown, Prudence, New Shoreham, and every other island within the State, southward of a line running nearly a northeast course from the south end of Warwick Neck to the south end of Rumstick Point at high-water mark; in which Newport shall be the port of entry, and North Kingston and Tiverton ports of delivery.

Newport.

2 March, 1799, c. 22, s. 3, v. 1, p. 629.

25 Feb., 1801, c. 7, s. 1, v. 2, p. 101.

3 Aug., 1842, c. 120, s. 2, v. 5, p. 499.

29 July, 1850, c. 29, v. 9, p. 442.

3 March, 1803, c. 26, s. 2, v. 2, p. 228.

Second. The district of Bristol and Warren; to comprise the towns of Bristol, Warren, and Barrington, and all the waters and shores around the same, within a line beginning at the middle of the bay, between Mount Hope and Common Fence Point, running southwesterly through the middle of Bristol Ferry, and continuing such course until it strikes a point of equal distance from Rhode Island to Prudence Island, from thence northwardly on a straight line to the westernmost part of Nahant Point, and from thence to the western shore of Bullock's Point; in which Bristol and Warren shall be the port of entry, and Barrington a port of delivery.

Bristol and Warren.

25 Feb., 1801, c. 7, s. 1, v. 2, p. 101.

17 April, 1832, c. 25, v. 3, p. 662.

Third. The district of Providence; to comprise all the waters and shores northward of a line running nearly a northeast course from the south end of Warwick Neck to the south end of Rumstick Point at high-water mark, and so much of the waters of the Narragansett Bay, and the shores, in the State of Rhode Island and Providence Plantations, as are within the county of Kent, including the port of East Greenwich, and that part of Warwick lying upon Greenwich Bay; in which Providence shall be the port of entry, and Patuxet and East Greenwich ports of delivery.

Providence.

2 March, 1799, c. 22, s. 3, v. 1, p. 629.

29 July, 1850, c. 29, v. 9, p. 442.

SEC. 2532. There shall be in the collection-districts in the State of Rhode Island the following officers:

Officers in Rhode Island.

First. In the district of Newport, a collector, who shall reside at Newport.

Newport.

2 March, 1799, c. 22, s. 2, v. 1, p. 630.

Second. In the district of Bristol and Warren, a collector, who shall reside at Bristol.

Bristol and Warren.

25 Feb., 1801, c. 7, s. 1, v. 2, p. 102.

Third. In the district of Providence, a collector and an appraiser, who shall reside at Providence.

Providence.

2 March, 1799, c. 22, s. 2, v. 1, p. 630.

14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

Districts in Connecticut.

Stonington.

2 March, 1799, c. 22, s. 3, v. 1, p. 630.
3 Aug., 1842, c. 190, s. 1, 3, v. 5, p. 499.

New London.

2 March, 1799, c. 22, s. 4, v. 1, p. 630.
10 May, 1800, c. 49, s. 3, v. 2, p. 65.

Middletown.

2 March, 1799, c. 22, s. 4, v. 1, p. 630.

New Haven.

2 March, 1799, c. 22, s. 4, v. 1, p. 630.

Fairfield.

Ibid.

Officers in Connecticut.

Stonington.

3 Aug., 1842, c. 190, s. 3, v. 5, p. 500.

New London.

2 March, 1799, c. 22, s. 4, v. 1, p. 630.

Middletown.

Ibid.

New Haven.

Ibid.

Fairfield.

Ibid.

4 June, 1842, c. 36, v. 5, p. 489.

Districts in New York.

Sag Harbor.

2 March, 1799, v. 1, p. 631.

26 Jan., 1848, c. 5, v. 9, p. 209.

City of New York.

2 March, 1799, c. 22, s. 5, v. 1, p. 630.

7 May, 1822, c. 107, s. 1, v. 3, p. 693.

3 March, 1825, c. 96, s. 1, v. 4, p. 127.

2 March, 1827, c. 58, v. 4, p. 237.

26 Jan., 1848, c. 5, v. 9, p. 209.

3 Aug., 1852, c. 115, s. 3, v. 10, p. 144.

21 Feb., 1863, c. 52, v. 12, p. 658.

SEC. 2533. There shall be in the State of Connecticut five collection-districts, as follows:

First. The district of Stonington; to comprise all the waters and shores from the west line of Mystic River, including the villages of Portersville and Noank, in the town of Groton, to the east line of Pawcatuck River, including the town of Westerly, in Rhode Island, as bounded on the third day of August, eighteen hundred and forty-two; in which Stonington shall be the port of entry, and Pawcatuck River, in the town of Westerly, a port of delivery.

Second. The district of New London; to comprise all the waters and shores from the west line of Mystic River to and including the town of Lyme, as bounded on the tenth day of May, eighteen hundred; in which New London shall be the port of entry, and Norwich, Groton, and Lyme ports of delivery.

Third. The district of Middletown; to comprise the waters and shores of the towns of Saybrook, Killingsworth, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor, and East Windsor, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Middletown shall be the port of entry, and Saybrook, Killingsworth, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor, and East Windsor, ports of delivery.

Fourth. The district of New Haven; to comprise the waters and shores from the west line of the district of Middletown westerly to Housatonic River; in which New Haven shall be the port of entry, and Guilford, Branford, Milford, and Derby ports of delivery.

Fifth. The district of Fairfield; to comprise all the waters and shores in the State of Connecticut west of the district of New Haven; in which Fairfield shall be the port of entry, and Norwalk, Stratford, Stamford, and Greenwich ports of delivery.

SEC. 2534. There shall be in the collection-districts of the State of Connecticut the following officers:

First. In the district of Stonington, a collector, who shall reside at Stonington.

Second. In the district of New London, a collector, who shall reside at New London.

Third. In the district of Middletown, a collector, who shall reside at Middletown.

Fourth. In the district of New Haven, a collector, who shall reside at New Haven.

Fifth. In the district of Fairfield, a collector, who may reside at Fairfield or Bridgeport.

SEC. 2535. There shall be in the State of New York ten collection-districts, as follows:

First. The district of Sag Harbor; to comprise all the waters and shores within the two points of land called Oyster Pond Point and Montauk Point; in which Sag Harbor shall be the port of entry, and Greenport a port of delivery.

Second. The district of the city of New York; to comprise all the waters and shores of the State of New York, and of the counties of Hudson and Bergen in the State of New Jersey, not included in other districts; in which New York shall be the port of entry, and New Windsor, Newburgh, Poughkeepsie, Esopus, Kinderhook, Albany, Hudson, Troy, Rhinebeck Landing, Cold Spring, and Port Jefferson ports of delivery; and Jersey City a port of entry and delivery with an assistant collector to act under the collector at New York.

21 Feb., 1863, c. 52, v. 12, p. 658.

2 March, 1867, c. 178, s. 1, v. 14, p. 542.

Third. The district of Champlain; to comprise all the waters and shores of Lake Champlain and the rivers connected therewith within the State of New York, and to extend westwardly along the northern boundary-line of the State to the river Saint Lawrence; in which Plattsburgh shall be the port of entry, and Whitehall and Fort Covington ports of delivery.

Fourth. The district of Oswegatchie; to comprise all the waters and shores of the river Saint Lawrence within the State of New York from the western boundary of the district of Champlain to the western boundary of the county of Saint Lawrence as bounded on the second day of March, eighteen hundred and eleven; in which Ogdensburgh shall be the port of entry.

Fifth. The district of Cape Vincent; to comprise all the waters and shores of the river Saint Lawrence from the western boundary of the county of Saint Lawrence as bounded on the second day of March, eighteen hundred and eleven, and all the waters and shores of Lake Ontario, and the rivers and waters connected therewith, within the jurisdiction of the United States, and within the State of New York, to the western extremity of Hungry Bay; in which Cape Vincent shall be the port of entry.

Sixth. The district of Oswego; to comprise all the waters and shores of Lake Ontario, and the rivers and waters connected therewith, within the jurisdiction of the United States, and within the State of New York, from the western extremity of Hungry Bay to the western extremity of Sodus Bay, including all the rivers and waters emptying into that bay; in which Oswego shall be the port of entry.

Seventh. The district of Genesee; to comprise all the waters and shores of Lake Ontario, and the rivers and waters connected therewith, within the jurisdiction of the United States, and within the State of New York, from the western extremity of Sodus Bay, but excluding all the rivers and waters emptying into that bay, to the eastern extremity of Oak Orchard Creek; in which the river Genesee shall be the port of entry.

Eighth. The district of Niagara; to comprise all the waters and shores of Lake Ontario and the river Niagara, and the rivers connected therewith, within the jurisdiction of the United States, and within the State of New York, from the eastern extremity of Oak Orchard Creek to the channel of Tonawanda Creek; in which Suspension Bridge shall be the port of entry.

Ninth. The district of Buffalo Creek; to comprise all the waters and shores of Lake Erie or the river Niagara, within the State of New York, from Tonawanda Creek to the eastern shore of Cattaraugus Creek; in which Buffalo shall be the port of entry.

Tenth. The district of Dunkirk; to comprise the waters and shores of the counties of Cattaraugus and Chautauqua, as bounded on the twenty-seventh day of July, eighteen hundred and fifty-four, and the harbors, rivers, and waters on the southern shore of Lake Erie, within the State of New York, west of and including Cattaraugus Creek and the shores on each side of that creek, and west along the shore and territory bordering on Lake Erie to the Pennsylvania State line, and the islands in the lake contiguous thereto; in which Dunkirk shall be the port of entry; and Barcelona, Silver Creek, and Cattaraugus Creek, ports of delivery.

SEC. 2536. There shall be in the collection-districts of the State of New York the following officers:

First. In the district of Sag Harbor, a collector, who shall reside at Sag Harbor; and a surveyor, who shall reside at Greenport.

Second. In the district of New York, a collector, an assistant collector, a naval officer, a surveyor, one appraiser, and ten assistant apprais-

Champlain.

2 March, 1799, c. 252, a. 5, v. 1, p. 630.
3 June, 1864, c. 109, v. 13, p. 119.
13 July, 1866, c. 180, v. 14, p. 94.

Oswegatchie.

2 March, 1811, c. 31, a. 2, v. 2, p. 655.

Cape Vincent.

3 March, 1803, c. 26, a. 3, v. 2, p. 229.
2 March, 1811, c. 33, a. 3, v. 2, p. 657.
18 April, 1818, c. 76, v. 3, p. 433.
3 March, 1863, c. 87, a. 2, v. 12, p. 761.

Oswego.

2 March, 1799, c. 22, a. 5, v. 1, p. 630.
3 March, 1805, c. 34, a. 1, v. 2, p. 336.
2 March, 1811, c. 31, a. 1, v. 2, p. 655.
3 March, 1863, c. 87, a. 2, v. 12, p. 761.

Genesee.

3 March, 1805, c. 34, a. 1, v. 2, p. 336.

Niagara.

2 March, 1799, c. 22, a. 5, v. 1, p. 630.
3 March, 1805, c. 34, a. 1, v. 2, p. 336.
3 March, 1863, c. 87, a. 2, v. 12, p. 761.

Buffalo Creek.

3 March, 1805, c. 34, a. 2, v. 2, p. 336.
2 March, 1811, c. 31, a. 2, v. 12, p. 761.

Dunkirk.

27 July, 1854, c. 105, a. 1, v. 10, p. 310.

Officers in New York.

Sag Harbor.

2 March, 1799, c. 22, a. 5, v. 1, p. 631.
26 Jan., 1848, c. 5, v. 9, p. 210.

City of New York.

2 March, 1799, c. 22, a. 5, v. 1, p. 631.

21 Feb., 1863, c. 52, v. 12, p. 658.

3 March, 1863, c. 79, s. 16, v. 12, p. 753.

2 March, 1867, c. 178, s. 1, v. 14, p. 542. 27 July, 1866, c. 284, ss. 1, 2, v. 14, p. 302.

Champlain.

2 March, 1799, c. 22, s. 5, v. 1, p. 631.

3 June, 1864, c. 109, v. 13, p. 119.

13 July, 1866, c. 180, v. 14, p. 94.

Oswegatchie.

2 March, 1811, c. 31, s. 2, v. 2, p. 655.

Cape Vincent.

18 Apr., 1818, c. 75, v. 3, p. 433.

Oswego.

2 March, 1799, c. 22, s. 5, v. 1, p. 631.

Genesee.

3 March, 1806, c. 34, s. 1, v. 2, p. 336.

Niagara.

2 March, 1799, c. 22, s. 5, v. 1, p. 631.

Buffalo Creek.

3 March, 1806, c. 34, s. 2, v. 2, p. 336.

Dunkirk.

27 July, 1864, c. 105, v. 10, pp. 310, 311.

Entry of merchandise intended for Greenport.

26 Jan., 1848, c. 5, v. 9, p. 210.

Examiners at New York.

27 July, 1866, c. 284, s. 4, v. 14, p. 303.

Employés in appraiser's office at New York.

Ibid.

Entry of merchandise intended for Cold Spring.

26 Jan., 1848, c. 5, v. 9, p. 210.

31 Aug., 1852, c. 115, s. 3, v. 10, p. 144.

Districts in New Jersey.

Newark.

2 March, 1799, c. 22, s. 7, v. 1, p. 632.

30 June, 1834, c. 135, s. 9, v. 4, p. 716.

22 Feb., 1869, c. 42, s. 3, v. 15, p. 273.

ers, who shall reside at the port of New York; one assistant collector, who shall reside at Jersey City, and shall have power to enter and clear vessels in like manner as the collector at New York is authorized by law to do, and shall act in conformity to such instructions as he shall from time to time receive from the collector of New York; a surveyor, to act also as collector, who shall reside at Albany. (See § 4244.)

Third. In the district of Champlain, a collector, who shall reside at Plattsburgh; a deputy collector, who shall reside at Rouse's Point; a deputy collector, who shall reside at Whitehall; and the President may appoint not exceeding two surveyors, who shall reside at such places as he may deem proper.

Fourth. In the district of Oswegatchie, a collector, who shall reside at Ogdensburgh.

Fifth. In the district of Cape Vincent, a collector, who shall reside at Cape Vincent.

Sixth. In the district of Oswego, a collector, who shall reside at Oswego.

Seventh. In the district of Genesee, a collector, who shall reside on the Genesee River.

Eighth. In the district of Niagara, a collector, who shall reside at Suspension Bridge.

3 March, 1863, c. 87, s. 2, v. 12, p. 761.

Ninth. In the district of Buffalo Creek, a collector, who shall reside at Buffalo; and an appraiser.

14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

Tenth. In the district of Dunkirk, a collector, who shall reside at Dunkirk; and for each of the ports of Barcelona, Silver Creek, and Cattaraugus Creek, a deputy collector.

SEC. 2537. All cargoes chargeable with duties intended for delivery at the port of Greenport, in the State of New York, shall be entered and the duties paid at the port of Sag Harbor, before permission shall be granted to discharge the same at Greenport.

SEC. 2538. The Secretary of the Treasury may, on the nomination of the appraiser, appoint such number of examiners at the port of New York as the Secretary may in writing determine to be necessary, to aid each of the assistant appraisers in the examination, inspection, and appraisement of merchandise.

SEC. 2539. The Secretary of the Treasury shall also appoint, on the nomination of the appraiser at the port of New York, the clerks, verifiers, samplers, openers, packers, and messengers employed in the appraiser's office, or in any of the departments thereof, and shall limit and fix their number.

SEC. 2540. All merchandise chargeable with duties intended for delivery at the port of Cold Spring, on the north side of Long Island, in the State of New York, or at the port of Port Jefferson, in that State, shall be entered and the duties paid at the port of New York, before permission shall be granted to discharge the same at Cold Spring or Port Jefferson.

SEC. 2541. There shall be in the State of New Jersey six collection-districts, as follows:

First. The district of Newark; to comprise all the waters and shores of that part of the State of New Jersey lying north and east of Elizabeth and Staten Island, extending eastward as far as the mouth of the Kill Van Kull, where it empties into the bay of New York; including all the waters and shores of Newark Bay and the rivers and bays tribu-

tary thereto, the northern shore of the strait or passage known as Kill Van Kull, and all that part of the western shore of the strait or passage known as Staten Island Sound, or Arthur Kill, which lies north of the northern boundary-line of the town of Rahway, as bounded on the twenty-second day of February, eighteen hundred and sixty-nine; in which Newark shall be the port of entry, and Elizabeth a port of delivery.

Second. The district of Perth Amboy; to comprise all the waters and shores within the State of New Jersey from the northern boundary-line of the town of Rahway, as bounded on the twenty-second day of February, eighteen hundred and sixty-nine, to Barnegat Inlet; in which Perth Amboy shall be the port of entry, and New Brunswick and Middletown Point ports of delivery.

Third. The district of Little Egg Harbor; to comprise all the waters and shores from Barnegat Inlet to Brigantine Inlet, including both; in which Tuckerton shall be the port of entry.

Fourth. The district of Great Egg Harbor; to comprise all the waters and shores of the river of Great Egg Harbor, and along the sea-coast from Brigantine Inlet to Cape May.

Fifth. The district of Bridgeton; to comprise the waters and shores of the Delaware Bay and River within the State of New Jersey, from Cape May to and including the county of Gloucester, as bounded on the second day of March, seventeen hundred and ninety-nine, except the port of Camden; in which Bridgeton shall be the port of entry, and Salem and Port Elizabeth, on Maurice River, ports of delivery.

Sixth. The district of Burlington; to comprise all the waters and shores of the Delaware River within the State of New Jersey northward of the northern boundary of the county of Gloucester, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Burlington shall be the port of entry, and Lambertton the port of delivery.

SEC. 2542. There shall be in the collection-districts of the State of New Jersey the following officers:

First. In the district of Newark, a collector, who shall reside at Newark.

Second. In the district of Perth Amboy, a collector, who shall reside at Perth Amboy.

Third. In the district of Little Egg Harbor, a collector, who shall reside at Tuckerton.

Fourth. In the district of Great Egg Harbor, a collector, who shall reside at such place within the district as may be designated by the Secretary of the Treasury.

Fifth. In the district of Bridgeton, a collector, who shall reside at Bridgeton.

Sixth. In the district of Burlington, a collector, who shall reside at Lambertton.

SEC. 2543. There shall be in the State of Pennsylvania three collection-districts, as follows:

First. The district of Philadelphia; to comprise all the waters and shores of the Delaware River, and the rivers and waters connected therewith, within the State of Pennsylvania, and the port of Camden, in New Jersey; in which Philadelphia shall be the port of entry, and Camden and Chester ports of delivery.

Perth Amboy.

2 March, 1799, c. 22, a. 7, v. 1, p. 632.

30 June, 1834, c. 135, a. 9, v. 4, p. 716.

22 Feb., 1869, c. 42, a. 3, v. 15, p. 273.

Little Egg Harbor.

2 March, 1799, c. 22, a. 7, v. 1, p. 632.

Great Egg Harbor.

Ibid.

Bridgeton.

Ibid.

28 Feb., 1867, c. 103, a. 1, v. 14, p. 417.

Burlington.

2 March, 1799, c. 22, a. 7, v. 1, p. 632.

Officers in New Jersey.

Newark.

30 June, 1834, c. 135, a. 10, v. 4, p. 716.

Perth Amboy.

2 March, 1799, c. 22, a. 7, v. 1, p. 632.

Little Egg Harbor.

2 March, 1799, c. 22, a. 7, v. 1, p. 632.

Great Egg Harbor.

2 March, 1799, c. 22, a. 7, v. 1, p. 632. 21 April, 1806, c. 45, a. 1, v. 2, p. 399.

Bridgeton.

2 March, 1799, c. 22, a. 7, v. 1, p. 632.

Burlington.

Ibid.

31 March, 1830, c. 50, v. 4, p. 392.

Districts in Pennsylvania.

Philadelphia.

2 March, 1799, c. 22, a. 8, v. 1, p. 632.

17 April, 1822, c. 24, v. 3, p. 662.

30 June, 1834, c. 135, a. 5, v. 4, p. 715. 20 Feb., 1865, c. 42, a. 1, v. 13, p. 431. 28 Feb., 1867, c. 103, a. 1, v. 14, p. 417. 29 March, 1867, c. 16, v. 15, p. 10. 25 June, 1868, c. 75, v. 15, p. 7c.

Erie.

2 March, 1799, c. 22, s. 8, v. 1, p. 632.
21 April, 1864, c. 65, v. 13, p. 54.
Pittsburgh.

2 April, 1872, c. 80, v. 17, p. 47.

Officers in Pennsylvania.**Philadelphia.**

2 March, 1799, c. 22, s. 8, v. 1, p. 632.
1 March, 1823, c. 21, s. 16, v. 3, p. 735.
28 May, 1830, c. 147, s. 2, v. 4, p. 409.
28 Feb., 1867, c. 103, s. 1, v. 14, p. 417.
26 June, 1848, c. 70, s. 5, v. 9, p. 238. 3 March, 1873, c. 225, v. 17, p. 485.

Erie.

2 March, 1799, c. 22, s. 8, v. 1, p. 632. 21 April, 1864, c. 65, v. 13, p. 54.

Pittsburgh.

3 March, 1831, c. 87, ss. 1, 5, v. 4, pp. 480, 481. 14 July, 1870, v. 16, p. 271.

Employés in appraiser's office at Philadelphia.

28 May, 1830, c. 147, s. 6, v. 4, p. 411.

District of Delaware.

2 March, 1799, c. 22, s. 9, v. 1, p. 633.
2 March, 1831, c. 76, s. 3, v. 4, p. 476.

Officers in Delaware.

2 March, 1799, c. 22, s. 9, v. 1, p. 633.

Districts in Maryland.**Eastern district.**

2 March, 1799, c. 22, s. 10, v. 1, p. 634.
15 June, 1844, c. 51, s. 1, v. 5, p. 664.

Baltimore.

2 March, 1799, c. 22, s. 10, v. 1, p. 633.
3 March, 1803, c. 26, s. 2, v. 2, p. 228.
7 May, 1822, c. 107, s. 2, v. 3, p. 693.
15 June, 1844, c. 51, s. 1, v. 5, p. 664. 25 Feb., 1867, c. 81, s. 2, v. 14, p. 410.

Annapolis.

2 March, 1799, c. 22, s. 10, v. 1, pp. 633, 634.
25 April, 1808, c. 61, s. 2, v. 2, p. 497.
7 May, 1822, c. 107, s. 2, v. 3, p. 693.
15 June, 1844, c. 51, s. 1, v. 5, p. 664.

Second. The district of Erie; to comprise all the waters and shores of Lake Erie, and the rivers and waters connected therewith, within the jurisdiction of the United States and within the State of Pennsylvania; in which Erie shall be the port of entry.

Third. The district of Pittsburgh; to comprise all the waters and shores of the Ohio River and the rivers and waters connected therewith, within the State of Pennsylvania; in which Pittsburgh shall be the port of entry.

SEC. 2544. There shall be in the collection-districts of the State of Pennsylvania the following officers:

First. In the district of Philadelphia, a collector, a naval officer, a surveyor, two appraisers, and two assistant appraisers, who shall reside at the port of Philadelphia; a special examiner of drugs, medicines, and chemicals; an assistant collector, who shall reside at Camden, and shall have power to enter and clear vessels in like manner as the collector of Philadelphia, but shall act in conformity to such instructions and regulations as he shall from time to time receive from the collector of Philadelphia; and an inspector, who shall reside at Chester, and have the powers of a deputy collector. [See § 4344.]

Second. In the district of Erie, a collector, who shall reside at Erie.

Third. In the district of Pittsburgh, a surveyor, and an appraiser.

SEC. 2545. The clerks and other persons employed in the appraiser's office at the port of Philadelphia shall be appointed by the principal appraiser, and their number and compensation shall be fixed by the Secretary of the Treasury.

SEC. 2546. There shall be in the State of Delaware one collection-district, as follows:

The district of Delaware; to comprise the State of Delaware; in which Wilmington shall be the port of entry, and New Castle, Port Penn, and Delaware City ports of delivery.

SEC. 2547. There shall be in the collection-district of Delaware a collector, who shall reside at Wilmington.

SEC. 2548. There shall be in the State of Maryland three collection-districts, as follows:

First. The Eastern district; to comprise all the waters and shores on the east side of Chesapeake Bay, from the north line of the State of Virginia to the south side of Great Choptank River; in which Crisfield shall be the port of entry, and Salisbury a port of delivery.

Second. The district of Baltimore; to comprise all the waters and shores on the east side of Chesapeake Bay north of and including the south side of Great Choptank River, and all the waters and shores on the west side of Chesapeake Bay, north of the mouth of Magothy River; in which Baltimore shall be the port of entry, and Cambridge, Easton, and Havre de Grace ports of delivery.

Third. The district of Annapolis; to comprise all the waters and shores on the east side of Chesapeake Bay south of the mouth of Magothy River to Point Lookout, and all the waters and shores of the Potomac River within the State of Maryland from Point Lookout to and including Pomonkey Creek; in which Annapolis shall be the port of entry, and Benedict, Lower Marlborough, Town Creek, Silvey's Landing, Cedar Point, Llewellynburgh, Nottingham, and Saint Mary's ports of delivery.

SEC. 2549. There shall be in the collection-districts in the State of Maryland the following officers:

First. In the eastern district, a collector, who shall reside at Crisfield.

Second. In the district of Baltimore, a collector, a naval officer, a surveyor, two appraisers, and a special examiner of drugs, medicines, and chemicals, who shall reside at the port of Baltimore; and the Secretary of the Treasury may appoint a deputy collector, who shall reside at Chesapeake City. [See § 4242.]

Third. In the district of Annapolis, a collector, who shall reside at Annapolis; a surveyor who shall reside at Town Creek, a surveyor who shall reside at Saint Mary's, and a surveyor who shall reside at Llewellynsburgh.

70, s. 5, v. 9, p. 238. 3 March, 1849, c. 127, s. 2, v. 9, p. 414.

SEC. 2550. There shall be in the District of Columbia one collection-district, as follows:

The district of Georgetown; to comprise all the waters and shores of the Potomac River within the State of Maryland and the District of Columbia from Pomonkey Creek to the head of the navigable waters of that river; in which Georgetown shall be the port of entry.

SEC. 2551. There shall be in the district of Georgetown a collector.

SEC. 2552. There shall be in the State of Virginia seven collection-districts, as follows:

First. The district of Cherrystone; to comprise all the waters and shores of the sea-coast of the State of Maryland from the south line of the State of Delaware to the north line of the State of Virginia, and the waters, shores, bays, harbors, and inlets within the counties of Northampton and Accomac in Virginia, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Cherrystone shall be the port of entry, and Snow Hill, and Folly Landing, ports of delivery.

Second. The district of Alexandria; to comprise all the waters and shores of the Potomac River within the State of Virginia from the head of the navigable waters of that river to Boyd's Hole; in which Alexandria shall be the port of entry, and Potomac a port of delivery.

Third. The district of Tappahannock; to comprise all the waters and shores of the Potomac River within the State of Virginia from Boyd's Hole to Smith's Point at the mouth of that river, and on the western shore of the Chesapeake Bay between Smith's Point and the point forming the south shore of the mouth of the Rappahannock River, and the Rappahannock River to its highest tide-water; in which Tappahannock shall be the port of entry, and Urbana, Port Royal, Fredericksburgh, and Yeocomico ports of delivery.

Fourth. The district of Yorktown; to comprise all the waters and shores from the point forming the south shore of the mouth of Rappahannock River to the point forming the south shore of the mouth of York River, and from the mouth of York River to West Point, and from West Point to the highest navigable waters of the Pamunkey and Mattaponi Rivers; in which Yorktown shall be the port of entry, and West Point, East River, and Cumberland ports of delivery.

Fifth. The district of Norfolk and Portsmouth; to comprise all the waters and shores within the State of Virginia southward of the district of Yorktown, not included in the districts of Petersburg and Richmond; in which Norfolk and Portsmouth shall be the sole port of entry, and Suffolk, Smithfield, and Hampton ports of delivery.

Officers in Maryland.

Eastern district.

25 Feb., 1867, c. 81, s. 2, v. 14, p. 410.

Baltimore.

2 March, 1799, c. 22, s. 10, v. 1, p. 633.

1 March, 1823, c. 21, s. 16, v. 3, p. 735.

26 June, 1848, c. 27, s. 2, v. 9, p. 414.

Annapolis.

2 March, 1799, c. 22, s. 10, v. 1, pp. 633, 634.

25 April, 1808, c. 51, v. 5, p. 664.

District of Columbia.

Georgetown.

2 March, 1799, c. 22, s. 10, v. 1, p. 634.

1 May, 1802, c. 45, s. 9, v. 2, p. 182.

Officers in District of Columbia.

Ibid.

Districts in Virginia.

Cherrystone.

2 March, 1799, c. 22, s. 11, v. 1, p. 635.

15 June, 1844, c. 51, s. 1, v. 5, p. 664.

11 July, 1862, c. 150, v. 12, p. 527.

25 Feb., 1867, c. 81, s. 2, v. 14, p. 410.

Alexandria.

2 March, 1799, c. 22, s. 11, v. 1, p. 634.

19 April, 1871, c. 17, s. 1, v. 17, p. 4.

Tappahannock.

2 March, 1799, c. 22, s. 11, v. 1, p. 634.

2 March, 1811, c. 33, s. 8, v. 2, p. 658.

7 May, 1822, c. 107, s. 2, v. 3, p. 693.

19 April, 1871, c. 17, ss. 1, 3, v. 17, pp. 4, 5.

Yorktown.

2 March, 1799, c. 22, s. 11, v. 1, p. 634.

Norfolk and Portsmouth.

Ibid.

7 May, 1822, c. 107, s. 2, v. 3, p. 693.

15 June, 1844, c. 51, s. 1, v. 5, p. 664.

Petersburgh.

2 March, 1799, c. 22, s. 11, v. 1, p. 634.
10 May, 1800, c. 49, s. 4, v. 2, p. 68.

Sixth. The district of Petersburgh; to comprise all the waters and shores of the James River, from the junction of the Chickahominy River on the north side, and from Hood's on the south side, to the junction of the James and Appomattox Rivers, and the Chickahominy and Appomattox Rivers to their highest tide-waters; in which the port of entry shall extend from Petersburgh to City Point.

Richmond.

2 March, 1799, c. 22, s. 11, v. 1, p. 634.
10 May, 1800, c. 49, s. 4, v. 2, p. 68.

Seventh. The district of Richmond; to comprise all the waters and shores of the James River from the junction of the James and Appomattox Rivers to the highest tide-waters of the James River; in which the port of entry shall extend from Richmond and Manchester to Bermuda Hundred.

Officers in Virginia.

SEC. 2553. There shall be in the collection-districts in the State of Virginia the following officers:

Cherrystone.

2 March, 1799, c. 22, s. 11, v. 1, p. 635.
15 June, 1844, c. 51, s. 1, v. 6, p. 664.
11 July, 1862, c. 150, v. 12, p. 537.

First. In the district of Cherrystone a collector, who shall reside at Cherrystone; and the Secretary of the Treasury may appoint a deputy collector who shall reside on Chincoteague Island, in Virginia, and shall exercise such powers as the Secretary of the Treasury may prescribe in pursuance of law; and the President, if he deems it necessary, may appoint a surveyor, who shall reside at Folly Landing.

Alexandria.

2 March, 1799, c. 22, s. 11, v. 1, p. 635.
19 April, 1871, c. 17, s. 2, v. 17, p. 4.

Second. In the district of Alexandria a collector and a surveyor, who shall reside at Alexandria, and a deputy collector who shall reside at Potomac, and perform such duties as may be imposed upon him in pursuance of law by the Secretary of the Treasury.

Tappahannock.

2 March, 1799, c. 22, s. 11, v. 1, p. 635.
2 March, 1811, c. 33, s. 8, v. 2, p. 68.

Third. In the district of Tappahannock, a collector, who shall reside at Tappahannock, a surveyor who shall reside at Urbana, a surveyor who shall reside at Port Royal, a surveyor who shall reside at Fredericksburgh, and a surveyor who shall reside at or near the mouth of the Rappahannock River, at such place as the President shall designate.

Yorktown.

2 March, 1799, c. 22, s. 11, v. 1, p. 635.
Norfolk and Portsmouth.

Fourth. In the district of Yorktown, a collector, who shall reside at Yorktown, and a surveyor, who shall reside at West Point.

2 March, 1799, c. 22, s. 11, v. 1, p. 634.
14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

Fifth. In the district of Norfolk and Portsmouth, a collector, a surveyor, and an appraiser, who shall reside at Norfolk, and a surveyor who shall reside at Suffolk, and a surveyor who shall reside at Smithfield.

Petersburgh.

2 March, 1799, c. 22, s. 11, v. 1, p. 634.

Sixth. In the district of Petersburgh, a collector and a surveyor, who shall reside at Petersburgh.

Richmond.

Ibid.

10 May, 1800, c. 49, s. 4, v. 2, p. 68.

Seventh. In the district of Richmond, a collector and a surveyor, who shall reside at Richmond, and a surveyor who shall reside at Bermuda Hundred.

Clearance at Richmond of vessel loaded at Petersburgh.

26 May, 1824, c. 161, v. 4, p. 44. 28 May, 1830, c. 152, v. 4, p. 14.

SEC. 2554. Any vessel owned by or consigned to any person in the collection-district of Richmond, and which shall be loaded, in whole or in part, in the district of Petersburgh, by such owner or consignee, may be cleared by the collector of the district of Richmond, on application of the owner, consignee, or captain of such vessel.

Districts in North Carolina.

SEC. 2555. There shall be in the State of North Carolina four collection-districts, as follows:

Albemarle.

25 Feb., 1867, c. 82, s. 1, v. 14, p. 411.
27 July, 1868, c. 257, v. 15, p. 227.

First. The district of Albemarle; to comprise Albemarle, Currituck, and Croatan Sounds, and all the waters and shores adjacent to and flowing into those sounds, south of the southern boundary-line of the State of Virginia, together with that part of Pamlico Sound north of and including Loggerhead Inlet, and all the waters and shores appertaining thereto; in which Edenton shall be the port of entry.

Pamlico.

25 Feb., 1867, c. 82, s. 1, v. 14, p. 411.

Second. The district of Pamlico; to comprise Pamlico Sound, and all the waters and shores adjacent to and flowing into that sound, not included in the district of Albemarle, and including the south line of Neuse River to the northern entrance of Core Sound; in which Newburn shall be the port of entry.

Third. The district of Beaufort; to comprise all the waters and shores south of the district of Pamlico, and north of and including New River and inlet; in which Beaufort shall be the port of entry; but the Secretary of the Treasury may, if he deems it necessary, change the port of entry to Morehead City.

Beaufort.

25 Feb., 1867, c. 82, ss. 1, 2, v. 14, p. 411.

Fourth. The district of Wilmington; to comprise all the waters and shores south of the district of Beaufort to the southern boundary of the State of North Carolina; in which Wilmington shall be the port of entry.

Wilmington.

25 Feb., 1867, c. 82, s. 1, v. 14, p. 411.

SEC. 2556. There shall be in the collection-districts in the State of North Carolina the following officers:

Officers in North Carolina.

First. In the district of Albemarle, a collector, to reside at the port of entry.

Albemarle.

Second. In the district of Pamlico, a collector, to reside at the port of entry.

Ibid.

Pamlico.

Third. In the district of Beaufort, a collector, to reside at the port of entry.

Ibid.

Beaufort.

Fourth. In the district of Wilmington, a collector, to reside at the port of entry. (See § 4342.)

Ibid.

Wilmington.

SEC. 2557. There shall be in the State of South Carolina three collection-districts, as follows:

Ibid.
Districts in South Carolina.

First. The district of Georgetown; to comprise all the waters and shores from the southern boundary of the State of North Carolina to the point of Cape Romain; in which Georgetown shall be the port of entry.

Georgetown.

2 March, 1799, c. 22, s. 13, v. 1, p. 636.

Second. The district of Charleston; to comprise all the waters and shores from Cape Romain to Combahee River, inclusive, in which Charleston shall be the port of entry.

Charleston.

Third. The district of Beaufort; to comprise all the waters and shores from Combahee River to the Back River in Georgia; in which Beaufort shall be the port of entry.

Ibid.

Beaufort.

Ibid.

SEC. 2558. There shall be in the collection-districts in the State of South Carolina the following officers:

Officers in South Carolina.

First. In the district of Georgetown, a collector.

Georgetown.

2 March, 1799, c. 22, s. 13, v. 1, p. 636.

Second. In the district of Charleston, a collector, a naval officer, a surveyor, who shall reside at Charleston, two appraisers, and a special examiner of drugs, medicines, and chemicals.

Charleston.

Ibid.

1 March, 1823, c. 70, s. 5, v. 9, p. 238.

21, s. 16, v. 3, p. 735.

26 June, 1848, c. 70, s. 5, v. 9, p. 238.

Third. In the district of Beaufort, a collector.

Beaufort.

2 March, 1799, c. 22, s. 13, v. 1, p. 636.

SEC. 2559. There shall be in the State of Georgia three collection-districts, as follows:

Districts in Georgia.

First. The district of Savannah; to comprise the Savannah River and all the waters and shores from that river to and including the south point of Sapelo Island, in which Savannah shall be the port of entry, and Augusta, Sunbury, and Hardwicke ports of delivery.

Savannah.

2 March, 1799, c. 22, s. 14, v. 1, p. 636.

15 June, 1844, c.

51, s. 1, v. 5, p. 664. 2 March, 1857, c. 62, v. 11, p. 168.

Second. The district of Brunswick; to comprise all the waters and shores from the south point of Sapelo Island to and including the south point of Jekyll Island; in which Brunswick shall be the port of entry, and Frederica and Darien ports of delivery.

Brunswick.

2 March, 1799, c. 22, s. 14, v. 1, p. 636.

21 April, 1806, c.

45, s. 2, v. 2, p. 399. 9 March, 1818, c. 14, v. 3, p. 408. 20 June, 1862, c. 116, s. 1, v. 12, p. 432.

Third. The district of Saint Mary's; to comprise all the waters and shores from the south point of Jekyll Island to and including Saint Mary's; in which Saint Mary's shall be the port of entry.

Saint Mary's.

2 March, 1799, c. 22, s. 14, v. 1, p. 636.

SEC. 2560. There shall be in the collection-districts in the State of Georgia the following officers:

Officers in Georgia.

First. In the district of Savannah, a collector, a naval officer, a surveyor, and two appraisers, who shall reside at the port of Savannah.

Savannah.

2 March, 1799, c. 22, s. 14, v. 1, p. 636.

- 1 March, 1823, c. 21, s. 16, v. 3, p. 735.
15 June, 1844, c. 51, s. 1, v. 5, p. 664.
- Brunswick.**
2 March, 1799, c. 22, s. 14, v. 1, p. 636.
21 April, 1806, c. 45, s. 2, v. 2, p. 399.
- Saint Mary's.**
2 March, 1799, c. 22, s. 14, v. 1, p. 637.
- Collectors of Savannah and Brunswick may grant permits, &c.
2 March, 1799, c. 22, s. 14, v. 1, p. 637.
- Districts in Florida.**
Fernandina.
3 March, 1857, c. 105, v. 11, p. 200.
- Saint John's.**
2 March, 1831, c. 76, s. 4, v. 4, p. 476.
3 August, 1854, c. 202, s. 1, v. 10, p. 346.
- Saint Augustine.**
7 May, 1822, c. 62, s. 2, v. 3, p. 684.
21 January, 1829, c. 10, s. 2, v. 4, p. 331.
- Key West.**
7 May, 1822, c. 62, s. 3, v. 3, p. 684.
13 July, 1832, c. 201, s. 2, v. 4, p. 577.
- Saint Mark's.**
21 Jan., 1829, c. 10, s. 1, v. 4, p. 331.
13 July, 1832, c. 201, s. 2, v. 4, p. 577.
- Apalachicola.**
7 May, 1822, c. 62, s. 4, v. 3, p. 684.
21 January, 1829, c. 10, s. 1, v. 4, p. 331.
- Pensacola.**
7 May, 1822, c. 62, s. 5, v. 3, p. 684.
- President may appoint ports of delivery in Florida.
7 May, 1822, c. 62, s. 6, v. 3, p. 684.
- Officers in Florida.**
Fernandina.
3 March, 1857, c. 105, v. 11, p. 200.
- Saint John's.**
2 March, 1831, c. 76, s. 4, v. 4, p. 476.
3 Aug., 1854, c. 202, s. 1, v. 10, p. 346.
- surveyor, who shall reside at Augusta; and the President, if he deems it necessary, may appoint a surveyor who shall reside at Sunbury, and a surveyor who shall reside at Hardwicke.
- 2 March, 1867, c. 62, v. 11, p. 168.
- Second.** In the district of Brunswick, a collector, who shall reside at Brunswick; a deputy collector, who shall reside at Darien; and a surveyor, who shall reside at such place in the district as may be designated by the Secretary of the Treasury.
9 March, 1818, c. 14, v. 3, p. 408. 20 June, 1862, c. 116, s. 1, v. 12, p. 432.
- Third.** In the district of Saint Mary's, a collector, who shall reside at Saint Mary's.
- SEC. 2561.** The collectors of the districts of Savannah and Brunswick, in the State of Georgia, are each authorized to grant permits to unload at any port within their districts, respectively, and to appoint and put on board any vessel for which such a permit is granted one or more inspectors, as may be necessary for the security of the revenue.
- SEC. 2562.** There shall be in the State of Florida seven collection-districts, as follows:
First. The district of Fernandina; to comprise all the waters and shores in the county of Nassau as bounded on the third day of March, eighteen hundred and fifty-seven; in which Fernandina shall be the port of entry.
Second. The district of Saint John's; to comprise all the waters and shores from the southern boundary of the county of Nassau, as bounded on the third day of March, eighteen hundred and fifty-seven, to the south side of the Saint John's River; in which such place, on the Saint John's River, as the President may direct, shall be the port of entry, and Pilatka a port of delivery.
Third. The district of Saint Augustine; to comprise all the waters and shores from the south side of Saint John's River to and including Indian River; in which Saint Augustine shall be the port of entry.
Fourth. The district of Key West; to comprise all the waters and shores from Indian River to and including Tampa Bay, and of the islands opposite and nearest thereto; in which Key West shall be the port of entry.
Fifth. The district of Saint Mark's; to comprise all the waters and shores from Tampa Bay to and including Oklokonee Bay; in which Cedar Keys shall be the port of entry, and Saint Mark's, Bayport, and Magnolia, ports of delivery.
3 August, 1854, c. 202, s. 1, v. 10, p. 346. 8 Feb., 1871, c. 39, v. 16, p. 407.
Sixth. The district of Apalachicola; to comprise all the waters and shores from Oklokonee Bay to Cape San Blas; in which such place as the President may designate shall be the port of entry.
Seventh. The district of Pensacola; to comprise all the waters and shores of the State of Florida west of Cape San Blas; in which Pensacola shall be the port of entry; and the President may establish such ports of delivery in the districts of Florida as he may deem expedient; and for each port of delivery so established he shall appoint a surveyor, to reside at the port for which he is appointed.
- SEC. 2563.** There shall be in the collection-districts in the State of Florida the following officers:
First. In the district of Fernandina, a collector.
- Second.** In the district of Saint John's, a collector, who shall reside at such place as the President may designate as a port of entry, and a surveyor who shall reside at Pilatka.

Third. In the district of Saint Augustine, a collector, who shall reside at Saint Augustine.

Saint Augustine.
7 May, 1822, c. 62,
s. 2-7, v. 3, p. 684.
Key West.

Fourth. In the district of Key West, a collector, who shall reside at Key West.

7 May, 1822, c.
ss. 2, 3, v. 4, p. 577.
62, s. 3, v. 3, p. 684. 13 July, 1832, c. 201,
ss. 2, 3, v. 4, p. 577.

Fifth. In the district of Saint Mark's, a collector, who shall reside at Cedar Keys, and a surveyor who shall reside at Bayport.

Saint Mark's.

3 Aug., 1854, c.
202, s. 1, v. 10, p. 346. 8 Feb., 1871, c. 39, v. 16, p. 407.

Sixth. In the district of Apalachicola, a collector, who shall reside at the port of entry.

Apalachicola.

7 May, 1822, c. 62,
ss. 4, 7, v. 3, p. 684.
Pensacola.

Seventh. In the district of Pensacola, a collector, who shall reside at Pensacola.

7 May, 1822, c. 62,
ss. 5, 7, v. 3, p. 684.
District in Ala-
bama.

SEC. 2564. There shall be in the State of Alabama one collection-district, as follows:

The district of Mobile, to comprise all the waters and shores of the river Mobile, and of the other rivers, creeks, inlets, and bays emptying into the Gulf of Mexico, within the State; in which Mobile shall be the port of entry, and Selma, in the State of Alabama, shall be a port of delivery.

Mobile.

24 Feb., 1804, c.
13, s. 11, v. 2, p. 254.
22 July, 1813, c.
18, v. 3, p. 35.

SEC. 2565. There shall be in the collection-district of Alabama a collector and an appraiser, who shall reside at the port of Mobile, and a surveyor who shall reside at Selma.

3 March, 1857, c.
102, v. 11, p. 199.
Officers in Ala-
bama.

Mobile.

24 Feb., 1804, c. 13, s. 11, v. 2, p. 254. 14 July, 1870, c. 265, ss. 35,
March, 1857, c. 102, v. 11, p. 199. 27 Jan., 1858, c. 3, v. 11, p. 260.

36, v. 16, p. 271. 3

SEC. 2566. There shall be in the State of Mississippi three collection-districts, as follows:

Districts in Mis-
sissippi.

First. The district of Pearl River; to comprise all the waters and shores of the Gulf of Mexico and of Lake Borgne, within the State; in which Shieldsborough shall be the port of entry, and Pearlington and Ship Island ports of delivery.

Pearl River.

2 March, 1821, c.
16, v. 3, p. 617.

15 June, 1844, c.
51, s. 2, v. 5, p. 664. 9 May, 1848, c. 40, v. 9, p. 220.

15 June, 1844, c.
40, v. 9, p. 220.

Second. The district of Natchez; to comprise all the waters and shores of the Mississippi River within the State of Mississippi south of the range line between townships thirteen and fourteen; in which Natchez shall be the port of entry, and Grand Gulf a port of delivery.

Natchez.

30 June, 1834, c.
135, s. 1, v. 4, p. 715.
7 July, 1858, c.
175, v. 5, p. 267.

Third. The district of Vicksburgh; to comprise all the waters and shores of the Mississippi River within the State of Mississippi north of the range-line between townships thirteen and fourteen; in which Vicksburgh shall be the port of entry.

Vicksburgh.

7 July, 1838, c.
175, v. 5, p. 267.

SEC. 2567. There shall be in the collection-districts in the State of Mississippi the following officers:

7 July, 1838, c.
169, s. 8, v. 5, p. 267.
Officers in Mis-
sissippi.

First. In the district of Pearl River, a collector, who shall reside at the port of Shieldsborough; and a deputy collector, who shall reside at Ship Island, and shall be authorized to perform the duties of a collector.

Pearl River.

2 March, 1821, c.
16, v. 3, p. 617.

9 May, 1848, c. 40, v. 9, p. 220.

Second. In the district of Natchez, a collector, who shall reside at Natchez.

Natchez.

30 June, 1834, c.
135, s. 1, v. 4, p. 715.
Vicksburgh.

Third. In the district of Vicksburgh, a collector.

7 July, 1838, c. 169, s. 8, v. 5, p. 267.

SEC. 2568. There shall be in the State of Louisiana two collection-districts, as follows:

Districts in Lou-
isiana.

First. The district of New Orleans; to comprise all the waters and shores of the State of Louisiana east of and including the northern portion of the Atchafalaya River down to a point due west from the northern boundary of the town of Plaquemine, in the parish of Iberville, and east of the Bayou Lafourche, and all the waters and shores of the Mississippi River, and of the rivers which empty into it, or any of its

New Orleans.

2 March, 1799, c.
22, s. 17, v. 1, p. 639.

24 Feb., 1804, c.
13, s. 4, v. 2, p. 262.

2 March, 1811, c.
33, s. 7, v. 2, p. 658.

30 June, 1834, c. 136, s. 1, v. 4, p. 715.
 15 June, 1844, c. 61, s. 3, v. 5, p. 664.
 25 Feb., 1873, c. 193, v. 17, p. 475.
 26 April, 1816, c. 81, s. 1, v. 3, p. 302.
 2 March, 1831, c. 76, s. 1, v. 4, p. 475.
 2 March, 1831, c. 87, s. 1, v. 4, p. 450.
 28 Sept., 1850, c. 79, s. 11, v. 9, pp. 510, 511.
 31 Aug., 1852, c. 115, s. 2, v. 10, p. 144.
 2 Feb., 1854, c. 9, v. 10, p. 266.
 2 Aug., 1854, c. 180, s. 1, v. 10, p. 333.
 2 Aug., 1854, c. 191, v. 10, p. 334.
 2 Aug., 1854, c. 192, s. 2, v. 10, p. 334.
 3 Aug., 1854, c. 198, v. 10, p. 345.
 3 Aug., 1854, c. 202, s. 2, v. 10, p. 346.
 11 March, 1864, c. 28, v. 13, p. 22.
 1 July, 1864, c. 202, v. 13, p. 342.
 7 July, 1870, c. 211, v. 16, p. 190.
 11 July, 1870, c. 244, v. 16, p. 229.
 14 July, 1870, c. 268, v. 16, p. 278.
 1 March, 1872, c. 25, v. 17, p. 33.
 3 March, 1873, c. 251, v. 17, p. 584.

The Teche.

2 March, 1811, c. 33, s. 7, v. 2, p. 658.
 31 March, 1830, c. 49, v. 4, p. 392.
 25 Feb., 1873, c. 193, s. 1, v. 17, pp. 475, 476.

Officers in Louisiana.

New Orleans.

27 Feb., 1804, c. 13, s. 4, v. 2, p. 252.
 1 March, 1872, c. 25, v. 17, p. 33.
 1 March, 1823, c. 21, s. 16, v. 3, p. 735.
 26 June, 1848, c. 70, s. 5, v. 9, p. 238.
 28 Sept., 1850, c. 79, s. 21, v. 9, p. 512.

branches, except the waters and shores within the State of Mississippi, and except the west bank of the Mississippi River between the towns of Plaquemine, in the parish of Iberville, and Donaldsonville, in the parish of Ascension; in which New Orleans shall be the port of entry, to include the parish of Orleans, and that portion of the parish of Jefferson lying between the Mississippi River and Lake Pontchartrain, and between the upper line of the parish of Orleans, left bank, and a line running parallel thereto, commencing at the Mississippi River, at the upper line of the city of Carrollton, and extending to Lake Pontchartrain; and the ports of delivery shall be as follows:

Bayou Saint John.

Pontchartrain, on Lake Pontchartrain.

Pittsburgh, in Pennsylvania.

Wheeling, in West Virginia.

Cincinnati, in Ohio.

Louisville, in Kentucky.

Saint Louis, in Missouri.

Nashville, in Tennessee.

Memphis, in Tennessee.

Evansville, in Indiana.

New Albany, in Indiana.

Burlington, in Iowa.

Galena, in Illinois.

Alton, in Illinois.

Quincy, in Illinois.

Lakeport, to include the lake terminus of the new canal.

Madison, in Indiana.

Paducah, in Kentucky.

Jeffersonville, in Indiana.

Cairo, in Illinois.

Keokuk, in Iowa.

Dubuque, in Iowa.

Parkersburgh, in West Virginia.

Leavenworth, in Kansas.

Omaha, in Nebraska.

Kansas City, in Missouri.

Saint Joseph, in Missouri.

Shreveport.

La Crosse, in Wisconsin.

Second. The district of the Teche; to comprise all the waters and shores of that part of the State of Louisiana commencing at the town of Plaquemine, in the parish of Iberville; thence down the western bank of the Mississippi River to the town of Donaldsonville, in the parish of Ascension; thence down the Bayou Lafourche and along its eastern bank to the sea; thence westerly along the coast to the mouth of the Sabine River; thence up the Sabine River and along its eastern bank to a point due west from the town of Plaquemine; and thence to the place of beginning; in which Brashear, in the parish of Saint Mary, shall be the port of entry.

SEC. 2569. There shall be in the collection-districts in the State of Louisiana the following officers:

First. In the district of New Orleans, a collector, a naval officer, a surveyor, two appraisers, and one assistant appraiser, and a special examiner of drugs, medicines, and chemicals, who shall reside at the port of New Orleans; a deputy collector, who shall reside at Shreveport, in the State of Louisiana; and for each of the other ports of delivery named in the preceding section, a surveyor, who shall reside at such port, and shall, in addition to the customary duties devolving upon such officer, perform the duties specially prescribed by law with respect to merchandise imported into that particular port. And for each of the

ports of Cincinnati, Louisville, Evansville, Saint Louis, and Memphis, there shall be appointed an appraiser, who shall reside at such port.

of delivery. 2 March, 1811, c. 33, s. 7, v. 2, p. 658. 14 July, 1870, c. 225, ss. 35, 36, v. 16, p. 271.

Second. In the district of Teche, a collector, who shall reside at Bra-shear.

Citations of preceding section for surveyors for ports
The Teche.

25 Feb., 1873, c. 198, ss. 1, 2, v. 17, pp. 475, 476.

SEC. 2570. The master of every vessel, bound to a port of delivery only, other than the port of Bayou Saint John, in the district of New Orleans, shall first come to at the port of New Orleans with his vessel, and there make report and entry, in writing, and pay, or secure to be paid, all legal duties, port-fees, and charges, in manner provided by law, before such vessel shall proceed to her port of delivery; and any vessel, bound to the port of Bayou Saint John, may first proceed to that port, and afterward make report and entry at the port of New Orleans, within the time by law limited; and the master of every vessel, arriving from a foreign port, or having goods on board of which the duties have not been paid or secured, and bound to any port within the district of New Orleans, other than New Orleans or Bayou Saint John, shall take an inspector on board at New Orleans before proceeding to such port. If any master of a vessel shall proceed to such port of delivery, contrary to the directions of this section, he shall be liable to a penalty of five hundred dollars.

Vessels bound to ports of delivery must make entry at New Orleans.

24 Feb., 1804, c. 13, s. 7, v. 2, p. 253.

SEC. 2571. All vessels bound to the port of Bayou Saint John shall, after proceeding thereto, and making report and entry at the port of New Orleans, within the time limited by law, be permitted to unlade their cargoes at the town of the Bayou Saint John, or at the basin of the canal of Carondelet, adjoining the city of New Orleans, under the rules and regulations prescribed by law.

Vessels bound to port of Bayou Saint John.

26 April, 1816, c. 81, s. 1, v. 3, p. 302.

SEC. 2572. All vessels bound to the port of Lakeport shall, after proceeding thereto and making report and entry at the port of New Orleans, within the time limited by law, be permitted to unlade their cargoes at that port, under the regulations prescribed by law.

Vessels bound to port of Lakeport.

2 Aug., 1854, c. 189, s. 1, v. 10, p. 334.

SEC. 2573. All vessels about to depart from the port of Lakeport to foreign ports shall be permitted to clear with their cargoes at the custom-house, in the city of New Orleans, and depart under the same rules, regulations, and restrictions, and in every respect in the same manner as vessels clearing for foreign ports from the city of New Orleans by the way of the Mississippi River.

Vessels departing from port of Lakeport.

2 Aug., 1854, c. 189, s. 2, v. 10, p. 334.

SEC. 2574. All vessels bound to the port of Pontchartrain shall, after proceeding thereto, and making report and entry at the port of New Orleans, within the time limited by law, be permitted to unlade their cargoes at the port of Pontchartrain under the regulations prescribed by law.

Vessels bound to port of Pontchartrain.

2 March, 1831, c. 76, s. 1, v. 4, pp. 475, 476.

SEC. 2575. All vessels about to depart for foreign ports from the town of Bayou Saint John, or basin of the canal de Carondelet, or the port of Pontchartrain, shall be permitted to clear with their cargoes at the custom-house in the city of New Orleans, and depart under the same regulations as vessels clearing for foreign places from the city of New Orleans by the way of the Mississippi River.

Vessels departing from port of Pontchartrain, &c.

2 March, 1831, c. 76, s. 2, v. 4, p. 476.

SEC. 2576. The collector for the district of New Orleans may, when the public service requires, with the approval of the Secretary of the Treasury, appoint, in addition to the inspectors otherwise authorized by law, temporary inspectors, not exceeding twenty in number. But this section shall not be deemed to authorize the whole number of inspectors employed at the port of New Orleans to be at any time greater than the actual number of vessels from foreign ports, having cargoes to be discharged, then lying in the port.

Collector at New Orleans may appoint additional inspectors.

3 Mar., 1845, Res. No. 15, v. 5, p. 801.
28 Sept., 1850, c. 79, s. 20, v. 9, p. 512.

SEC. 2577. The collector of the customs at the port of New Orleans may appoint, with the approbation of the Secretary of the Treasury, three head gaugers for the port.

Collector at New Orleans may appoint head gaugers. 31 Aug., 1852, c. 108, s. 6, v. 10, p. 98.

Districts in Texas.**Galveston.**

31 Dec., 1845, c. 2, ss. 1, 2, 3, v. 9, p. 2.

3 March, 1847, c. 57, s. 4, v. 9, p. 183.

Saluria.

3 March, 1847, c. 57, ss. 1, 2, 3, v. 9, p. 182.

3 March, 1849, c. 122, s. 1, v. 9, p. 409.

28 July, 1866, c. 293, s. 3, v. 14, p. 308.

5 June, 1868, c. 50, v. 15, p. 63.

Corpus Christi.

26 July, 1866, c. 293, s. 2, v. 14, p. 308.

17 April, 1872, c. 103, v. 17, p. 53.

Brazos de Santiago.

3 March, 1849, c. 122, s. 1, v. 9, p. 409.

17, p. 53.

Paso del Norte.

2 Aug., 1854, c. 193, ss. 1, 2, v. 10, p. 335.

3 March, 1855, c. 175, s. 13, v. 10, p. 671.

3 March, 1857, c. 107, s. 10, v. 11, p. 221.

Officers in Texas.**Galveston.**

31 Dec., 1845, c. 2, ss. 1, 2, 3, v. 9, p. 2.

3 March, 1847, c. 57, s. 4, v. 9, pp. 182, 183.

14 July, 1870, c. 269, v. 16, p. 278.

Saluria.

28 July, 1866, c. 293, s. 3, v. 14, p. 308.

3 March 1847, c. 57, ss. 1, 2, 3, v. 9, p. 182.

Corpus Christi.

28 July, 1866, c. 293, s. 2, v. 14, p. 308.

Brazos de Santiago.

3 March, 1849, c. 122, s. 1, v. 9, p. 409.

Paso del Norte.

2 Aug., 1854, c. 193, s. 2, v. 10, p. 335.

Additional inspectors.

30 Aug., 1852, c. 96, s. 3, v. 10, p. 38.

SEC. 2578. There shall be in the State of Texas five collection-districts, as follows:

First. The district of Galveston; to comprise all the waters and shores of the State north and east of the counties of Matagorda and Wharton as bounded on the third day of March, eighteen hundred and forty-seven; in which Galveston shall be the port of entry, and Sabine, Velasco, and Houston ports of delivery.

Second. The district of Saluria; to comprise all the waters and shores of the State from and including the counties of Matagorda and Wharton as bounded on the third day of March, eighteen hundred and forty-seven, to the county of Refugio as bounded on the twenty-eighth day of July, eighteen hundred and forty-seven; in which Indianola shall be the port of entry, and Matagorda, Copano, Lavaca, and San Antonio, ports of delivery. [See § 2004.]

Third. The district of Corpus Christi; to comprise all the waters and shores within the counties of Nueces, Zapata, Duval, Encinac, Webb, La Salle, McMullen, Live Oak, Bee, Refugio, and San Patricio, as bounded on the twenty-eighth day of July, eighteen hundred and sixty-six; in which Corpus Christi shall be the port of entry, and Aransas a port of delivery.

Fourth. The district of Brazos de Santiago; to comprise all the waters and shores of the State south of the district of Corpus Christi; in which Brownsville shall be the port of entry.

16 June, 1860, c. 134, ss. 1, 2, 3, v. 12, p. 39. 17 April, 1872, c. 103, v.

Fifth. The district of Paso del Norte; to comprise the county of El Paso, in Texas, and the Territory of New Mexico as bounded on the second day of August, eighteen hundred and fifty-four; in which El Paso shall be the port of entry. [See § 1923.]

3 March, 1857, c. 107, s. 10, v. 11, p. 221. 3

SEC. 2579. There shall be, in the collection-districts in the State of Texas, the following officers:

First. In the district of Galveston, a collector, who shall reside at Galveston; a deputy collector, who shall reside at Sabine, and shall exercise such powers as the Secretary of the Treasury may prescribe in pursuance of law; a surveyor, who shall reside at Velasco, and a surveyor who shall reside at Houston.

Second. In the district of Saluria, a collector, who shall reside at Indianola, a surveyor who shall reside at Matagorda, and a surveyor who shall reside at Lavaca, a surveyor, who shall reside at Copano.

Third. In the district of Corpus Christi, a collector, who shall reside at Corpus Christi.

Fourth. In the district of Brazos de Santiago, a collector, who shall reside at Brownsville; and a deputy collector, who shall reside at Brazos de Santiago, and shall have the power to enter and clear vessels.

16 June, 1860, c. 134, ss. 1, 2, 3, v. 12, pp. 39, 40.

Fifth. In the district of Paso del Norte, a collector, who shall reside at El Paso.

3 March, 1863, c. 88, s. 1, v. 12, p. 761.

SEC. 2580. The Secretary of the Treasury shall appoint inspectors of the customs to reside at San Antonio, Eagle Pass, the Presidio del Norte, and San Elizario, or at such other points as he may designate, not exceeding four in number, upon the routes by which goods entered and bonded and withdrawn from warehouse may, in pursuance of law,

be exported to Mexico; and such inspectors shall make a report semi-annually to the Secretary of the Treasury of all the trade that passes under inspection, stating the number of packages, description of goods, their value, and the names of the exporters. [See §§ 2002, 2004.]

SEC. 2581. All merchandise transported in bond to the port of Brownsville from any other port in the United States, by Brazos Harbor, may, on arrival in that harbor, be transhipped under such regulations, not inconsistent with law, as the Secretary of the Treasury may prescribe, in other vessels for transportation by the Rio Grande to Brownsville; and all merchandise imported into the district by Brazos Harbor, from any foreign country, may in like manner be transhipped to Brownsville as provided for goods, wares, and merchandise transhipped in bond. [See § 2002.]

Transhipment
of goods transport-
ed in bond to
Brownsville.

16 June, 1860, c.
134, s. 4, v. 12, p. 42.

SEC. 2582. There shall be in the State of California two collection-districts, as follows:

Districts in Cali-
fornia.

San Diego.

First. The district of San Diego; to comprise all the waters and shores of the counties of Santa Barbara, Los Angeles, San Bernardo, and San Diego; in which San Diego, on the Bay of San Diego, shall be the sole port of entry, and San Pedro and Santa Barbara ports of delivery.

3 March, 1873, c.
253, ss. 1, 2, v. 17,
pp. 585, 586.

San Francisco.

Ibid.

Second. The district of San Francisco; to comprise all the waters and shores of the State north of the counties of Santa Barbara, Los Angeles, and San Bernardo; in which San Francisco shall be the port of entry, and Eureka and Vallejo ports of delivery.

3 March, 1849, c.
112, ss. 1, 2, 3, v. 9,
s. 1, v. 16, p. 182. 3

p. 400. 28 Sept., 1850, c. 79, s. 1, v. 9, p. 508. 1 July, 1870, c. 190, s. 1, v. 16, p. 583. 1 March, 1871, c. 130, s. 1, v. 16, p. 583.

SEC. 2583. There shall be in the collection-districts of California the following officers:

Officers in Cali-
fornia.

San Diego.

First. In the district of San Diego, a collector, who shall reside at San Diego, and two inspectors, to be appointed by the collector, with the approval of the Secretary of the Treasury, for the ports of San Pedro and Santa Barbara.

3 March, 1873, c.
253, v. 17, pp. 585,
586.

San Francisco.

Second. In the district of San Francisco, a collector, a naval officer, a surveyor, who shall reside at San Francisco, two appraisers, two assistant appraisers, and a special examiner of drugs, medicines, and chemicals; a deputy collector who shall reside at Eureka, a deputy collector who shall reside at Vallejo, an inspector at Monterey, an inspector at Sacramento, an inspector at Benicia, and an inspector at Stockton.

28 Sept., 1850, c.
79, ss. 1, 2, v. 9, p.
508.

18 Aug., 1856, c.
129, s. 17, v. 11, p. 92.
2 June, 1862, c. 92,
ss. 1, 3, v. 16, p. 583.

a. 1, v. 12, p. 411. 3 March, 1871, c. 130,

SEC. 2584. Any vessel of five hundred tons, or over, coming from or going to sea, may proceed directly to or from the port of Vallejo, and report through the deputy collector at that port to the collector of customs at San Francisco.

Vessels going to
or from Vallejo.

1 July, 1870, c. 190,
s. 2, v. 16, p. 182.

SEC. 2585. Any vessel of one hundred tons or over, coming from or going to sea, may proceed directly to or from either the port of Eureka or the port of Wilmington, and report through the deputy collector of such port to the collector of customs at San Francisco. [See § 2582.]

Vessels going to
or from Eureka or
Wilmington.

3 March, 1871, c.
130, s. 2, v. 16, p. 583.

SEC. 2586. There shall be in the State of Oregon and Territory of Washington four collection-districts, as follows:

Districts in Ore-
gon and Washing-
ton Territory.

Southern Oregon.

First. The southern district of Oregon, to comprise all the waters and shores of that part of the State of Oregon lying south and east of the north bank of the Siuslaw River; in which Coos Bay, in Coos County, shall be the port of entry, and Ellensburg, at the mouth of Rogue River, Port Orford, and Gardner, on the Umpqua River, ports of delivery.

3 March, 1873, c.
264, ss. 1, 2, v. 17, p.
601.

Oregon.

Second. The district of Oregon; to comprise all the waters and shores lying north and east of the north bank of the Siuslaw River to the forty-sixth and a half degree of north latitude, and west of the coast range of mountains to the forty-eighth degree of north latitude, except that portion situated above the junction of the Willamette and Columbia Rivers and drained by those rivers and their tributary waters; in which Astoria shall be the port of entry.

14 Feb., 1851, c.
8, s. 1, v. 9, p. 567.

11 June, 1864, c.
122, v. 13, p. 125.

Willamette.

14 Feb., 1851, c. 8, s. 3, v. 9, p. 567.
14 June, 1870, c. 127, s. 1, v. 16, pp. 150, 151.

Third. The district of Willamette; to comprise all the waters and shores lying north and east of the north bank of Siuslaw River to the forty-sixth and a half degree of north latitude and west of the coast range of mountains to the forty-eighth degree of north latitude, above the junction of the Willamette and Columbia Rivers and drained by those rivers and their tributary waters; in which Portland shall be the port of entry.

Puget Sound.

14 Feb., 1851, c. 8, s. 1, v. 9, p. 567.
25 July, 1866, c. 252, v. 14, p. 250.

Fourth. The district of Puget Sound; to comprise all the waters and shores of the State of Oregon and Territory of Washington not included in the districts of the southern district of Oregon, Oregon, and Willamette; in which Port Townsend shall be the port of entry.

Officers in Oregon and Washington Territory.

SEC. 2587. There shall be in the collection-districts in the State of Oregon and the Territory of Washington the following officers:

Southern Oregon.

3 March, 1873, c. 264, ss. 1, 2, v. 17, p. 601.

First. In the southern district of Oregon, a collector, who shall reside at Empire City, and three deputy collectors, who may be appointed by the collector, with the approval of the Secretary of the Treasury, and of whom one shall reside at Ellensburg, one at Port Orford, and one at Gardner.

Oregon.

14 Feb., 1851, c. 8, s. 1, v. 9, p. 567.

Second. In the district of Oregon, a collector, who shall reside at Astoria.

Willamette.

14 June, 1870, c. 127, s. 1, v. 16, p. 150.

Third. In the district of Willamette, a collector, and an appraiser who shall reside at Portland.

Puget Sound.

14 Feb., 1851, c. 8, s. 1, v. 9, p. 567.

14 July, 1870, c. 55, s. 36, v. 16, p. 271.

Fourth. In the district of Puget Sound, a collector, who shall reside at Port Townsend.

Manifests of vessels bound for Portland.

14 June, 1870, c. 127, s. 2, v. 16, p. 151.

SEC. 2588. The master of every vessel entering the Columbia River from the sea, and bound for Portland, in the district of Willamette, shall exhibit his papers to the collector of the port of Astoria, and deposit with him a sworn copy of the manifest of cargo. If the vessel is laden with domestic merchandise or merchandise in bond for Portland, the collector at Astoria shall permit her to proceed to her place of destination; but if she has dutiable merchandise on board not bonded, he shall cause a customs officer to proceed on board the vessel to Portland, who shall see that no goods are landed from such vessel before her arrival and entry at the latter port. The necessary expenses, including the per diem of such officer and the expense of his return to Astoria, shall be paid by the master of such vessel to the collector of customs at Portland, for the use of the United States, before permit shall be given to unload.

Manifests of vessels clearing from Portland.

14 June, 1870, c. 127, s. 3, v. 16, p. 151.

SEC. 2589. All vessels clearing from Portland, in the district of Willamette, and bound to sea, shall, on arrival at Astoria, in the district of Oregon, report to the collector; and the master of every vessel so reporting shall leave a copy of his manifest, including any additional cargo taken on board after leaving Portland, with the collector at Astoria, and thereupon shall be allowed to proceed to sea. The master or other person in charge or command of any vessel entering the Columbia River from the sea, or clearing from Portland and bound to sea as described in this section, who shall neglect to exhibit his papers, or to report to the collector, or to deposit his manifest, as herein required, shall be liable to a penalty of one hundred dollars.

Vessels having merchandise for both Astoria and Portland.

14 June, 1870, c. 127, s. 4, v. 16, p. 151.

SEC. 2590. When a vessel shall arrive at Astoria, in the district of Oregon, from sea, having merchandise on board for that place and also for Portland, in the district of Willamette, such vessel shall enter at Astoria and discharge such portion of her cargo as is destined for that place, whereupon the collector shall cause her hatches to be closed and sealed, and shall then permit her to proceed to Portland in charge of a customs officer.

District of Alaska.

27 July, 1868, c. 273, s. 2, v. 15, p. 240.

SEC. 2591. There shall be in the Territory of Alaska one collection-district, as follows:

The district of Alaska; to comprise all the Territory of Alaska; in which Sitka shall be the port of entry.

SEC. 2592. There shall be in the collection-district of Alaska a collector, who shall reside at Sitka.

Officer in Alaska.

27 July, 1868, c. 273, s. 2, v. 15, p. 240.

SEC. 2593. There shall be in the Territories of Montana and Idaho one collection-district, as follows:

District of Montana and Idaho.

The district of Montana and Idaho; to comprise the Territories of Montana and Idaho, as bounded on the thirteenth day of April, eighteen hundred and sixty-six. The port of entry shall be designated by the Secretary of the Treasury.

13 April, 1866, c. 44, s. 2, v. 14, p. 33.

SEC. 2594. There shall be in the collection-district of Montana and Idaho a collector, who shall reside at the port of entry.

Officers in Montana and Idaho.

13 April, 1866, c. 44, s. 2, v. 14, p. 33.

SEC. 2595. There shall be in the State of Minnesota two collection-districts, as follows:

Districts in Minnesota.

First. The district of Minnesota; to comprise all the territory of the United States north of the States of Wisconsin and Iowa and east of the Territory of Montana, as bounded on the thirteenth day of April, eighteen hundred and sixty-six, except the waters and shores of Lake Superior and the rivers connected therewith; in which Pembina shall be the port of entry, and Saint Paul a port of delivery.

Minnesota.

28 Sept., 1850, c. 79, s. 8, v. 9, p. 510.

23 May, 1872, c. 199, s. 2, v. 17, p. 157.

Second. The district of Du Luth; to comprise all the waters and shores of Lake Superior and the rivers connected therewith, within the State of Minnesota; in which Du Luth shall be the port of entry.

Du Luth.

23 May, 1872, c. 199, s. 1, v. 17, p. 157.

SEC. 2596. There shall be in the collection-districts of Minnesota the following officers:

Officers in Minnesota.

First. In the district of Minnesota, a collector, who shall reside at Pembina, and a deputy collector, who shall reside at Saint Paul.

Minnesota.

28 Sept., 1850, c. 79, ss. 8, 9, v. 9, p. 510.

23 May, 1872, c. 199, s. 2, v. 17, p. 157.

Second. In the district of Du Luth, a collector, who shall reside at Du Luth.

Du Luth.

23 May, 1872, c. 199, s. 1, v. 17, p. 157.

SEC. 2597. There shall be in the State of Wisconsin one collection-district, as follows:

District in Wisconsin.

The district of Milwaukee; to comprise all the waters and shores of Lake Michigan within the State of Wisconsin; in which Milwaukee shall be the port of entry, and Kenosha, Racine, Sheboygan, Green Bay, and Depère, ports of delivery.

Milwaukee.

28 Sept., 1850, c. 79, s. 5, v. 9, pp. 509, 510.

17 June, 1864, c. 130, s. 4, v. 13, p. 134.

SEC. 2598. There shall be in the collection-districts of Wisconsin the following officers:

Officers in Wisconsin.

In the district of Milwaukee, a collector and an appraiser, who shall reside at Milwaukee, and a deputy collector at each of the ports of Kenosha, Racine, Sheboygan, Green Bay, and Depère.

Milwaukee.

28 Sept., 1850, c. 79, ss. 6, 7, v. 9, pp. 35, 36, v. 16, p. 271.

509, 510. 14 July, 1870, c. 255, ss.

SEC. 2599. There shall be in the State of Michigan four collection-districts, as follows:

Districts in Michigan.

First. The district of Michigan; to comprise all the waters and shores of the State of Michigan lying west of the principal meridian and south of the latitudinal line dividing township number forty-three from township number forty-four north of the base-line of the State, except the territory bordering Green Bay, and including the island of Bois Blanc; in which Grand Haven shall be the port of entry, and Duncan City a port of delivery.

Michigan.

13 April, 1866, c. 44, s. 1, v. 14, p. 32.

25 June, 1868, c. 74, s. 1, v. 15, p. 78.

Second. The district of Huron; to comprise all the waters and shores of the Saint Clair River, and of the counties of Saint Clair, Lapeer, Tuscola, and Saginaw, as bounded on the thirteenth day of April, eighteen hundred and sixty-six, and of all the territory of the State of Michigan lying north of those counties and east of the principal meridian; in which Port Huron shall be the port of entry.

Huron.

13 April, 1866, c. 44, s. 1, v. 14, p. 32.

25 June, 1868, c. 24, s. 3, v. 15, p. 78.

- Detroit.** Third. The district of Detroit; to comprise all the waters and shores of Lake Erie and Lake Saint Clair, and the waters connected therewith, within the jurisdiction of the United States, from the Miami River to the mouth of the Saint Clair River; in which Detroit shall be the port of entry. And the President is authorized to establish within the district of Detroit two ports of delivery.
- 2 March, 1799, c. 22, s. 17, v. 1, p. 637.
- Superior.** Fourth. The district of Superior; to comprise all the waters and shores of that part of the upper peninsula of the State of Michigan lying east of the principal meridian, all the islands in and bordering upon the Sainte Marie River, and all that part of the State of Michigan lying west of the principal meridian and north of the latitudinal line dividing township number forty-three, from township number forty-four north of the base-line of that State, including the territory in the State bordering Green Bay, together with all the islands, waters, and shores of Lake Superior, and the adjacent territory to the head waters of all the rivers and streams tributary thereto and within the States of Michigan and Wisconsin; in which Marquette shall be the port of entry, and Sault Sainte Marie and Mackinaw ports of delivery.
- 2 March, 1799, v. 1, p. 638.
25 June, 1868, c. 74, s. 2, v. 15, p. 78.
10 April, 1869, c. 28, v. 16, p. 47.
3 March, 1863, c. 87, s. 4, v. 12, p. 761.
- Officers in Michigan.** SEC. 2600. There shall be in the collection-districts of Michigan the following officers:
- Michigan.** First. In the district of Michigan, a collector, who shall reside at Grand Haven.
- 13 April, 1866, c. 44, s. 1, v. 14, p. 32.
- Huron.** Second. In the district of Huron, a collector, who shall reside at Port Huron.
- 13 April, 1866, c. 44, s. 1, v. 14, p. 32.
- Detroit.** Third. In the district of Detroit, a collector, and an appraiser, who shall reside at Detroit, and a surveyor at each of the two ports of delivery designated by the President.
- 2 March, 1799, c. 22, s. 17, v. 1, p. 638.
14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271. 20 April, 1871, c. 21, s. 15, v. 17, p. 10.
- Superior.** Fourth. In the district of Superior, a collector, who shall reside at Marquette, a deputy collector, who shall reside at Sault Sainte Marie, and a deputy collector, who shall reside at Mackinaw.
- 10 April, 1869, c. 28, v. 16, p. 47.
3 March, 1863, c. 87, s. 4, v. 12, p. 761.
- District of Indiana and Illinois.** SEC. 2601. There shall be in the States of Indiana and Illinois one collection-district, as follows:
- Chicago.** The district of Chicago; to comprise all the waters and shores of Lake Michigan within the States of Indiana and Illinois; in which Chicago shall be the port of entry, and Waukegan and Michigan City ports of delivery.
- 16 July, 1846, c. 56, v. 9, p. 38.
7 Aug., 1848, c. 145, v. 9, p. 275. 28 Sept., 1850, c. 79, s. 5, v. 9, p. 509. 28 Feb., 1865, c. 72, s. 2, v. 13, p. 445.
- Officers in Indiana and Illinois.** SEC. 2602. There shall be in the collection-district of Indiana and Illinois the following officers:
- Chicago.** First. In the district of Chicago, a collector, and an appraiser, who shall reside at Chicago; a deputy collector, who shall reside at Waukegan; and a surveyor, who shall reside at Michigan City.
- 16 July, 1846, c. 56, s. 7, v. 9, p. 38.
14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.
- Districts in Ohio.** SEC. 2603. There shall be in the State of Ohio three collection-districts, as follows:
- Miami.** First. The district of Miami; to comprise all the waters and shores of Lake Erie within the jurisdiction of the United States, from the western cape of Sandusky Bay to the western bank of the Miami River; in which Toledo shall be the port of entry. And the President is authorized to establish two ports of delivery in said district.
- 3 March, 1805, c. 34, s. 3, v. 2, p. 336.
28 Sept., 1850, c. 79, s. 12, v. 9, p. 511.
- Sandusky.** Second. The district of Sandusky; to comprise all the waters and shores of Lake Erie, within the jurisdiction of the United States, from the western bank of the Vermillion River to the western cape of Sandusky Bay; in which Sandusky shall be the port of entry.
- 2 March, 1811, c. 33, s. 2, v. 2, p. 657.
3 March, 1821, c. 48, v. 3, p. 642. 16 Aug., 1842, c. 179, v. 5, p. 507.
- Cuyahoga.** Third. The district of Cuyahoga; to comprise all the waters and shores of Lake Erie, within the jurisdiction of the United States, from
- 2 March, 1799, c. 22, s. 17, v. 1, p. 638.

the western boundary of the State of Pennsylvania to the western bank of the Vermillion River. The President is authorized to designate such place as he shall deem expedient to be the port of entry; and Fairport and two other places which may be established by the President shall be ports of delivery.

SEC. 2604. There shall be in the collection-districts of Ohio the following officers:

First. In the district of Miami, a collector, who shall reside at Toledo.

3 March, 1805, c. 34, s. 3, v. 2, p. 336. 28 Sept., 1850, c. 79, s. 12, v. 9, p. 511.

Second. In the district of Sandusky, a collector, who shall reside at Sandusky.

33, s. 2, v. 2, p. 657. 16 Aug., 1842, c. 179, v. 5, p. 507.

Third. In the district of Cuyahoga, a collector, who shall reside at Cleveland; and an appraiser at Cleveland.

22, s. 17, v. 1, p. 638. 3 March, 1805, c. 34, s. 4, v. 2, p. 336. 11 April, 425. 14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

SEC. 2605. The Secretary of the Treasury may appoint, whenever he deems it necessary, additional inspectors of the revenue for the districts named below, as follows: Passamaquoddy, four; Portland and Fal-mouth, eight; Boston and Charlestown, fourteen; Pembina, two; Chicago, eight; Superior, two; Sandusky, one; Cuyahoga, three; Erie, one; Dunkirk, one; Buffalo, six; Niagara, two; Genesee, two; Oswego, five; Oswegatchie, two; Champlain, four; Vermont, two.

SEC. 2606. At each of the ports of Providence, Norfolk, Portland in Maine, Buffalo, Chicago, Detroit, Cincinnati, Saint Louis, Evansville, Milwaukee, Louisville, Cleveland, San Francisco, Portland in Oregon, Memphis, and Mobile there shall be appointed such number of weighers, gaugers, measurers, and inspectors as may be necessary.

SEC. 2607. At the port of San Diego, in the district of San Diego, the Secretary of the Treasury shall have power to appoint such inspectors, weighers, gaugers, measurers, and other officers as may be necessary for the collection of the revenue at that port.

SEC. 2608. There shall be appointed by the President, by and with the advice and consent of the Senate, four appraisers of merchandise, who shall be employed in visiting such ports of entry in the United States, under the direction of the Secretary, as may be deemed useful by him for the security of the revenue, and shall at such ports afford such aid and assistance in the appraisement of merchandise thereat as may be deemed necessary by the Secretary of the Treasury to protect and insure uniformity in the collection of the revenue from customs.

SEC. 2609. Whenever an appraisement of imported merchandise is to be made at any port for which no appraiser is provided by law, the collector of the district shall appoint two respectable resident merchants, who shall be the appraisers of such merchandise. [See § 2945.]

SEC. 2610. Every merchant who, after being chosen by the collector as provided in the preceding section, and after due notice of such choice has been given to him in writing, declines or neglects to assist at such appraisement, shall be liable to a penalty not exceeding fifty dollars, and to the costs of prosecution therefor. [See § 2945.]

SEC. 2611. Special examiners of drugs, medicines, chemicals, and so forth, shall, before entering upon their duties, take and subscribe an oath faithfully and diligently to perform such duties, and to use their best endeavors to prevent and detect frauds upon the revenue of the United States; which oath shall be administered by the collector of the port or district where the examiner making it is employed. [See §§ 2932-2937.]

SEC. 2612. The Secretary of the Treasury shall give to the collectors of districts for which an examiner of drugs, medicines, and chemicals is not provided by law, such instructions as he may deem necessary to prevent the importation of adulterated and spurious drugs and medicines.

3 March, 1805, c. 34, s. 3, v. 2, p. 336.
11 April, 1818, c. 51, v. 3, p. 425.
3 March, 1825, c. 96, s. 1, v. 4, p. 127.
Officers in Ohio.

Miami.

79, s. 12, v. 9, p. 511.
Sandusky.

2 March, 1811, c.

33, s. 2, v. 2, p. 657. 16 Aug., 1842, c. 179, v. 5, p. 507.
Cuyahoga.

2 March, 1799, c.

1818, c. 51, v. 3, p.

Additional inspectors for certain districts.

27 June, 1864, c. 164, s. 7, v. 13, p. 198.

Weighers, gaugers, measurers, and inspectors.

14 July, 1870, c. 255, s. 36, v. 16, p. 271.

Weighers, gaugers, &c., at San Diego.

3 March, 1873, c. 253, v. 17, pp. 585, 586.
General appraisers.

3 March, 1851, c. 35, s. 3, v. 9, p. 630.

Gibbs vs. Washington, McAll., 430.

Merchants employed as appraisers.

1 March, 1823, c. 21, s. 16, v. 3, p. 735.
Merchant refusing to serve as appraiser.

1 March, 1823, c. 21, s. 19, v. 3, p. 736.

Oath of special examiners of drugs.

26 June, 1849, c. 70, s. 6, v. 9, p. 239.

Instructions to prevent importation of adulterated drugs.

26 June, 1848, c. 70, s. 5, v. 9, p. 238.

CHAPTER TWO.

QUALIFICATIONS, PAY, AND DUTIES OF OFFICERS.

- | Sec. | Sec. |
|---|---|
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| 2644. By collectors upon northern, &c., frontiers. | 2685. Collector for southern district of Oregon. |
| 2645. Accounts to be rendered quarterly. | 2686. Division of commissions on death of collector. |
| 2646. Books to be furnished to customs officers. | 2687. Apportionment of compensation for part of a year's service. |
| 2647. Quarterly account of collection of fines required. | 2688. Limit to compensation of collectors and surveyors acting as collectors. |
| 2648. Blanks. | 2689. Compensation to be exclusive of expenses. |
| 2649. Special agents to examine books, accounts, &c., of collectors. | 2690. Limit to compensation of collectors at Boston, and other specified ports. |
| 2650. Classification and payment of agents. | 2691. Limit to compensation of collectors at other ports. |
| 2651. Regulations for special agents; limit of their number and pay. | 2692. Powers of Secretary over incidental expenses. |
| 2652. Customs officers to follow instructions and decisions of Secretary of Treasury. | 2693. Accounts for services of clerks, must be verified. |
| 2653. Subordinate offices in any district may be abolished. | 2694. Assistant collector at New York. |
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 2699. Deputy collector at Potomac.
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 2702. Deputy collectors southern district of Oregon.
 2703. Naval officers for San Francisco.
 2704. Limit to compensation of naval officers.
 2705. Deputy naval officers at New York and other ports.
 2706. Surveyors at Eastport and other ports.
 2707. Surveyors at ports in district of New Orleans.
 2708. Surveyors at Pittsburgh and other ports.
 2709. Surveyor at Velasco.
 2710. Surveyor at Matagorda and Lavacca.
 2711. Surveyors at Pacific City and Milwaukee.
 2712. Surveyor at Cairo.
 2713. Surveyor at Selma.
 2714. Surveyor at San Francisco.
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 2716. Surveyor at Michigan City.
 2717. Surveyor at Albany.
 2718. Surveyor at La Crosse.
 2719. Limit of compensation of surveyors at Portland and other ports.
 2720. Limit of compensation of surveyors generally.
 2721. Deputy surveyors at San Francisco.
 2722. Deputy surveyors at New York and other ports.

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 2723. Deputy surveyor at Savannah.
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 2725. Merchant appraisers.
 2726. General appraiser at New York.
 2727. General appraisers.
 2728. Appraisers at Boston and other ports.
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 2730. Appraisers at Providence and other ports.
 2731. Assistant appraisers at New York.
 2732. Assistant appraisers at Boston and other ports.
 2733. Inspectors.
 2734. Inspectors at San Antonio and other ports.
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 2737. Power of Secretary to increase compensation of inspectors.
 2738. Persons acting as inspectors.
 2739. Weighers at Boston and other ports.
 2740. Head gaugers at New Orleans.
 2741. Gaugers at New York.
 2742. Gaugers and measurers at Boston.
 2743. Special examiners of drugs.
 2744. Special examiner of drugs at San Francisco.
 2745. Examiners and subordinate officers at New York.
 2746. Additional compensation to customs officers at San Francisco.

SEC. 2613. Collectors of the customs, naval officers, and surveyors of the customs shall be appointed for the term of four years.

Term of office of collectors, naval officers, &c.

19 May, 1820, c. 102, s. 1, v. 3, p. 582.—U. S. *vs.* Eckford's

Exrs., 1 How., 250.

SEC. 2614. The appraiser at New York, before he enters upon the duties of his office, shall take and subscribe an oath faithfully to direct and supervise the examination, inspection, and appraisement according to law, of such merchandise as the collector may direct pursuant to law, and to cause to be duly reported to the collector the true value thereof, as required by law. All other appraisers, and all resident merchants appointed according to law to act as appraisers, shall severally take and subscribe an oath diligently and faithfully to examine and inspect such merchandise as the collector may direct, and truly to report, to the best of their knowledge and belief, the true value thereof.

Appraiser's oath of office.

27 July, 1866, c. 284, s. 1, v. 14, p. 302.
 1 March, 1823, c. 21, s. 16, v. 3, p. 735.
 14 July, 1870, c. 255, ss. 34, 36, v. 16, p. 271.

SEC. 2615. Each of the assistant appraisers at the port of New York, before entering upon the duties of his office, shall take and subscribe an oath diligently and faithfully to examine and inspect such goods, wares, and merchandise as the appraiser may direct, and truly to report to him the true value thereof, according to law. Such report shall be subject to revision and correction by the appraiser, and when approved by him shall be transmitted to the collector, and shall be deemed an appraisement by the United States local appraiser of the district of such merchandise required by law. The assistant appraisers at Boston, Philadelphia, and San Francisco, shall take and subscribe an oath diligently and faithfully to examine and inspect such merchandise as the principal appraisers may direct, and truly to report to them the true value thereof, according to law.

Oath of assistant appraisers.

27 July, 1866, c. 284, s. 2, v. 14, p. 302.
 28 May, 1830, c. 147, s. 2, v. 4, p. 409.
 14 July, 1870, c. 255, ss. 34-36, v. 16, p. 271.

SEC. 2616. Every officer, clerk, or employé appointed under this Title shall, before entering upon his duties, take and subscribe an oath in addition to the oath of office prescribed by section seventeen hundred and fifty-six or section seventeen hundred and fifty-seven, Title "PROVISIONS APPLYING TO SEVERAL CLASSES OF OFFICERS," that he will

Oath of office of customs officers.

2 March, 1799, c. 22, s. 20, v. 1, p. 641.
 3 March, 1817, c. 109, s. 7, v. 3, p. 397.

30 July, 1846, c. 74, s. 9, v. 9, p. 44.

9 May, 1848, c. 40, v. 9, p. 220. 26 June, 1848, c. 70, s. 6, v. 9, p. 239.

Who may administer oath of office.

2 March, 1799, c. 22, s. 20, v. 1, p. 641.

30 July, 1846, c. 74, s. 9, v. 9, p. 44.

26 June, 1848, c. 71, s. 6, v. 9, p. 239.

Certification, &c., of oath.

2 March, 1799, c. 22, s. 20, v. 1, pp. 641, 642.

Bonds of collectors, naval officers, and surveyors.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.

4 June, 1844, c. 39, v. 5, p. 661.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.

U. S. vs. Eckford's
11 How., 154.

Ibid.

Ibid.

Ibid.

Ibid.

10 May, 1800, c. 49, v. 2, p. 68.

7 July, 1838, c. 169, s. 8, v. 5, p. 267.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.

30 June, 1834, c. 135, s. 10, v. 4, p. 716.

7 May, 1822, c. 109, s. 2, v. 3, p. 693.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.

7 May, 1822, c. 62, s. 8, v. 3, p. 684.

12 January, 1829, c. 10, s. 1, v. 4, p. 331.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.

Ibid.

Ibid.

2 March, 1831, c. 67, ss. 1, 5, v. 4, pp. 480, 482.

2 March, 1867, c. 178, s. 1, v. 14, p. 542.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

use his best endeavors to prevent and detect frauds against the laws of the United States imposing duties upon imports.

SEC. 2617. The oath of office required by law to be taken by a collector or may be taken before any magistrate authorized to administer oaths within the district to which such collector belongs. The oath required to be taken by any other person appointed to any office under this Title shall be taken before the collector of his district. [See § 1758.]

SEC. 2618. The oath of office administered to any person appointed to any office under this Title shall be certified under the hand and seal of the person by whom the same shall have been administered, and shall, within three months thereafter, be transmitted to the Commissioner of Customs. In default of taking such oath, or of transmitting a certificate thereof, the person failing shall be liable to a penalty of two hundred dollars.

SEC. 2619. Every collector, naval officer, and surveyor, shall, before entering on the duties of his office, give a bond to the United States, with one or more sufficient sureties, for the true and faithful discharge of the duties thereof according to law, under penalty as follows :

First. The collectors of New York and Philadelphia, in the sum of sixty thousand dollars each.

Second. The collector of Boston and Charlestown, in the sum of forty thousand dollars.

Third. The collectors of Baltimore and Charleston, in the sum of thirty thousand dollars each.

Fourth. The collector of Norfolk and Portsmouth, in the sum of fifteen thousand dollars.

Fifth. The collectors of Portsmouth in New Hampshire, Salem and Beverly, Newport, Providence, Wilmington in Delaware, Annapolis, Georgetown in the District of Columbia, Richmond, Alexandria, Wilmington in North Carolina, New Berne, Edenton, and Vicksburgh, in ten thousand dollars each.

Sixth. The collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Newark, Yorktown, Tappahannock, Georgetown in South Carolina, Beaufort in South Carolina, and Savannah, in five thousand dollars each.

Seventh. The collectors of Middletown and Waldoborough, in four thousand dollars each.

Eighth. The collectors of the several districts in the State of Florida, in such sum as the President shall prescribe.

2 March, 1831, c. 76, s. 4, v. 4, p. 476. 3 March, 1857, c. 105, v. 11,

Ninth. All collectors not above mentioned, in two thousand dollars each.

Tenth. The naval officers at Boston, New York, Philadelphia, Baltimore, and Charleston, in ten thousand dollars each.

Eleventh. All naval officers not above mentioned, in two thousand dollars each.

Twelfth. The surveyors at Albany, Pittsburgh, Wheeling, Cincinnati, Louisville, Saint Louis, Nashville, and Natchez, in ten thousand dollars each.

Thirteenth. The surveyors of Boston, New York, Philadelphia, Baltimore, and Charleston, in five thousand dollars each.

Fourteenth. All surveyors not above mentioned, in one thousand dollars each.

SEC. 2620. All bonds required by law to be given by collectors, naval officers, surveyors, or other officers of the customs, shall be approved by the Commissioner of Customs, and shall be filed in his office.

Bonds, how approved and filed.

17 June, 1864, c. 130, s. 5, v. 13, p. 134.

SEC. 2621. At each of the ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the collector:

Duties of collector where naval officers and surveyors are appointed.

First. To receive all reports, manifests, and documents to be made or exhibited on the entry of any ship or vessel, according to the regulations of this Title.

2 March, 1799, c. 22, s. 21, v. 1, p. 642.

Stewart vs. U. S., 17 How., 116; U. S. vs. Wood, 2 Gall., 361.

Second. To record, in books to be kept for that purpose, all manifests.

Third. To receive the entries of all ships or vessels, and of the goods, wares, and merchandise imported in them.

Fourth. To estimate, together with the naval officer where there is one, or alone where there is none, the amount of the duties payable thereupon, indorsing such amount upon the respective entries.

Fifth. To receive all moneys paid for duties, and take all bonds for securing the payment thereof.

Sixth. To grant all permits for the unloading and delivery of goods.

Seventh. To employ, with the approval of the Secretary of the Treasury, proper persons as weighers, gaugers, measurers, and inspectors at the several ports within his district.

Eighth. To provide, with the like approval, at the public expense, store-houses for the safe-keeping of goods, and such scales, weights, and measures as may be necessary. [See §§ 337, 429.]

SEC. 2622. At ports to which a collector and surveyor only are appointed, the collector shall solely execute all the duties in which the co-operation of the naval officer is requisite at the ports where a naval officer is appointed. And he shall act in like manner in case of the disability or death of the naval officer, until a successor is appointed, unless there is a deputy duly authorized under the hand and seal of the naval officer, who in that case shall continue to act until an appointment is made.

Duties of collector where no naval officer is appointed.

2 March, 1799, c. 22, s. 21, v. 1, p. 643.

SEC. 2623. At ports to which a collector only is appointed, the collector shall solely execute all the duties in which the co-operation of the naval officer is requisite, at ports where a naval officer is appointed, and he shall also, as far as may be, perform all the duties prescribed for surveyors at ports where surveyors are authorized.

Duties of collector where a collector only is appointed.

2 March, 1799, c. 22, s. 21, v. 1, p. 643.

SEC. 2624. At ports of delivery to which no surveyor is appointed, and at such ports only, the collector may, from time to time, when it is necessary, employ a proper person to perform the duties of a surveyor; who shall be entitled to the like compensation with an inspector during the time he is employed.

Employment of temporary surveyors.

2 March, 1799, c. 22, s. 21, v. 1, p. 643.

SEC. 2625. In case of the disability or death of a collector, the duties and authorities vested in him shall devolve on his deputy, if any there be at the time of such disability or death, for whose conduct the estate of such disabled or deceased collector shall be liable; and, if there be no deputy, they shall devolve upon the naval officer of the same district, if any there be; and if there be no naval officer, they shall devolve upon the surveyor of the port appointed for the residence of such disabled or deceased collector, if any there be; and if there be no such surveyor, they shall devolve upon the surveyor of the port nearest thereto and within the district.

Performance of collector's duties in case of disability.

2 March, 1799, c. 22, s. 22, v. 1, p. 644.

SEC. 2626. At ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the naval officer—

Duties of naval officers.

First. To receive copies of all manifests and entries.

2 March, 1799, c. 22, s. 21, v. 1, p. 642.

Second. To estimate, together with the collector, the duties on all merchandise subject to duty, and no duties shall be received without such estimates.

Third. To keep a separate record of such estimates.

Fourth. To countersign all permits, clearances, certificates, debentures, and other documents, to be granted by the collector.

Fifth. To examine the collector's abstracts of duties, and other ac-

[See § 3650.]

counts of receipts, bonds, and expenditures, and certify the same if found right.

Duties of surveyors where collectors and naval officers are appointed.

2 March, 1799, c. 22, s. 21, v. 1, p. 642.

[See § 2650.]

SEC. 2627. At ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the surveyor, who shall be in all cases subject to the direction of the collector—

First. To superintend and direct all inspectors, weighers, measurers, and gaugers within his port.

Second. To report once in every week to the collector the name or names of all inspectors, weighers, gaugers, or measurers who are absent from or neglect to do their duty.

Third. To visit or inspect the vessels which arrive in his port, and make a return in writing every morning to the collector of all vessels which have arrived from foreign ports during the preceding day; specifying the names and denominations of the vessels, the masters' names, from whence arrived, whether laden or in ballast, to what nation belonging, and, if American vessels, whether the masters thereof have or have not complied with the law, in having the required number of manifests of the cargo on board, agreeing in substance with the provisions of law.

Fourth. To put on board each of such vessels one or more inspectors immediately after their arrival in his port.

Fifth. To ascertain the proof, quantities, and kinds of distilled spirits imported, rating such spirits according to their respective degrees of proof, as defined by the laws imposing duties on spirits.

Sixth. To examine whether the goods imported in any vessel, and the deliveries thereof, agreeably to the inspector's returns, correspond with the permits for landing the same; and if any error or disagreement appears, to report the same to the collector, and to the naval officer, if any. [See §§ 2387-2390.]

Seventh. To superintend the lading for exportation of all goods entered for the benefit of any drawback, bounty, or allowance, and examine and report whether the kind, quantity, and quality of the goods, so laden on board any vessel for exportation, correspond with the entries and permits granted therefor.

Eighth. To examine, and, from time to time, and particularly on the first Mondays of January and July in each year, try the weights, measures, and other instruments used in ascertaining the duties on imports, with standards to be provided by each collector at the public expense for that purpose; and where disagreements or errors are discovered, to report the same to the collector; and to obey and execute such directions as he may receive for correcting the same, agreeably to the standards.

Duties of surveyor where a surveyor only is appointed.

2 March, 1799, c. 22, s. 21, v. 1, p. 643.

SEC. 2628. At ports to which surveyors only are appointed, the surveyor shall perform all the duties enjoined upon surveyors by the preceding section; and shall also receive and record the copies of all manifests transmitted to him by the collector; shall record all permits granted by the collector, distinguishing the gauge, weight, measure, and quality of goods specified therein; and shall take care that no goods be unladen or delivered from any ship or vessel without a proper permit for that purpose. [See §§ 4344-4346, 5314.]

Performance of surveyor's duties in case of disability.

2 March, 1799, c. 22, s. 22, v. 1, p. 644.

SEC. 2629. In case of the disability or death of a surveyor, the collector of the district may authorize some fit person to perform his duties and exercise his powers; and the powers of the person so authorized shall continue until a successor is duly appointed, and ready to enter upon the execution of his office.

Deputy collectors.

2 March, 1799, c. 22, s. 22, v. 1, p. 644.

3 March, 1817, c. 109, s. 7, v. 3, p. 397.

SEC. 2630. Every collector of the customs shall have authority, with the approval of the Secretary of the Treasury, to employ within his district such number of proper persons as deputy collectors of the customs as he shall deem necessary; and such deputies are declared to be officers of the customs. And in cases of occasional and necessary absence, or of sickness, any collector may exercise his powers and perform his duties by deputy, duly constituted under his hand and seal, and he shall

be answerable for the acts of such deputy in the execution of such trust.

U. S. vs. Barton, Gilp., 439; Schmaier vs. Maxwell, 3 Blatch., 408; Falleck vs. Barney, 5 Blatch., 38; Spring vs. Russell, Lowell, 258; Andrews vs. U. S., 2 Story, 203.

SEC. 2631. In case of the sickness or unavoidable absence of any collector or surveyor of customs from his office, he may, with the approval of the Secretary of the Treasury, authorize some officer or clerk under him to act in his place, and to discharge all the duties required by law of such collector or surveyor in his capacity as disbursing agent; and the official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases.

In case of sickness or absence, collectors and surveyors may authorize some officer or clerk to act.

3 March, 1873, c. 271, v. 17, p. 604.

SEC. 2632. Every naval officer and surveyor, in cases of occasional and necessary absence, or of sickness, and not otherwise, may respectively exercise and perform his functions, powers, and duties by deputy, duly constituted under their hands and seals respectively, for whom, in the execution of their trust, they shall respectively be answerable.

Deputies of naval officers and surveyors.

2 March, 1799, c. 22, s. 22, v. 1, p. 644.

U. S. vs. Barton, Gilp., 439; Merriam vs. Clinch, 6 Blatch., 5.

SEC. 2633. The Secretary of the Treasury is authorized, whenever in his opinion the public interest demands it, to clothe any deputy collector at a port other than the principal port of entry, with all the powers of his principal appertaining to official acts; and he may require such deputy to give bond to the United States, in such amount as the Secretary may prescribe, for the faithful discharge of his official duties.

When deputies may be clothed with powers of collectors.

18 July, 1866, c. 201, s. 20, v. 14, p. 185.

27 July, 1868, c. 273, s. 3, v. 15, p. 240.

SEC. 2634. The Secretary of the Treasury may, from time to time, except in cases otherwise provided, limit and fix the number and compensation of the clerks to be employed by any collector, naval officer, or surveyor, and may limit and fix the compensation of any deputy of any such collector, naval officer, or surveyor.

Limit upon number and compensation of clerks, and compensation of deputies.

7 May, 1862, c. 107, s. 15, v. 3, p. 695.

SEC. 2635. Every collector, naval officer, and surveyor shall cause to be affixed, and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees and duties demandable by law, and shall give a receipt for the fees received by him, specifying the particulars whenever required so to do; and for every failure so to do, he shall be liable to a penalty of one hundred dollars, recoverable to the use of the informer.

Table of fees to be kept posted up.

2 March, 1799, c. 22, s. 73, v. 1, p. 680.

SEC. 2636. Every officer of the customs who demands or receives any other or greater fee, compensation, or reward than is allowed by law, for performing any duty or service required from him by law, shall be liable to a penalty of two hundred dollars for each offense, recoverable to the use of the party aggrieved.

Penalty for extortion by customs officers.

2 March, 1799, c. 22, s. 73, v. 1, p. 680.

SEC. 2637. If any inspector, gauger, weigher, or measurer shall receive any gratuity, fee, or reward for any services performed by virtue of this Title, other than is by law allowed, or if any gauger, weigher, or measurer, employed as such by the public, in the districts of Portsmouth, Salem and Beverly, Boston and Charlestown, Providence, New York, Philadelphia, Baltimore, Norfolk and Portsmouth, or Charleston, shall gauge, weigh, or measure any article or articles, other than shall be directed by the proper officer, in order to ascertain the duties to be received, or the drawbacks to be allowed thereon, or shall make a return of the weight, gauge, or measure of any merchandise laden, or to be laden, on board any vessel for the benefit of drawback upon exportation, without having actually weighed, gauged, or measured the same, as the case may require, after such merchandise shall have been notified to the collector and entered for exportation, he shall be liable for the first offense to a penalty of fifty dollars, and for each subsequent offense to a penalty of two hundred dollars, and be discharged from the public service. And if any inspector or other officer of the customs shall certify the shipment of any merchandise entitled to drawback on exportation without having duly inspected and examined the same, after he shall

Penalty for extortion by inspectors, weighers, gaugers, or measurers.

2 March, 1799, c. 22, s. 73, v. 1, p. 680.

have received the permit for lading such merchandise, or if the amount of such drawback shall be estimated according to weight, gauge, or measure, until such merchandise shall be first weighed, gauged, or measured, as the case may require, he shall be subject to the like penalties, and be discharged from the public service. [See § 5444.]

Customs officers, &c., not to own vessels or engage in importation.

2 March, 1799, c. 22, s. 86, v. 1, p. 695.

Collectors, naval officers, and surveyors must keep and render accounts.

2 March, 1799, c. 23, s. 2, v. 1, p. 708.
3 March, 1849, c. 108, s. 12, v. 9, p. 396.

Andrews vs. U. S., 2 Story, 203.

Their duty in respect to accounts, and the penalty for omission.

2 March, 1799, c. 22, s. 21, v. 1, p. 643.

Accounts must include all emoluments as well as expenses.

7 May, 1822, c. 107, s. 12, v. 3, p. 695.

Services of occasional inspectors must be specified.

2 March, 1799, c. 23, s. 2, v. 1, p. 707.

List of clerks and account of expenditures for stationery, &c., to be furnished.

7 May, 1822, c. 107, s. 13, v. 3, p. 695.

Accounts of collectors upon northern, &c., frontiers.

3 March, 1863, c. 87, s. 1, v. 12, p. 700.

SEC. 2638. No person employed under the authority of the United States, in the collection of duties on imports or tonnage, shall own, either in whole or in part, any vessel, or act as agent, attorney, or consignee for the owner or owners of any vessel, or of any cargo or lading on board the same; nor shall any such person import, or be concerned directly or indirectly in the importation of any merchandise for sale into the United States. Every person who violates this section shall be liable to a penalty of five hundred dollars. [See §§ 242, 1788, 1790.]

SEC. 2639. Every collector, naval officer, and surveyor shall keep accurate accounts of all fees and official emoluments received by him, and of all expenditures, specifying expenditures for rent, fuel, stationery, and clerk hire, and shall annually, within ten days after the thirtieth day of June, transmit the same, verified by oath, to the Commissioner of Customs, who shall annually lay an abstract of the same before Congress. Every collector, naval officer, or surveyor who omits or neglects to keep such account, or to transmit the same so verified, shall be liable to a penalty of not more than five hundred dollars. [See § 1780.]

SEC. 2640. Collectors, naval officers, and surveyors shall attend in person at the ports to which they are respectively appointed; and shall keep fair and true accounts and records of all their transactions, as officers of the customs, in such manner and form as may from time to time be directed by the Secretary of the Treasury; and shall at all times submit their books, papers, and accounts to the inspection of such persons as may be appointed for that purpose; and shall once in every month, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement. And if any collector, naval officer, or surveyor shall omit to keep fair and true accounts, or shall refuse to submit forthwith his books, papers, and accounts to inspection as required by law, or if any collector shall omit or refuse to render his accounts for settlement, for a term exceeding three months after the same shall have been required by the proper officer, the delinquent officer shall be liable to a penalty of one thousand dollars, to be recovered with costs of suit.

SEC. 2641. Every collector, naval officer, and surveyor shall account to the Treasury for all his emoluments, and also for all the expenses incident to his office. Such accounts, as well of expenses as of emoluments, shall be rendered on oath, at such times and in such forms, and shall be supported by such proofs, as shall be prescribed by the Secretary of the Treasury.

SEC. 2642. The services performed by occasional inspectors shall be particularly detailed in the accounts to be transmitted to the Treasury, and certified by the naval officer or surveyor of the district, if there be any, as to the necessity for and performance of such services.

SEC. 2643. Every collector, naval officer, and surveyor shall, together with his accounts of the expenses incident to his office, render a list of the clerks employed by him, stating the rate of compensation allowed to each, and the duties which they severally perform; and also an account of the sums paid for stationery, official or contingent expenses, fuel, and office-rent, stating the purposes for which the premises rented are applied.

SEC. 2644. The collector of customs of each of the districts on the northern, northeastern, and northwestern frontiers shall render, with his accounts of the expenses incident to his office, a list of the clerks and other officers of the customs employed by him, stating the rate of compensation allowed to each, the duties they severally perform, and also an account of the sums paid for stationery, fuel, and all other office ex-

penses, including office-rent; for all of which expenses he shall submit an estimate each month in advance, and shall state the purposes for which any premises are used; and shall also render an accurate account of all fees and commissions collected by him.

SEC. 2645. All accounts for salary, compensation, and emoluments shall be rendered quarterly, at the end of each quarter of the fiscal year.

SEC. 2646. All blank-books, blanks, and stationery of every kind required by collectors and other officers of the customs shall, so soon as they can be prepared for delivery, by or under the direction of the Secretary of the Treasury, be furnished to them for the use of their respective offices, upon requisition made by them, and the expense of such books, blanks, and stationery shall be paid out of the appropriation for defraying the expenses of collecting the revenue from customs.

SEC. 2647. Every collector of customs, every naval officer, and every surveyor performing or having performed the duties of a collector, shall render a quarter-yearly account, under oath, to the Secretary of the Treasury, in such form as the Secretary shall prescribe, of all sums of money by each of them respectively received or collected for fines, penalties, or forfeitures, or for seizure of merchandise, or upon compromises made upon any seizure; or on account of suits instituted for frauds against the revenue laws; or for rent and storage of merchandise, which may be stored in the public store-houses, and for which a rent is paid beyond the rents paid by the collector or other such officer; or for custody of goods in bonded warehouses; and if from such accounting it shall appear that the money received in any one year by any collector, naval officer, or surveyor, on account and for rents and storage, and for fees and emoluments, shall in the aggregate exceed the sum of two thousand dollars, such excess shall be paid by the collector, naval officer, or surveyor, as the case may be, into the Treasury as public money.

SEC. 2648. Collectors and surveyors of the collection-districts on the northern, northeastern, and northwestern frontiers are authorized to keep on sale, at their several offices, blank manifests and clearances required for the business of their districts, and to charge the sum of ten cents, and no more, for each blank which shall be prepared and executed by them.

SEC. 2649. The Secretary of the Treasury may appoint special agents, not exceeding fifty-three in number, for the purpose of making the examinations of the books, papers, and accounts of collectors and other officers of the customs, and to be employed generally, under the direction of the Secretary, in the prevention and detection of frauds on the customs revenue; and the expense thereof shall be charged to the "appropriation to defray the expense of collecting the revenue from customs."

SEC. 2650. The special agents shall be divided into three classes:

First. The first class shall consist of nineteen agents, two of whom shall each receive, in addition to the expenses necessarily and actually incurred by him, a compensation of ten dollars per day, and seventeen of whom shall each receive, in addition to expenses necessarily and actually incurred by him, a compensation of eight dollars per day.

Second. The second class shall consist of sixteen agents, each of whom shall receive, in addition to expenses necessarily and actually incurred by him, a compensation of six dollars per day.

Third. The third class shall consist of eighteen agents, each of whom shall receive, in addition to expenses necessarily and actually incurred by him, a compensation of five dollars per day.

SEC. 2651. The Secretary of the Treasury may, from time to time, make such regulations not inconsistent with law, for the government of the special agents, as he deems expedient, and may rescind or alter regulations so made. But no special agent, in addition to those authorized by the two preceding sections, shall be appointed or employed upon any business relating to the customs revenue; nor shall any sum be paid to

Monthly estimate in advance.

Ibid.

Accounts to be rendered quarterly.

11 Feb., 1846, c. 7, a. 2, v. 9, p. 3.

Books to be furnished to customs officers.

28 July, 1866, c. 293, a. 5, v. 14, p. 309.

Quarterly account of collections of fines, &c., required.

3 March, 1841, c. 35, a. 5, v. 5, p. 432.

19 July, 1866, c. 201, a. 40, v. 14, p. 187.

3 March, 1857, c. 108, a. 8, v. 11, p. 229.

U. S. vs. Walker, 22 How., 269.

U. S. vs. McDonald, 5 Wall., 647.

[See § 2720.]

Blanks.

14 July, 1862, c. 169, a. 2, v. 12, p. 572.

Special agents to examine books, accounts, &c., of collectors, &c.

12 May, 1870, c. 102, a. 1, v. 16, p. 122.

Classification and payment of agents.

12 May, 1870, c. 102, s. 2, v. 16, p. 123.

Regulations for special agents, and limitations on their number and compensation.

12 May, 1870, c. 102, ss. 2, 3, v. 16, p. 123.

any agent authorized to be employed for mileage or any other expenses except such as are actually incurred in the discharge of his official duty.

Customs officers to follow instructions and decisions of Secretary of the Treasury.

30 Aug., 1842, c. 270, s. 24, v. 5, p. 566.

Tucker vs. Kane, Taney, 146.

SEC. 2652. It shall be the duty of all officers of the customs to execute and carry into effect all instructions of the Secretary of the Treasury relative to the execution of the revenue laws; and in case any difficulty shall arise as to the true construction or meaning of any part of the revenue laws, the decision of the Secretary of the Treasury shall be conclusive and binding upon all officers of the customs.

(See §§ 249, 479-4797, 5311.)

Subordinate offices in any district may be abolished.

18 July, 1866, c. 201, s. 29, v. 14, p. 185.

SEC. 2653. The Secretary of the Treasury is hereby authorized, whenever he shall think it advantageous to the public service, to abolish or suspend the office of naval officer, or any other subordinate office, in any collection-district of the United States, except in Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, Portland in Maine, and San Francisco, and to assign the duties of the office or any other subordinate office so abolished or suspended to a deputy collector or inspector of the customs; and so much of all fines, penalties, and forfeitures as would otherwise inure to either of such naval officers shall, after the discontinuance of their offices, respectively, be paid into the Treasury of the United States, and there credited to the fund for defraying the expenses of collecting the revenue from customs. (See § 253.)

Fees of collectors.

2 March, 1799, c. 23, s. 2, v. 1, p. 706.

17 June, 1864, c. 130, s. 3, v. 13, p. 134.

Ogden vs. Maxwell, 3 Blatch., 319.

SEC. 2654. There shall be allowed and paid for the use of the collectors the following fees:

First. To each collector for every entrance of any vessel of one hundred tons burden and upward, two dollars and a half.

Second. For every clearance of any vessel of one hundred tons burden and upward, two dollars and a half.

Third. For every entrance of any vessel under the burden of one hundred tons, one dollar and a half.

Fourth. For every clearance of any vessel under one hundred tons burden, one dollar and a half.

Fifth. For every post entry, two dollars.

Sixth. For every permit to land goods, twenty cents.

Seventh. For every bond taken officially, forty cents.

Eighth. For every permit to load goods for exportation, which are entitled to drawback, thirty cents.

Ninth. For every debenture or other official certificate, twenty cents.

Tenth. For every bill of health, twenty cents.

Eleventh. For every official document, registers excepted, required by any merchant, owner, or master of any vessel not elsewhere enumerated, twenty cents.

Division of fees and expenses between collector and naval officer.

2 March, 1799, c. 23, s. 2, v. 1, p. 706.

SEC. 2655. Where a naval officer is appointed to the same port, the fees allowed by the preceding section shall be equally divided between the collector and the naval officer; except the expense of fuel, office-rent, and necessary stationery for the collectors of Salem and Beverly, Boston and Charlestown, New York, Philadelphia, Charleston, Baltimore, Norfolk and Portsmouth, which shall be paid, three-fourths by the collectors, and the other fourth by the respective naval officers in those districts. And all fees shall, at the option of the collector, be either received by him or by the naval officer, the party receiving to account monthly with the other for his share thereof.

Division of drawback fees between collector, naval officer, and surveyor.

2 March, 1799, c. 23, s. 2, v. 1, p. 706.

SEC. 2656. All fees arising on the exportation of any merchandise on which drawback is allowed, shall be equally shared among the collector, naval officer, and surveyor, where there are such officers at the port where the fees are paid, to be accounted for monthly, by the collector or naval officer who shall receive the same; where there is no naval officer, such fees shall be divided equally between the collector and the surveyor who may have been concerned in attending to such exportation; and the surveyors shall pay their proportion of the expenses of stationery and printing.

SEC. 2657. There shall be allowed to the surveyors or inspectors of the revenue for ports the sum of two cents and one-fourth for every certificate to accompany foreign distilled spirits, and three cents and three-fourths for every certificate to accompany wines, issued within their ports respectively; and to the deputies of the inspectors, the sum of three cents and three-fourths for every cask, or package, of foreign distilled spirits or wines, by them marked and returned to their respective principals; and for gauging wines whereon duties are payable according to the value thereof, nine cents for every cask actually gauged.

SEC. 2658. For every entry of goods at any custom-house on the northern, northeastern, and northwestern frontiers of the United States, a fee of fifty cents shall be charged by the collector, and accounted for to the Government.

SEC. 2659. There shall also be allowed to the several officers hereafter mentioned the following allowances and percentages, viz: To the collector for the district of Savannah, one per centum; to the collector for the district of Marblehead, two and one-half per centum; to the collector for the district of Wiscasset, two per centum; to the collectors for the districts of Baltimore and Philadelphia, three-eighths of one per centum; to the collector for the district of Charleston, three-quarters of one per centum; to the collector for the district of Providence, one and one-quarter per centum; to the collector for the district of Portland and Falmouth, three-quarters of one per centum; to the collector for the district of Salem and Beverly, five-eighths of one per centum; to the collectors for the districts of Middletown and Newburyport, three per centum; to the collectors for the districts of Saco and Saint Mary's, three per centum; to the collectors for the districts of Kennebunk, Newport, and New London, two and a half per centum; to the collectors for the districts of Bath, Bristol, New Haven, and Alexandria, two per centum; to the collector for the district of Portsmouth, New Hampshire, one and three-fourths per centum; to the collectors for the districts of Norfolk and Portsmouth, Petersburg and Richmond, one and three-fourths per centum; to the collector for the district of New Orleans, one per centum; to the collector for the district of Boston and Charlestown, one-fifth of one per centum; to the collector for the district of New York, one-sixth of one per centum; and to the collectors of all other districts for which no provision is otherwise made, three per centum, on all moneys by them respectively received on account of duties upon imports or tonnage.

SEC. 2660. In addition to the fees and allowances otherwise provided, the collector for the district of Passamaquoddy shall receive a salary of five hundred dollars a year; the collector for the district of Sag Harbor, four hundred dollars a year; the collectors for the districts of Annapolis, York, Waldoborough, Saco, Edgartown, Fairfield, Tappahannock, and Georgetown in South Carolina, two hundred and fifty dollars a year each; the collectors for the districts of Wiscasset and Yorktown, two hundred dollars a year each; the collectors for the districts of Fall River, Castine, Frenchman's Bay, and Burlington, New Jersey, one hundred and fifty dollars a year each; the collectors for the districts of Machias, Great Egg Harbor, Little Egg Harbor, Perth Amboy, and Bridgeton, two hundred and fifty dollars a year each.

SEC. 2661. The collector for the district of Mobile shall receive, in addition to his other fees and emoluments, a salary of two hundred and fifty dollars a year.

SEC. 2662. The collector for the district of Pearl River shall receive, in addition to the fees and other emoluments established by law, a salary of two hundred and fifty dollars a year.

SEC. 2663. The collectors for the districts of Saint Mary's and Key West shall, in addition to the fees and emoluments allowed by law, receive a salary of five hundred dollars a year, each, and three per

Fees of surveyors, inspectors, and deputy inspectors.

2 March, 1799, c.

23, s. 2, v. 1, p. 706.

26 April, 1816, c.

95, v. 3, p. 306.

17 June, 1864, c.

130, s. 3, v. 13, p.

134.

Fee for entry on northern, & c., frontiers.

14 July, 1862, c.

169, s. 4, v. 12, p. 572.

Compensation of collectors for New York and other districts.

2 March, 1799, c.

23, s. 2, v. 1, p. 706.

10 May, 1800, c.

54, s. 2, v. 2, p. 72.

27 March, 1804,

c. 58, s. 2, v. 2, p.

301.

3 March, 1817, c.

49, s. 2, v. 3, p. 368.

7 May, 1822, c.

107, s. 7, v. 3, p. 694.

U. S. ca. Heth., 3

Cr., 399.

Additional compensation of collectors in certain districts.

2 March, 1799, c.

23, s. 2, v. 1, p. 706.

27 March, 1804, c.

56, s. 1, v. 2, p. 300.

10 May, 1800, c.

54, s. 1, v. 2, p. 72.

15 Dec., 1807, c.

3, v. 2, p. 451.

7 May, 1822, c.

107, s. 8, v. 3, p. 694.

13 Feb., 1837, c.

13, v. 5, p. 146.

Collector for Mobile.

24 Feb., 1804, c.

13, s. 11, v. 2, p. 254.

Collector for

Pearl River.

2 March, 1821, c.

16, v. 3, p. 617.

Collectors for

Saint Mary's and

Key West.

7 May, 1822, c. 62, s. 8, v. 3, p. 684. centum commissions, and no more, on all moneys received and paid by them on account of duties on imports or tonnage.

Collectors for Saint John's and Fernandina.

2 March, 1831, c. 76, s. 4, v. 4, p. 476.

3 March, 1857, c. 105, v. 11, p. 200.

Collector for the Teche.

25 Feb., 1873, c. 193, s. 2, v. 17, p. 476.

Collector for Natchez.

30 June, 1834, c. 135, s. 1, v. 4, p. 715.

Collector for Newark.

30 June, 1834, c. 135, s. 10, v. 4, p. 716.

Collector for Vicksburgh.

7 July, 1838, c. 169, s. 8, v. 5, p. 287.

Collector for Stonington.

3 Aug., 1842, c. 120, s. 3, v. 5, p. 500.

Collector for Puget Sound.

14 Feb., 1851, c. 8, s. 2, v. 9, p. 567.

Collector for Paso del Norte.

2 Aug., 1854, c. 193, s. 2, v. 10, p. 335.

Collector for San Francisco.

2 June, 1862, c. 92, s. 2, v. 12, p. 411.

Collector for Oregon.

21 July, 1862, c. 68, s. 2, v. 10, p. 25.

Collector for Wilmington.

7 May, 1822, c. 107, s. 8, v. 3, p. 694.

Collectors for Chicago and other districts.

17 June, 1864, c. 130, s. 2, v. 13, p. 134.

13 April, 1866, c. 44, ss. 1, 2, v. 14, pp. 32, 33.

23 May, 1872, c. 199, s. 1, v. 17, p. 157.

SEC. 2664. The collectors for the districts of Saint John's and Fernandina shall receive, in addition to the fees and emoluments allowed by law, a salary of five hundred dollars a year, each, and three per centum commissions, and no more, on all moneys received and paid by them on account of duties on imports or tonnage.

SEC. 2665. The collector for the district of Teche shall receive a salary of one thousand dollars a year, which shall cover all expenses to the United States for house-rent and storage.

SEC. 2666. The collector for the district of Natchez shall receive a salary of five hundred dollars a year.

SEC. 2667. The collector for the district of Newark shall be allowed three per centum on all moneys received on account of duties on imports or tonnage; and shall receive, in addition to his other fees and emoluments allowed by law, the annual sum of two hundred and fifty dollars, subject, however, to the limitations provided by law.

SEC. 2668. The collector for the district of Vicksburgh shall receive a salary of five hundred dollars a year.

SEC. 2669. The collector for the district of Stonington shall receive, in addition to the other emoluments allowed by law, a salary of one hundred and fifty dollars a year.

SEC. 2670. The collector for the district of Puget Sound shall receive a salary of one thousand dollars a year, with additional maximum compensation of two thousand dollars a year, when the official emoluments and fees, provided by existing laws, amount to that sum.

SEC. 2671. The collector for the district of Paso del Norte shall receive a salary of not exceeding two thousand dollars a year, including in that sum the fees allowed by law. And the amount he shall collect in any one year for fees exceeding the sum of two thousand dollars shall be accounted for and paid into the Treasury of the United States.

SEC. 2672. The collector for the district of San Francisco shall receive a salary of six thousand dollars a year.

SEC. 2673. The collector for the district of Oregon shall receive a salary of three thousand dollars a year, and no more, to include the fees of his office.

SEC. 2674. The collector of the district of Wilmington, Delaware, shall receive, in addition to the fees and emoluments established by law, a salary of five hundred dollars a year.

SEC. 2675. The collectors for the districts of Chicago, Milwaukee, Superior, Detroit, Miami, Sandusky, Cuyahoga, Erie, Dunkirk, Buffalo Creek, Niagara, Genesee, Oswego, Cape Vincent, Oswegatchie, Champlain, Huron, Michigan, Montana and Idaho, Minnesota, Du Luth, and Vermont, shall receive a salary of one thousand dollars a year each, and, in addition thereto, the fees allowed by law, and a commission of three per centum on all moneys collected and accounted for by them respectively. But the aggregate compensation derived from salary, fees, and commissions shall not in any case exceed the sum of twenty-five hundred dollars per annum, subject to the provisions of section twenty-six hundred and eighty-seven. And whenever the aggregate of salary, fees, and commissions shall in any case exceed the sum of twenty-five hundred dollars, after deducting the necessary

expenses incident to the office, for and during the same period for which such compensation is allowed, the excess shall, in every such case, be paid into the Treasury of the United States.

SEC. 2676. The collectors for the districts of Galveston, Saluria, Corpus Christi, and Brazos de Santiago shall receive a salary of one thousand five hundred dollars a year each, in addition to the fees of office. But such compensation shall in no case exceed the sum of twenty-five hundred dollars per annum in the aggregate.

Collectors for Galveston and other districts.

28 July, 1866, c. 293, s. 1, v. 14, p. 308.

SEC. 2677. The collectors for the districts of Beaufort, in South Carolina, and Pensacola shall receive a salary of one thousand dollars a year each, in addition to the fees of office.

Collectors for Beaufort, S. C., and Pensacola.

28 July, 1866, c. 293, s. 1, v. 14, p. 308.

SEC. 2678. The collectors for the district of Georgetown in the District of Columbia, and for the districts of Cherrystone, Brunswick, Saint Augustine, Saint Mark's, and Apalachicola shall receive a salary of five hundred dollars a year each, in addition to the fees of office.

Collectors for Georgetown, D. C., and other districts.

28 July, 1866, c. 293, s. 1, v. 14, p. 308.

SEC. 2679. The collector for the eastern district of Maryland shall receive a salary of twelve hundred dollars a year.

Collector for eastern district of Maryland.

25 Feb., 1867, c. 81, s. 2, v. 14, p. 410.

SEC. 2680. The collectors for the districts of Albemarle, Pamlico, Beaufort, and Wilmington, in the State of North Carolina, shall receive a salary of one thousand dollars a year each, in addition to the fees of office. Such compensation, however, shall in no case exceed the sum of twenty-five hundred dollars a year in the aggregate.

Collectors for the districts in North Carolina.

25 Feb., 1867, c. 81, s. 1, v. 14, p. 411.

SEC. 2681. The collector for the district of Alaska shall receive a salary of two thousand five hundred dollars a year in addition to the usual legal fees and emoluments of the office. But his entire compensation shall not exceed four thousand dollars a year, or a proportionate sum for a less period of time.

1 July, 1870, Res. No. 97, v. 16, p. 384.

Collector for Alaska.

27 July, 1868, c. 273, s. 2, v. 15, p. 240.

SEC. 2682. The collector for the district of Aroostook shall receive a salary of one thousand dollars a year; and in addition thereto, the fees allowed by law and a commission of three per centum on all moneys collected and accounted for by him. But the aggregate maximum compensation of the collector shall not exceed fifteen hundred dollars, which shall be the entire compensation allowed.

Collector for Aroostook.

22 Feb., 1869, c. 42, s. 2, v. 15, p. 273.

SEC. 2683. The collector for the district of Willamette shall receive a salary of one thousand dollars a year, with the fees allowed by law, and a commission on all customs money collected and accounted for by him, such salary, fees, and commissions not to exceed three thousand dollars a year.

Collector for Willamette.

20 April, 1871, c. 24, v. 17, p. 16.

SEC. 2684. The collector for the district of San Diego shall receive a salary of three thousand dollars a year.

Collector for San Diego.

3 March, 1873, c. 253, s. 1, v. 17, p. 585.

SEC. 2685. The collector for the southern district of Oregon shall receive a salary of one thousand dollars a year, with the fees allowed by law, and a commission on all customs money collected and accounted for by him, such salary, fees, and commissions not to exceed the sum of two thousand five hundred dollars a year.

Collector for southern district of Oregon.

3 March, 1873, c. 264, s. 3, v. 17, p. 601.

SEC. 2686. Whenever a collector shall die or resign, the commissions to which he would have been entitled, on the receipt of all duties bonded by him, shall be equally divided between the collector resigning, or the legal representative of such deceased collector, and his successor in office, whose duty it shall be to collect the same; and for this purpose all the public or official books, papers, and accounts of the collector resigning or deceased shall be delivered over to such successor.

Division of commissions on death of collector.

2 March, 1799, c. 23, s. 4, v. 1, p. 709.

Rates vs. Drury, 4 Mas., 118.

SEC. 2687. Collectors and all other officers of the customs, serving for a less period than a year, shall not be paid for the entire year, but shall be allowed in no case a greater than a pro rata of the maximum

Apportionment of compensation for part of a year's service.

11 Feb., 1846, c. 7, a. 1, v. 9, p. 3.
18 July, 1866, c. 201, a. 34, v. 14, p. 186.

compensation of such officers respectively for the time only which they actually serve as such collectors or officers, whether the same be under one or more appointments, or before or after confirmation. And no collector or other officer shall, in any case, receive for his services, either as fees, salary, fines, penalties, forfeitures, or otherwise, for the time he may be in service, beyond the maximum pro rata rate provided by law. And this section shall be applied and enforced in regard to all officers, agents, and employés of the United States whomsoever, as well those whose compensation is determined by a commission on disbursements, not to exceed an annual maximum, as those paid by salary or otherwise. (See § 2681.)

Limit to compensation of collectors, and surveyors acting as collectors.

3 March, 1841, c. 35, a. 5, v. 5, p. 432.

8 June, 1872, c. 347, v. 17, p. 336.—*Hoyt vs. U. S.*, 10 How., 109; *Stewart vs. U. S.*, 17 How., 116; *U. S. vs. Walker*, 22 How., 299; *U. S. vs. McDonald*, 5 Wall., 647; *U. S. vs. Collier*, 3 Blatch., 325; *Hooper vs. Fifty-one Casks of Brandy, Dav.*, 370.

Compensation to be exclusive of expenses.

3 March, 1841, c. 35, a. 5, v. 5, p. 432.

Limit to compensation of collectors for Boston and other specified ports.

7 May, 1822, c. 107, a. 9, v. 3, p. 696.

3 March, 1841, c. 35, a. 5, v. 5, p. 432.

Hoyt vs. U. S.; 10 How., 109; *U. S. vs. McDonald*, 5 Wall., 647.

Limit to compensation of collectors for other ports.

7 May, 1822, c. 107, ss. 10, 11, v. 3, p. 695.

U. S. vs. Walker, 22 How., 299; *U. S. vs. McDonald*, 5 Wall., 647; *U. S. vs. Pierce*, 2 Sum., 575; *Wentworth vs. U. S.*, 2 Story, 452.

Powers of Secretary over incidental expenses.

18 July, 1866, c. 201, a. 33, v. 14, p. 186.

Accounts for services of clerks must be verified.

7 May, 1822, c. 107, a. 16, v. 3, p. 696.

SEC. 2688. No collector, or surveyor performing the duties of collector, shall, on any pretense whatsoever, receive, hold, or retain for himself, in the aggregate, more than six thousand dollars per year, including all commissions for duties, and all fees for storage, or fees or emoluments, or any other commissions or salaries which are now allowed and limited by law. (See § 2687.)

SEC. 2689. The aggregate sums allowed in each year to the collectors, naval officers, and surveyors, shall be exclusive of the necessary expenses incident to their respective offices, in the same year, subject to the regulation of the Secretary of the Treasury.

SEC. 2690. Whenever the emoluments of any collector of either of the ports of Boston, Portland Maine, New York, Philadelphia, Baltimore, Charleston, Savannah, or New Orleans shall exceed six thousand dollars, or the emoluments of any naval officer of either of those ports shall exceed five thousand dollars, or the emoluments of any surveyor of either of said ports shall exceed four thousand five hundred dollars, in any one year, after deducting the necessary expenses incident to his office in the same year, the excess shall, in every such case, be paid into the Treasury, for the use of the United States.

SEC. 2691. Whenever the emoluments of any other collector shall exceed three thousand dollars, or the emoluments of any other naval officer shall exceed two thousand five hundred dollars, or the emoluments of any other surveyor shall exceed two thousand dollars, in any one year, after deducting therefrom the necessary expenses incident to his office in the same year, the excess shall, in every such case, be paid into the Treasury, for the use of the United States. But the provisions of this and the preceding section shall not extend to fines, penalties, or forfeitures, or the distribution thereof.

SEC. 2692. In all cases in which the fees and emoluments received by any collector or other principal officer of the customs are, in the opinion of the Secretary of the Treasury, insufficient to afford a reasonable compensation for the services of such officer, after payment out of the same of reasonable incidental expenses of the office, the Secretary may direct that so much of the incidental expenses as shall seem to him to be just shall be paid out of the appropriation for paying the expenses of collecting the revenue; and the Secretary shall have the same power in regard to incidental expenses which have heretofore been incurred, and which have not been settled and paid into the Treasury; and all fees paid into the Treasury by customs officers shall be placed to the credit of the fund for defraying the expenses of collecting the revenue from customs.

SEC. 2693. No account for the compensation for services of any clerk, or other person employed in any duties in relation to the collection of the revenue, shall be allowed, until such clerk or other person shall have certified, on oath, that the same services have been performed, that he has received the full sum therein charged to his own use and

benefit, and that he has not paid, deposited, or assigned, or contracted to pay, deposit, or assign, any part of such compensation to the use of any other person, or in any way, directly or indirectly, paid or given, or contracted to pay or give, any reward or compensation for his office or employment, or the emoluments thereof.

SEC. 2694. The assistant collector appointed at New York shall receive a salary of five thousand dollars a year, and shall perform such duties and exercise such powers now devolved on the collector as may be assigned to him by that officer; and all the official acts of such assistant, in pursuance of such assignment, shall be as valid in law as if performed by the collector himself. The collector shall be responsible for the official acts of such assistant, and no additional appropriation shall be made for the payment of his compensation.

Assistant collector at New York.

3 Mar., 1863, c. 79, s. 16, v. 12, p. 753.

SEC. 2695. The assistant collector at Jersey City, in New Jersey, shall receive a salary of two thousand dollars a year in full for all the services to be by him performed, and in lieu of commissions and fees.

Assistant collector at Jersey City.

21 Feb., 1863, c. 52, v. 12, p. 654.

Assistant collector at Camden.

28 Feb., 1867, c. 103, s. 1, v. 14, p. 417.

Deputy collectors at New York and other ports.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

Deputy collectors at Eureka and Vallejo.

SEC. 2696. The assistant collector at Camden, in New Jersey, shall receive a salary of fifteen hundred dollars a year in full for all services to be by him performed, and in lieu of commissions and fees.

SEC. 2697. The deputy collectors at New York, Boston, Philadelphia, Baltimore, New Orleans, Portland in Maine, and San Francisco, shall receive a salary of three thousand dollars a year each, payable out of the appropriation for expenses of collecting the revenue from customs.

SEC. 2698. The deputy collectors at Eureka, and Vallejo, in California, shall receive a salary of one thousand five hundred dollars a year each.

3 March, 1871, c. 130, ss. 1, 3, v. 16, p. 583.

SEC. 2699. The deputy collector at Potomac shall receive a salary of one thousand dollars a year.

Deputy collector at Potomac.

19 April, 1871, c. 17, s. 2, v. 17, p. 4.

SEC. 2700. The deputy collector at Shreveport shall receive a salary to be determined by the Secretary of the Treasury, not exceeding fifteen hundred dollars a year.

Deputy collector at Shreveport.

1 March, 1872, c. 25, v. 17, p. 33.

Deputy collector at Saint Paul.

SEC. 2701. The deputy collector at Saint Paul shall receive a salary of two thousand dollars a year, which shall include his official emoluments of all kinds. And he shall be required, in addition to his duties as deputy collector, to perform the duties of inspector, without additional compensation.

3 March, 1873, c. 273, v. 17, p. 604.

SEC. 2702. The deputy collectors at Ellensburg, at the mouth of Rogue River, Port Orford, and Gardiner, shall receive a salary of one thousand dollars a year each.

Deputy collectors southern district of Oregon.

3 March, 1873, c. 264, s. 3, v. 17, p. 602.

SEC. 2703. The naval officer for the district of San Francisco shall receive a salary of four thousand five hundred dollars a year.

Naval officer for San Francisco.

2 June, 1862, c. 92, s. 2, v. 12, p. 411.

SEC. 2704. No naval officer shall, on any pretense whatever, in the aggregate, receive, or retain for himself more than five thousand dollars a year, including all commissions on duties, and all fees for storage, or fees or emoluments, or any other commissions or salaries; but each naval officer shall be entitled to a maximum compensation of five thousand dollars a year out of any and all fees and emoluments by him received.

Limit to compensation of naval officers.

3 March, 1841, c. 35, s. 5, v. 5, p. 432.

12 July, 1870, c. 251, s. 8, v. 16, p. 251.

SEC. 2705. The deputy naval officers at New York, Boston, Philadelphia, Baltimore, New Orleans, San Francisco, and Portland in Maine, shall receive a salary of two thousand five hundred dollars a year each,

Deputy naval officers at New York and other ports.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

Surveyors at Eastport and other ports.

2 March, 1799, c. 23, s. 2, v. 1, p. 708.

10 May, 1800, c. 54, s. 1, v. 2, p. 72.

Surveyors at ports in district of New Orleans.

24 Feb., 1804, c. 13, s. 9, v. 2, p. 254.

Surveyors at Pittsburgh and other ports.

2 March, 1831, c. 87, ss. 1, 5, v. 4, p. 480; vol. 9, pp. 510, 511; vol. 10, pp. 144, 266, 334, 346; vol. 11, p. 199; vol. 13, pp. 22, 342; vol. 16, pp. 190, 229, 278.

Surveyor at Velasco.

31 Dec., 1845, c. 2, s. 3, v. 9, p. 2.

Surveyors at Matagorda and Lavaca.

3 March, 1847, c. 57, s. 3, v. 9, p. 182.

Surveyors at Pacific City and Milwaukee.

14 Feb., 1851, c. 8, s. 3, v. 9, p. 567.

Surveyor at Cairo.

3 March, 1855, c. 196, s. 2, v. 10, p. 680.

Surveyor at Selma.

3 March, 1857, c. 102, v. 11, p. 199.

Surveyor at San Francisco.

2 June, 1862, c. 92, s. 2, v. 12, p. 411.

Surveyor at Salem.

28 Feb., 1865, c. 71, s. 3, v. 13, p. 445.

Surveyor at Michigan City.

28 Feb., 1865, c. 72, s. 2, v. 13, p. 445.

Surveyor at Albany.

2 March, 1867, c. 178, s. 1, v. 14, p. 542.

payable out of the appropriation for expenses of collecting the revenue from customs.

SEC. 2706. In addition to the allowances and fees otherwise provided by law, the surveyor at Eastport shall receive a salary of five hundred dollars a year; the surveyors at Portsmouth in New Hampshire, Newburyport, Gloucester, and Fredericksburgh, in Virginia, two hundred and fifty dollars a year each; the surveyors at Portland in Maine, and Savannah, one hundred and fifty dollars a year each; the surveyors of such ports as may be established by the President, and for whom no other salaries are provided, not exceeding two hundred and fifty dollars a year each.

SEC. 2707. The surveyors at the ports in the district of New Orleans, when no other provision is made by law, shall receive, in addition to their other fees and emoluments, a salary of two hundred and fifty dollars a year each.

SEC. 2708. The surveyors at the ports of Pittsburgh in Pennsylvania, Wheeling in West Virginia, Cincinnati in Ohio, Louisville in Kentucky, Saint Louis in Missouri, Memphis and Nashville in Tennessee, Evansville and New Albany, Madison and Jeffersonville in Indiana; Alton, Quincy and Galena in Illinois; Burlington, Keokuk, and Dubuque in Iowa; Paducah in Kentucky, Selma in Alabama, Parkersburgh in West Virginia, Leavenworth in Kansas, Omaha in Nebraska, Saint Joseph and Kansas City in Missouri, shall receive, in addition to the customary fees, a salary of three hundred and fifty dollars a year each.

SEC. 2709. The surveyor at the port of Velasco shall receive a salary not exceeding one thousand dollars a year, including in that sum the fees allowed by law; and the amount collected by such surveyor in any one year for fees, exceeding the sum of one thousand dollars, shall be accounted for and paid into the Treasury.

SEC. 2710. The surveyors at Matagorda and Lavaca, in the district of Saluria, shall receive a salary of six hundred dollars a year each. The surveyor at Copano shall receive a salary of five hundred dollars a year.

SEC. 2711. The surveyors at Pacific City and at Milwaukee shall receive, in addition to the fees authorized by law, a salary not exceeding one thousand dollars a year each.

SEC. 2712. The surveyor at Cairo, in Illinois, shall receive a salary of eight hundred dollars a year.

SEC. 2713. The surveyor at Selma shall receive, in addition to his fees, a salary of three hundred and fifty dollars a year.

SEC. 2714. The surveyor at San Francisco shall receive a salary of four thousand dollars a year.

SEC. 2715. The surveyor at Salem and Beverly shall receive a salary of four hundred dollars a year.

SEC. 2716. The surveyor at Michigan City shall receive a salary of three hundred and fifty dollars a year.

SEC. 2717. The surveyor at Albany shall receive, in addition to the customary fees and emoluments of his office, a salary of six hundred dollars a year.

SEC. 2718. The surveyor at La Crosse, in Wisconsin, shall receive a compensation not exceeding twelve hundred dollars a year.

Surveyor at La Crosse.

3 March, 1873, c. 251, v. 17, p. 584.

SEC. 2719. Whenever the emoluments of any surveyor at either of the ports of Portland, Maine, Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, or New Orleans, shall exceed four thousand five hundred dollars in any one year, after deducting the necessary expenses incident to his office in the same year, the excess shall be paid into the Treasury, for the use of the United States.

Limit of compensation of surveyors at Portland and other ports.

7 May, 1822, c. 107, s. 9, v. 3, p. 695.

3 March, 1841, c. 35, s. 5, v. 5, p. 432.

12 July, 1870, c. 251, s. 8, v. 16, p. 251.

SEC. 2720. Whenever the emoluments of any surveyor, other than those named in the preceding section, shall exceed two thousand dollars in any one year, after deducting therefrom the necessary expenses incident to his office in the same year, the excess shall be paid into the Treasury, for the use of the United States. And no surveyor shall, on any pretense whatever, in the aggregate, receive, or retain for himself, more than four thousand five hundred dollars a year, including all commissions or fees or emoluments, or any other commissions or salaries which are now allowed and limited by law; but each surveyor shall be entitled to a maximum compensation of four thousand five hundred dollars a year, out of any and all fees and emoluments by him received. And when any surveyor shall perform the duties of collector, he shall be entitled to the same compensation as is allowed to a collector for like services, and shall be subject to the same limitations. (See § 2647.)

Limit of compensation of surveyors generally.

7 May, 1822, c. 107, s. 10, v. 3, p. 695.

3 March, 1841, c. 35, s. 5, v. 5, p. 432.

12 July, 1870, c. 251, s. 8, v. 16, p. 251.

SEC. 2721. The deputy surveyor at San Francisco shall receive a salary of three thousand dollars a year.

Deputy surveyor at San Francisco.

28 July, 1866, c. 293, s. 4, v. 14, p. 308. 2 March, 1867, c. 168, s. 7, v. 14, p. 470.

SEC. 2722. The deputy surveyors at New York, Boston, Philadelphia, Baltimore, New Orleans, and Portland, in Maine, shall receive a salary of two thousand five hundred dollars a year each, payable out of the appropriation for expenses of collecting the revenue from customs.

Deputy surveyors at New York and other ports.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

SEC. 2723. The deputy surveyor at Savannah shall receive as salary not more than one thousand five hundred dollars a year.

Deputy surveyor at Savannah.

7 May, 1822, c. 107, s. 15, v. 3, p. 695.

SEC. 2724. The principal appraisers at Savannah and Charleston shall receive a salary of fifteen hundred dollars a year each.

Principal appraisers at Savannah and Charleston.

1 March, 1823, c. 21, s. 17, v. 3, p. 736.

SEC. 2725. The merchants who may be appointed to act as appraisers, as provided in section twenty-six hundred and nine, shall receive a compensation of five dollars a day while actually employed.

Merchant appraisers.

1 March, 1823, c. 21, s. 17, v. 3, p. 736.

SEC. 2726. The general appraiser at New York shall receive a salary of three thousand dollars a year.

General appraiser at New York.

2 March, 1867, c. 167, s. 5, v. 14, p. 466.

SEC. 2727. The four general appraisers authorized by law shall receive a salary of two thousand five hundred dollars a year, each, together with their actual traveling expenses, to be regulated by the Secretary of the Treasury. (See § 2608.)

General appraisers.

3 March 1851, c. 38, s. 3, v. 9, p. 630.

SEC. 2728. The local appraisers and general appraisers at Boston, Philadelphia, Baltimore, and New Orleans, shall receive a salary of three thousand dollars a year each, payable out of the appropriation for expenses of collecting the revenue from customs.

Appraisers at Boston and other ports.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

SEC. 2729. The appraiser at New York shall receive a salary of four thousand dollars a year, to be paid out of the appropriation for defraying the expenses of collecting the revenue, in monthly payments, and in due proportion for any period less than one month for the time he may actually serve. (See § 2941.)

Appraiser at New York.

27 July, 1866, c. 284, ss. 6, 7, v. 14, p. 303.

Appraisers at Providence and other ports.

14 July, 1870, c. 265, a. 36, v. 16, p. 371.

Assistant appraisers at New York.

27 July, 1866, c. 284, a. 6, v. 14, p. 303.

Assistant appraisers at Boston and other ports.

2 March, 1867, c. 167, a. 5, v. 14, p. 466.

Inspectors.

2 March, 1799, c. 23, a. 2, v. 1, p. 706.

26 April, 1816, c. 95, v. 3, p. 306.

Champneys, Baneroff, 1 Story, 423.

Inspectors at San Antonio and other ports.

30 Aug., 1852, c. 98, a. 3, v. 10, p. 38.

Inspectors at Monterey and other ports.

2 June, 1862, c. 92,

Inspector at Chester.

3 March, 1873, c. 225, a. 2, v. 17, p. 485.

Power of Secretary to increase compensation of inspectors.

29 April, 1864, c. 71,

Persons acting as inspectors.

27 July, 1866, c. 284, a. 10, v. 14, p. 304.

Weighers at Boston and other ports.

28 July, 1866, c. 293, a. 4, v. 14, p. 306.

Head gaugers at New Orleans.

21 Aug., 1852, c. 108, a. 6, v. 10, p. 98.

Gaugers at New York.

2 March, 1867, c. 168, a. 4, v. 14, p. 470.

Gaugers and measurers at Boston.

17 Jan., 1873, c. 39, v. 17, p. 411.

Special examiners of drugs.

26 June, 1848, c. 70, a. 5, v. 9, p. 238.

SEC. 2730. The appraisers at Providence, Norfolk, Portland in Maine, Buffalo, Chicago, Detroit, Cincinnati, Saint Louis, Evansville, Milwaukee, Louisville, Cleveland, San Francisco, Portland in Oregon, Memphis, and Mobile, shall receive a salary of three thousand dollars a year each.

SEC. 2731. The assistant appraisers at the port of New York shall receive a salary of three thousand dollars a year, to be paid out of the appropriation for defraying the expenses of collecting the revenue, and paid to them in monthly payments, and in due proportion for any period less than one month for the time they may actually serve. [See § 2728.]

SEC. 2732. The assistant appraisers at Boston, Philadelphia, Baltimore, New Orleans, Portland, and San Francisco shall receive a salary of twenty-five hundred dollars a year each.

SEC. 2733. Each inspector shall receive, for every day he shall be actually employed in aid of the customs, three dollars; and for every other person that the collector may find it necessary and expedient to employ, as occasional inspector, or in any other way in aid of the revenue, a like sum, while actually so employed, not exceeding three dollars for every day so employed. [See § 2727.]

SEC. 2734. The inspectors at San Antonio, Eagle Pass, Presidio del Norte, and San Elizario, or the other places designated by the Secretary of the Treasury on the routes to San Fernando, Paso del Norte, and Chihuahua, in Mexico, shall receive a salary of two hundred and fifty dollars a year each.

SEC. 2735. The inspectors at Monterey, Sacramento, Benicia, Stockton, San Pedro, and Santa Barbara, shall receive a salary of one thousand dollars a year each.

a. 1, v. 12, p. 411. 3 March, 1873, c. 263, a. 2, p. 566.

SEC. 2736. The compensation of the inspector at Chester shall not exceed that allowed by law to inspectors at the port of Philadelphia.

SEC. 2737. The Secretary of the Treasury may increase the compensation of inspectors of customs in such ports as he may think it advisable so to do, and may designate, by adding to the present compensation of such officers a sum not exceeding one dollar per day.

23 July, 1866, c. 208, a. 9, v. 14, p. 208.

SEC. 2738. All aids to the revenue or others performing the duties of inspectors of customs in any collection-district, shall be paid the same per-diem compensation as inspectors of customs.

SEC. 2739. The custom-house weighers at the ports of Boston, Philadelphia, Baltimore, New Orleans, Portland, in Maine, and San Francisco, shall receive a salary of two thousand dollars each, payable out of the appropriation for expenses of collecting the revenue from customs.

SEC. 2740. The three head gaugers at the port of New Orleans shall receive a salary of one thousand five hundred dollars a year each.

SEC. 2741. The gaugers at the port of New York shall receive a salary of two thousand dollars a year each; but the amount of compensation of such officers, as hereby established, shall not exceed in any fiscal year the amount of fees earned by them.

SEC. 2742. The compensation of gaugers and measurers at the port of Boston shall be the same as provided for the same class of officers at the port of New York.

SEC. 2743. The salaries of the special examiners of drugs, medicines, chemicals, and so forth, except at New York and San Francisco, shall be one thousand dollars a year, and shall be paid each year quarterly.

[See §§ 2738, 2731.]

SEC. 2744. The special examiner of drugs, chemicals, medicines, and so forth, at San Francisco, shall receive a salary of two thousand dollars a year.

Special examiner of drugs at San Francisco.

18 Aug., 1856, c. 129, s. 17, v. 11, p. 92.

SEC. 2745. The compensation of the examiners at the port of New York shall be limited and fixed by the Secretary of the Treasury, but shall not exceed the rate of twenty-five hundred dollars a year each. The compensation of clerks, verifiers, samplers, openers, packers, and messengers, at the port of New York, shall be limited and fixed by the Secretary of the Treasury, but shall not exceed the rates of compensation usually paid for similar services. [See §§ 2940, 2941.]

Examiners and subordinate officers at New York.

27 July, 1866, c. 284, s. 4, v. 14, p. 303.

SEC. 2746. An additional compensation of twenty-five per centum shall be continued to the appraisers, deputy naval officers, and weighers at the port of San Francisco.

Additional compensation to customs officers at San Francisco.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

CHAPTER THREE.

REVENUE CUTTERS AND BOATS.

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SEC. 2747. The President may, for the better securing the collection of import or tonnage duties, cause to be maintained so many of the revenue-cutters as may be necessary to be employed for the protection of the revenue, the expense whereof shall be paid out of such sum as shall be annually appropriated for the revenue-cutter service, and not otherwise. [See § 2318.]

Revenue-cutters.

2 March, 1799, c. 22, ss. 97, 100, v. 1, p. 699.

3 March, 1845, c. 78, v. 5, p. 796.

20 July, 1868, c. 177, s. 1, v. 15, p. 112.

SEC. 2748. The President may from time to time cause such of the revenue-cutters as have become unfit for further service to be sold; and the proceeds shall be paid into the Treasury: *Provided*, That the Secretary of the Treasury may apply, in the purchase or construction of revenue-cutters, any unexpended balance of the proceeds of revenue-cutters sold by him under the authority of section two of the act of twentieth April, eighteen hundred and sixty-six, chapter sixty-three.

Useless cutters may be sold.

2 March, 1799, c. 22, s. 100, v. 1, p. 700.

20 April, 1866, c. 63, s. 2, v. 14, p. 40.

SEC. 2749. The officers for each revenue-vessel shall be one captain, and one first, one second, and one third lieutenant, and for each steam-vessel, in addition, one engineer and one assistant engineer; but the Secretary of the Treasury may assign to any vessel a greater number of officers whenever in his opinion the nature of the service which she is directed to perform requires it. And vessels of both descriptions shall have such number of petty officers and men as in the opinion of the Secretary are required to make them efficient for their service.

Number of officers and men.

25 July, 1861, c. 20, s. 2, v. 12, p. 275.

SEC. 2750. The grades of engineers shall be chief engineer, and first and second assistant engineer, with the pay and relative rank of first, second, and third lieutenant, respectively.

Grades of engineers.

4 Feb., 1863, c. 20, s. 2, v. 19 p. 639.

Appointment of commissioned officers.

4 Feb., 1863, c. 20, s. 1, v. 12, p. 630.

Qualifications of captains and lieutenants.

2 March, 1856, c. 141, s. 2, v. 10, p. 630.

Compensation of officers of revenue-cutter service.

28 Feb., 1867, c. 101, s. 1, v. 14, p. 416.

Wages of petty officers and crews.

4 Feb., 1863, c. 20, s. 3, v. 12, p. 640.

Officers on duty entitled to one Navy ration per day.

28 Feb., 1867, c. 101, s. 2, v. 14, p. 416.

Contracts for rations authorized.

2 March, 1799, c. 22, s. 98, v. 1, p. 639.

Revenue officers to co-operate with the Navy.

2 March, 1799, c. 22, s. 98, v. 1, p. 639.

Powers of the Secretary of the Treasury.

25 July, 1861, c. 20, s. 3, v. 12, p. 275.

Aid to vessels on the lakes.

15 July, 1870, c. 292, s. 3, v. 16, p. 309.

Powers and duties of officers of revenue-cutters.

2 March, 1799, c. 22, s. 99, v. 1, p. 700.

Returns.

2 March, 1799, c. 22, s. 99, v. 1, p. 700.

SEC. 2751. The commissioned officers of the revenue-cutter service shall be appointed by the President, by and with the advice and consent of the Senate. (See § 1492.)

SEC. 2752. No person shall be appointed to the office of captain, first, second, or third lieutenant, of any revenue-cutter, who does not adduce competent proof of proficiency and skill in navigation and seamanship.

SEC. 2753. The compensation of the officers of the revenue-cutter service shall be at the following rates while on duty :

Captains, twenty-five hundred dollars a year each.

First lieutenants and chief engineers, eighteen hundred dollars a year each.

Second lieutenants and first assistant engineers, fifteen hundred dollars a year each.

Third lieutenants and second assistant engineers, twelve hundred dollars a year each.

And at the following rates while on leave of absence or while waiting orders :

Captains, eighteen hundred dollars a year each.

First lieutenants and chief engineers, fifteen hundred dollars a year each.

Second lieutenants and first assistant engineers, twelve hundred dollars a year each.

Third lieutenants and second assistant engineers, nine hundred dollars a year each.

SEC. 2754. The wages of petty officers and seamen of the revenue-cutter service shall not exceed the average wages paid for like services on the Atlantic or Pacific coasts, respectively, in the merchant service.

SEC. 2755. Each officer of the revenue-cutter service, while on duty, shall be entitled to one Navy ration per day.

SEC. 2756. The Secretary of the Treasury may cause contracts to be made for the supply of rations for the officers and men of the revenue-cutters.

SEC. 2757. The revenue-cutters shall, whenever the President so directs, co-operate with the Navy, during which time they shall be under the direction of the Secretary of the Navy, and the expenses thereof shall be defrayed by the Navy Department. (See §§ 1492, 5557, 5558.)

SEC. 2758. The Secretary of the Treasury may direct the performance of any service by the revenue-vessels which, in his judgment, is necessary for the protection of the revenue.

SEC. 2759. The revenue-cutters on the northern and northwestern lakes, when put in commission, shall be specially charged with aiding vessels in distress on the lakes.

SEC. 2760. The officers of the revenue-cutters shall respectively be deemed officers of the customs, and shall be subject to the direction of such collectors of the revenue, or other officers thereof, as from time to time shall be designated for that purpose. They shall go on board all vessels which arrive within the United States or within four leagues of the coast thereof, if bound for the United States, and search and examine the same, and every part thereof, and shall demand, receive, and certify the manifests required to be on board certain vessels, shall affix and put proper fastenings on the hatches and other communications with the hold of any vessel, and shall remain on board such vessels until they arrive at the port or place of their destination.

SEC. 2761. The master of any revenue-cutter shall make a weekly return to the collector, or other officer of the district under whose direc-

tion it is placed, of the transactions of the cutter, specifying the vessels that have been boarded, their names and descriptions, the names of the masters, from what port or place they last sailed, whether laden or in ballast, to what nation belonging, and whether they have the necessary manifests of their cargoes on board, and generally all such matters as it may be necessary for the officers of the customs to know.

SEC. 2762. The officers of revenue-cutters shall perform, in addition to the duties hereinbefore prescribed, such other duties for the collection and security of the revenue as from time to time shall be directed by the Secretary of the Treasury, not contrary to law. [See § 4792.]

SEC. 2763. The collector of each district may, with the approval of the Secretary of the Treasury, provide and employ such small open row and sail boats, and persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of vessels and otherwise, for the better detection of frauds.

SEC. 2764. The cutters and boats employed in the service of the revenue shall be distinguished from other vessels by an ensign and pendant, with such marks thereon as shall be prescribed by the President. If any vessel or boat, not employed in the service of the revenue, shall, within the jurisdiction of the United States, carry or hoist any pendant or ensign prescribed for vessels in such service, the master of the vessel so offending shall be liable to a penalty of one hundred dollars.

SEC. 2765. Whenever any vessel liable to seizure or examination does not bring-to, on being required to do so, or on being chased by any cutter or boat which has displayed the pendant and ensign prescribed for vessels in the revenue service, the master of such cutter or boat may fire at or into such vessel which does not bring-to, after such pendant and ensign has been hoisted, and a gun has been fired by such cutter or boat as a signal; and such master, and all persons acting by or under his direction, shall be indemnified from any penalties or actions for damages for so doing. If any person is killed or wounded by such firing, and the master is prosecuted or arrested therefor, he shall be forthwith admitted to bail. [See § 4843.]

Further duties of officers.

2 March, 1799, c. 22, s. 99, v. 1, p. 700.

Employment of small boats authorized.

2 March, 1799, c. 22, s. 101, v. 1, p. 700.

Ensigns and pendants.

2 March, 1799, c. 22, s. 102, v. 1, p. 700.

Immunities of officers.

2 March, 1799, c. 22, s. 102, v. 1, pp. 700, 701.

CHAPTER FOUR.

ENTRY OF MERCHANDISE.

<p>Sec. 2766. Definition of word "merchandise." 2767. Definition of "port." 2768. Definition of "master." 2769. Departure from prescribed forma. 2770. Where vessels from foreign ports may enter and unlade. 2771. Where foreign vessels may enter and unlade. 2772. Where vessels bound to ports of delivery only may enter. 2773. Penalty for departing from port of arrival before making a report or entry. 2774. Duty of making report on arrival. 2775. Special report of spirits, and wines. 2776. Exception as to goods destined for foreign port. 2777. Bond before proceeding to foreign port. 2778. Duty of collector as to such bond. 2779. Vessels may proceed to other districts. 2780. Copy of report and manifest with collector's certificate required. 2781. Report or entry in other districts prescribed.</p>	<p>Sec. 2782. Bond upon proceeding to another district. 2783. Cancellation of bond. 2784. Penalty for omitting to procure certificate. 2785. Requisites of an entry of goods generally. 2786. Verification of entry. 2787. Bond by agent. 2788. Entry when particulars are unknown. 2789. Custody when invoice is imperfect. 2790. Vessel's papers to be produced to collector. 2791. Public vessels need not enter. 2792. Ferry-boats need not enter. 2793. Enrolled or licensed vessels. 2794. Entry of spirits and wines. 2795. Sea-stores to be specified. 2796. Collection of duty on excess of sea-stores. 2797. Forfeiture of sea-stores. 2798. Coal for steam-vessels. 2799. Baggage and tools. 2800. Bond that owner shall make oath required from agent.</p>
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Sec.	Sec.
2801. Permit for baggage and tools.	2833. Expenses of officer sent with vessel.
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2803. Baggage in transit to a foreign country.	2835. Duties of master bound up James River.
2804. Entry, &c., of cigars.	2836. Duties of master bound for Petersburg or Richmond.
2805. Oaths, how taken.	2837. What weights and measures used in invoices.
2806. Manifests of cargo required.	2838. What currency used in invoices.
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2808. Merchandise destined to different ports or districts.	2840. Collector to take possession when invoice is not correct.
2809. Penalty for failure to have a correct manifest.	2841. Oaths to accompany invoices.
2810. Except by accident or mistake.	2842. Bond for production of invoice of goods of absent owner.
2811. Production of manifest.	2843. Oath of purchaser.
2812. Delivery of copies of manifest.	2844. Authentication in absence of consul.
2813. What number of copies must be delivered.	2845. Oath of manufacturer, &c.
2814. Forfeiture for omitting to produce manifest and deliver copies.	2846. Oath of representative.
2815. Making return of violations.	2847. Secretary may admit goods notwithstanding want of invoice.
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Definition of word "merchandise."

SEC. 2766. The word "merchandise," as used in this Title, may include goods, wares, and chattels of every description capable of being imported.

Of "port."

SEC. 2767. The word "port," as used in this Title, may include any place from which merchandise can be shipped for importation, or at which merchandise can be imported.

Of "master."

SEC. 2768. The word "master," as used in this Title, may include any person having the chief charge or command of the employment and navigation of a vessel.

Departure from prescribed forms.

2 March, 1799, c. 22, s. 18, v. 1, p. 704.

Where vessels from foreign ports may enter and unlade.

2 March, 1799, c. 22, s. 18, v. 1, p. 639.

U. S. vs. Hayward, 2 Gall., 510, 511.

SEC. 2769. In cases where the forms of official documents, as prescribed by this Title, shall be substantially complied with and observed, according to the true intent thereof, no penalty or forfeiture shall be incurred by a deviation therefrom.

SEC. 2770. It shall not be lawful to make entry of any vessel which shall arrive within the United States, from any foreign port, or of the cargo on board such vessel, elsewhere than at one of the ports of entry designated in chapter one of this Title; nor to unlade the cargo, or any part thereof, elsewhere than at one of the ports of delivery therein designated, except that every port of entry shall be also a port of delivery. This section shall not prevent the master or commander of any vessel from making entry with the collector of any district in which such ves-

sel may be owned, or from which she may have sailed on the voyage from which she shall then have returned. (See §§ 5314-5321.)

SEC. 2771. Vessels which are not vessels of the United States shall be admitted to unlade only at ports of entry established by law; and no such vessel shall be admitted to make entry in any other district than in the one in which she shall be admitted to unlade.

Where foreign vessels may enter and unlade.

22, s. 18, v. 1, p. 639. 24 April, 1816, c. 71, v. 3, p. 299. 7 May, 1822, c. 107, s. 2, v. 3, p. 693. 22 Feb., 1827, c. 21, v. 4, p. 206. 13 Feb., 1837, c. 13, v. 5, p. 146.

2 March, 1799, c. 22, s. 2, v. 3, p. 693.

SEC. 2772. The master of every vessel bound to a port of delivery only, in any district, shall first come to at the port of entry of such district, with his vessel, and there make report and entry in writing, and pay all duties required by law, port fees and charges, before such vessel shall proceed to her port of delivery. Any master of a vessel who shall proceed to a port of delivery contrary to such directions shall be liable to a penalty of five hundred dollars, to be recovered with costs of suit.

Where vessels bound to ports of delivery only may enter.

2 March, 1799, c. 22, s. 19, v. 1, p. 640.

10 May, 1800, c. 49, s. 4, v. 2, p. 68.

25 Feb., 1807, c. 82, s. 1, v. 14, p. 411.

Penalty for departing from port of arrival before making report or entry.

2 March, 1799, c. 22, s. 29, v. 1, p. 648.

SEC. 2773. If any vessel, having arrived within the limits of any collection-district, from any foreign port, departs, or attempts to depart from the same, unless to proceed on her way to some more interior district to which she may be bound, before report or entry shall have been made by the master with the collector of some district, the master shall be liable to a penalty of four hundred dollars; and any collector, naval officer, surveyor, or commander of any revenue-cutter may cause such vessel to be arrested and brought back to the most convenient port of the United States. If, however, it is made to appear by the oath of the master, and of the person next in command, or by other sufficient proof to the satisfaction of the collector of the district within which such vessel shall afterward come, or to the satisfaction of the court in which the prosecution for such penalty may be had, that the departure or attempt to depart was occasioned by stress of weather, pursuit or duress of enemies, or other necessity, the penalty imposed by this section shall not be incurred.

The Apollon, 9 Wh., 362; U. S. vs. Bearse, 4 Mas., 192; Le Tigre, 3 Wash. C. C., 572.

SEC. 2774. Within twenty-four hours after the arrival of any vessel, from any foreign port, at any port of the United States established by law, at which an officer of the customs resides, or within any harbor, inlet, or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as such hours will permit, the master shall repair to such office, and make report to the chief officer, of the arrival of the vessel; and he shall, within forty-eight hours after such arrival, make a further report in writing, to the collector of the district, which report shall be in the form, and shall contain all the particulars required to be inserted in, and verified like, a manifest. Every master who shall neglect or omit to make either of such reports and declarations, or to verify any such declaration as required, or shall not fully comply with the true intent and meaning of this section, shall, for each offense, be liable to a penalty of one thousand dollars.

Duty of making report on arrival.

2 March, 1799, c. 22, s. 30, v. 1, p. 649.

U. S. vs. Webber, 1 Gall., 392; U. S. vs. Gallacarr, 1 Sprague, 545; U. S. vs. Randall, 1 Sprague 546.

SEC. 2775. The master of any vessel having on board distilled spirits, or wines, shall, within forty-eight hours after his arrival, whether the same be at the first port of arrival of such vessel or not, in addition to the requirements of the preceding section, report in writing to the surveyor or officer acting as inspector of the revenue of the port at which he has arrived, the foreign port from which he last sailed, the name of his vessel, his own name, the tonnage and denomination of such vessel, and to what nation belonging, together with the quantity and kinds of spirits and wines, on board of the vessel, particularizing the number of casks, vessels, cases, or other packages containing the same, with their marks and numbers, as also the quantity and kinds of spirits and wines, on board such vessel as sea-stores, and in default thereof he shall be liable to a penalty of five hundred dollars, and any spirits omitted to be reported shall be forfeited.

Special report of spirits and wines.

2 March, 1799, c. 22, s. 30, v. 1, p. 650.

1 May, 1872, c. 131, v. 17, p. 59.

Exception as to goods destined for foreign port.

2 March, 1799, c. 22, s. 32, v. 1, p. 651.
22 Feb., 1806, c. 18, s. 2, v. 2, p. 316.

Bond before proceeding to foreign port.

2 March, 1799, c. 22, s. 32, v. 1, p. 651.

Duty of collector as to such bond.

2 March, 1799, c. 22, s. 32, v. 1, p. 652.

Vessels may proceed to other districts.

2 March, 1799, c. 22, s. 33, v. 1, p. 652.

Copy of report and manifest, with collectors' certificate, required.

2 March, 1799, c. 22, s. 34, v. 1, p. 652.

Report or entry in other districts prescribed.

2 March, 1799, c. 22, s. 34, v. 1, p. 653.

Bond upon proceeding to another district.

2 March, 1799, c. 22, s. 34, v. 1, p. 653.

SEC. 2776. Any vessel may proceed with any merchandise brought in her, and, in the manifest delivered to the collector of the customs, reported as destined for any foreign port, from the district within which such vessel shall first arrive to such foreign port without paying or securing the payment of any duties upon such merchandise as shall be actually re-exported in the vessel. But the manifest so declaring to re-export such merchandise shall be delivered to such collector within forty-eight hours after the arrival of the vessel. And the master of such vessel shall give bond as required by the next section.

SEC. 2777. The master of any vessel so destined for a foreign port shall give bond, with one or more sureties, in a sum equal to the amount of the duties upon the merchandise, as the same shall be estimated by the collector and naval officer of the port where the report shall be made, to the satisfaction of the collector, with condition that the merchandise, or any part thereof, shall not be landed within the United States, unless due entry thereof shall have been first made and the duties thereupon paid, according to law. Such bond shall be taken for the same period, and canceled in like manner, as a bond given for obtaining drawback of duties. No such bond shall be required in respect to merchandise on board of any vessel which has put into the United States from a necessity, shown as prescribed in section twenty-seven hundred and seventy-three.

SEC. 2778. The collector receiving any bond conditioned for the payment of duties upon merchandise reported as destined for a foreign port, in case the same shall be landed within the United States, or any other bonds taken upon the exportation of merchandise entitled to drawback, shall immediately after the time when by the conditions of the same they ought to be canceled, put the same in suit, provided the proof of the occurrence of such a necessity as excuses a landing of such goods within the United States has not been produced, or further time granted therefor by the Secretary of the Treasury.

SEC. 2779. Any vessel in which any merchandise is brought into the United States from any foreign port, and which is specified in the manifest verified before the collector of the port in which such vessel first arrives, to be destined for other districts, may proceed with the same from district to district within the United States, in order to the landing or delivery thereof; and the duties on such of the merchandise only as shall be landed in any district shall be paid within such district.

SEC. 2780. Before any vessel departs from the district in which she shall first arrive for another district, provided such departure is not within forty-eight hours after her arrival within such district, with merchandise brought in such vessel from a foreign port on which the duties have not been paid, the master shall obtain from the collector of the district from which she is about to depart, who is hereby required to grant the same, a copy of the report and manifest made by such master, certified by the collector, to which copy shall be annexed a certificate of the quantity and particulars of the merchandise which appears to him to have been landed within his district, or of the quantity and particulars of the merchandise which remains on board and upon which the duties are to be paid in some other district.

SEC. 2781. Within twenty-four hours after the arrival of such vessel within any other district, the master shall make report or entry to or with the collector of such other district, producing and showing the certified copy of his first report, together with a certificate from each collector of any other district within which any of the merchandise, brought in such vessel, has been landed, of the quantity and particulars of such merchandise as has been landed in each district respectively.

SEC. 2782. The master shall, however, first give bond, with one or more sureties, to the satisfaction of the collector of the district within which the vessel first arrives, in a sum equal to the amount of the duties on the residue of the merchandise, according to such estimate as the collector shall form thereof, with condition that the residue of such

merchandise shall be duly entered and delivered in another district for which the same has been reported to be destined.

SEC. 2783. The bond shall be canceled or discharged within six calendar months from the date thereof, by the production of certificates from the collectors of the districts for which the merchandise has been reported, showing the due entry and delivery of the merchandise in such districts, or upon due proof to the satisfaction of the collector by whom the bond was taken, and to the naval officer of the port, if any, that such entry and delivery were prevented by some unavoidable accident or casualty, and if the whole or any part of the merchandise has not been lost, that it has been duly entered and delivered within the United States.

SEC. 2784. If the master of any such vessel fails by his neglect or fault to obtain the copy of his report from the collector of the district from which he is about to depart, or any certificate which he ought to obtain, or neglects to exhibit the same to the collector of any other district to which the vessel afterward proceeds, within the time for that purpose allowed, he shall be liable to a penalty, for every such neglect or omission, of five hundred dollars.

SEC. 2785. The owner or consignee of any merchandise on board of any such vessel, or, in case of his absence or sickness, his known agent or factor in his name, shall, within fifteen days after the report of the master to the collector of the district for which such merchandise shall be destined, make entry thereof in writing with the collector, and shall in such entry specify the name of the vessel and of her master, in which, and the port or place from which such merchandise was imported, the particular marks, numbers, denomination, and prime cost, including charges of each particular package or parcel whereof the entry shall consist, or, if in bulk, the quantity, quality, and prime cost, including charges thereof, particularly specifying the species of money in which the invoices thereof are made out. Such entry shall be subscribed by the person making it, if the owner or consignee, in his own name, or, if another person, in his name as agent or factor, for the owner or consignee. The person making such entry shall also produce to the collector and naval officer, if any, the original invoices of the merchandise, or other documents received in lieu thereof, or concerning the same, in the same state in which they were received, with the bills of lading for the same; which invoices shall be signed by the persons in the offices of the collector and naval officer who have compared and examined them.

SEC. 2786. The entries to be made by any importer, consignee, or agent, under the preceding section, shall be verified by the oath of the person making the same.

SEC. 2787. Whenever any entry is made with the collector of any district, of merchandise imported into the United States subject to duty, by any agent, factor, or person, other than the person to whom it belongs, or to whom it is ultimately consigned, the collector shall take a bond with surety from such agent, factor, or person, in the penal sum of one thousand dollars, with condition that the actual owner or consignee of such merchandise shall deliver to the collector a full and correct account of the merchandise imported by him, or for him on his own account, or consigned to his care, in the same manner and form as required in respect to an entry previous to the landing of merchandise; which account shall be verified by a like oath, as in the case of an entry, to be taken and subscribed before any judge of the United States, or the judge of any court of record of a State, or before any collector of the customs. In case of the payment of the duties at the time of entry, by any factor or agent, on the merchandise entered by him, the condition of the bond shall be to produce the account of the proper owner, or consignee, verified in manner as before directed, within ninety days from the date of such bond.

SEC. 2788. Where the particulars of any merchandise are unknown, in lieu of the entry prescribed by section twenty-seven hundred and

Cancellation of bond.

2 March, 1799, c. 22, s. 34, v. 1, p. 651.

Penalty for omitting to procure certificate.

2 March, 1799, c. 22, s. 34, v. 1, p. 651.

Requisites of an entry of goods generally.

2 March, 1799, c. 22, s. 36, v. 1, p. 655.

Conrad vs. Insurance Co., 6 Pet., 262; U. S. vs. Randall, 1 Sprague, 546; Ninety-five Bales of Paper, 1 Paine, 149; U. S. vs. Lyman, 1 Mas., 489; Gray vs. Lawrence, 3 Blatch., 117.

Verification of entry.

2 March, 1799, c. 22, s. 36, v. 1, p. 656.
Bond by agent.

2 March, 1799, c. 22, s. 36, v. 1, p. 657.

Entry when particulars are unknown.

2 March, 1799, c. 22, s. 36, v. 1, p. 658.

Custody when invoice is imperfect.

2 March, 1799, c. 22, s. 36, v. 1, p. 658.

Vessel's papers to be produced to collector.

2 March, 1799, c. 22, s. 63, v. 1, p. 675.

Public vessels need not enter.

2 March, 1799, c. 22, s. 31, v. 1, p. 651.

Brig Wilson vs. U. S., 1 Brock., 423.
Ferry-boats need not enter.

4 June, 1872, c. 280, v. 17, p. 214.

Enrolled or licensed vessels.

10 Feb., 1871, Res. 27, s. 2, v. 10, p. 596.

Entry of spirits and wines.

2 March, 1799, c. 22, s. 37, v. 1, p. 658.

Sea-stores to be specified.

2 March, 1799, c. 22, s. 45, v. 1, p. 661.

Collection of duty on excess of sea-stores.

2 March, 1799, c. 22, s. 45, v. 1, p. 661.

eighty-five, an entry thereof shall be made and received according to the circumstances of the case; the party making the same declaring upon oath all that he knows or believes concerning the quality and particulars of the merchandise, and that he has no other knowledge or information concerning the same.

SEC. 2789. Whenever an entry of merchandise is imperfect, for want of invoices, bills of lading, or for any other cause, the collector shall take the merchandise into his custody, until the quantity, quality, or value thereof, as the case may require, can be ascertained.

SEC. 2790. The register, or other document in lieu thereof, together with the clearance and other papers granted by the officers of the customs to a vessel at her departure from the port from whence she may have arrived, Mediterranean passports excepted, shall previous to entry be produced to the collector with whom such entry is to be made, and shall remain in his office; and on the clearance of such vessel the register and other documents shall be returned to the master or owner of such vessel.

SEC. 2791. It shall not be necessary for the master of any vessel of war, or of any vessel employed by any prince, or state, as a public packet for the conveyance of letters and dispatches, and not permitted by the laws of such prince or state to be employed in the transportation of merchandise, in the way of trade, to make report and entry. [See § 1624, Art. 12.]

SEC. 2792. Vessels used exclusively as ferry-boats carrying passengers, baggage, and merchandise, shall not be required to enter and clear, nor shall the masters of such vessels be required to present manifests, or to pay entrance or clearance fees, or fees for receiving or certifying manifests, but they shall, upon arrival in the United States, be required to report such baggage and merchandise to the proper officer of the customs according to law.

SEC. 2793. Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, or tonnage tax, as if from or to foreign ports; but such vessels shall, notwithstanding, be required to enter and clear.

SEC. 2794. Every importer of distilled spirits or wines, or person to whom distilled spirits or wines are consigned, shall make a separate and additional entry thereof, specifying the name of the vessel, and her master, in which, and the place from which, such spirits or wines were imported, together with the quantity and quality thereof, and a particular detail of the casks or receptacles containing the same, with their marks and numbers; such entry shall be subscribed by the person making the same, for himself, or in behalf of the person for whom such entry is made, and shall be certified by the collector, before whom it is made, as a true copy, and conformable to the general entry before directed, in respect to all distilled spirits and wines therein contained; such entry thus certified shall be transmitted to the surveyor or officer acting as inspector of the revenue for the port where it is intended to commence the delivery of such spirits or wines. [See § 2504, Schedule D.]

SEC. 2795. In order to ascertain what articles ought to be exempt from duty as the sea-stores of a vessel, the master shall particularly specify the articles, in the report or manifest to be by him made, designating them as the sea-stores of such vessel; and in the oath to be taken by such master, on making such report, he shall declare that the articles so specified as sea-stores are truly such, and are not intended by way of merchandise or for sale; whereupon the articles shall be free from duty.

SEC. 2796. Whenever it appears to the collector to whom a report and manifest of sea-stores are delivered, together with the naval officer, where there is one, or alone, where there is no naval officer, that the quantities of the articles, or any part thereof, reported as sea-stores, are excessive, the collector, jointly with the naval officer, or alone, as the

case may be, may in his discretion estimate the amount of the duty on such excess; which shall be forthwith paid by the master, to the collector, on pain of forfeiting the value of such excess.

SEC. 2797. If any other or greater quantity of articles are found on board such vessel as sea-stores than are specified in an entry of sea-stores, or if any of the articles are landed without a permit first obtained from the collector, and naval officer if any, for that purpose, all such articles as are not included in the report or manifest by the master, and all which are landed without a permit, shall be forfeited, and may be seized; and the master shall moreover be liable to a penalty of treble the value of the articles omitted or landed.

SEC. 2798. The master of any vessel propelled by steam, arriving at any port in the United States, may retain all the coal such vessel may have on board at the time of her arrival, and may proceed with such coal to a foreign port, without being required to land the same in the United States, or to pay any duty thereon.

SEC. 2799. In order to ascertain what articles ought to be exempted as the wearing apparel, and other personal baggage, and the tools or implements of a mechanical trade only, of persons who arrive in the United States, due entry thereof, as of other merchandise, but separate and distinct from that of any other merchandise, imported from a foreign port, shall be made with the collector of the district in which the articles are intended to be landed by the owner thereof, or his agent, expressing the persons by whom or for whom such entry is made, and particularizing the several packages, and their contents, with their marks and numbers; and the person who shall make the entry shall take and subscribe an oath before the collector, declaring that the entry subscribed by him and to which the oath is annexed contains, to the best of his knowledge and belief, a just and true account of the contents of the several packages mentioned in the entry, specifying the name of the vessel, of her master, and of the port from which she has arrived; and that such packages contain no merchandise whatever other than wearing apparel, personal baggage, or, as the case may be, tools of trade, specifying it; that they are all the property of a person named who has arrived, or is shortly expected to arrive in the United States, and are not directly or indirectly imported for any other, or intended for sale.

SEC. 2800. Whenever the person making entry of any articles as wearing apparel, personal baggage, tools, or implements, is not the owner of them, he shall give bond with one or more sureties, to the satisfaction of the collector, in a sum equal to the duties on like articles imported subject to duty, upon the condition that the owner of the articles shall, within one year, personally make an oath such as is prescribed in the preceding section.

SEC. 2801. On compliance with the two preceding sections, and not otherwise, a permit shall be granted for landing such articles. But whenever the collector and the naval officer, if any, think proper, they may direct the baggage of any person arriving within the United States to be examined by the surveyor of the port, or by an inspector of the customs, who shall make a return of the same; and if any articles are contained therein which in their opinion ought not to be exempted from duty, due entry of them shall be made and the duties thereon paid.

SEC. 2802. Whenever any article subject to duty is found in the baggage of any person arriving within the United States, which was not, at the time of making entry for such baggage, mentioned to the collector before whom such entry was made, by the person making entry, such article shall be forfeited, and the person in whose baggage it is found shall be liable to a penalty of treble the value of such article.

SEC. 2803. Any baggage or personal effects arriving in the United States, in transit to any foreign country, may be delivered by the parties having it in charge to the collector of the proper district, to be by him retained without the payment or exaction of any import duty, and to be delivered to such parties on their departure for their foreign des-

Forfeiture of sea-stores.

2 March, 1799, c. 22, s. 45, v. 1, p. 661.

Coal for steam-vessels.

7 July, 1838, c. 178, v. 5, p. 288.

Baggage and tools.

2 March, 1799, c. 22, s. 46, v. 1, p. 661.

3 March, 1823, c. 53, s. 4, v. 3, p. 782.

The Robert Edwards, 6 Wh., 187.

Bond that owner shall make oath required from agent.

2 March, 1799, c. 22, s. 46, v. 1, p. 661.

Permit for baggage and tools.

2 March, 1799, c. 22, s. 46, v. 1, p. 662.

Penalty for concealing dutiable articles in baggage.

2 March, 1799, c. 22, s. 46, v. 1, p. 662.

The Robert Edwards, 6 Wh., 187.

Baggage in transit to a foreign country.

30 June, 1864, c. 171, s. 29, v. 13, p. 218.

tionation, under such rules, regulations, and fees as the Secretary of the Treasury may prescribe.

Entry, &c., of cigars.

28 July, 1866, c. 293, s. 1, v. 14, p. 328.

SEC. 2804. No cigars shall be imported unless the same are packed in boxes of not more than five hundred cigars in each box; and no entry of any imported cigars shall be allowed of less quantity than three thousand in a single package; and all cigars on importation shall be placed in public store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected and a stamp affixed to each box indicating such inspection, with the date thereof. And the Secretary of the Treasury is hereby authorized to provide the requisite stamps, and to make all necessary regulations for carrying the above provisions of law into effect. [See § 2504, Schedule J.]

Oaths, how taken.

2 March, 1799, c. 22, s. 49, v. 1, p. 664.

SEC. 2805. All oaths to be taken upon making of any of the reports or entries, or respecting any of the acts mentioned in this chapter, whether by a master of any vessel, or the owner or consignee of any merchandise, his factor or agent, or by any other person, shall be administered by the collector, or officer to or with whom the report or entry is made, and shall be reduced to writing, and subscribed by the person taking and by the person administering the oath.

Manifests of cargo required.

2 March, 1799, c. 22, s. 23, v. 1, p. 644.

SEC. 2806. No merchandise shall be brought into the United States, from any foreign port, in any vessel unless the master has on board manifests in writing of the cargo, signed by such master.

What must be stated in manifest

2 March, 1799, c. 22, s. 23, v. 1, pp. 644-645.

SEC. 2807. Every manifest required by the preceding section shall contain:

First. The name of the ports where the merchandise in such manifest mentioned were taken on board, and the ports within the United States for which the same are destined; particularly noting the merchandise destined for each port respectively.

Second. The name, description, and build of the vessel; the true admeasurement or tonnage thereof; the port to which such vessel belongs; the name of each owner, according to the register of the same; and the name of the master of such vessel.

Third. A just and particular account of all the merchandise, so laden on board, whether in packages or stowed loose, of any kind or nature whatever, together with the marks and numbers as marked on each package, and the number or quantity and description of the packages in words at length, whether leaguer, pipe, butt, puncheon, hogshead, barrel, keg, case, bale, pack, truss, chest, box, band-box, bundle, parcel, cask, or package, of any kind or sort, describing the same by its usual name or denomination.

Fourth. The names of the persons to whom such packages are respectively consigned, agreeably to the bills of lading signed for the same, unless when the goods are consigned to order, when it shall be so expressed in the manifest.

Fifth. The names of the several passengers on board the vessel, distinguishing whether cabin or steerage passengers, or both, with their baggage, specifying the number and description of packages belonging to each respectively. [See §§ 4266-4274.]

Sixth. An account of the sea-stores remaining, if any.

Merchandise destined to different ports or districts.

2 March, 1799, c. 22, s. 23, v. 1, p. 644.

SEC. 2808. If merchandise shall be imported, destined to be delivered in different districts or ports, the quantities and packages so destined to be delivered shall be inserted in successive order in the manifest; and all spirits and wines constituting the whole or any part of the cargo of any vessel shall also be inserted in successive order, distinguishing the ports to which the same may be destined, and the kinds, qualities, and quantities thereof.

Penalty for failure to have a correct manifest.

2 March, 1799, c. 22, s. 24, v. 1, p. 646.

SEC. 2809. If any merchandise is brought into the United States in any vessel whatever from any foreign port without having such a manifest on board, or which shall not be included or described in the manifest, or shall not agree therewith, the master shall be liable to a penalty equal to the value of such merchandise not included in such manifest;

and all such merchandise not included in the manifest belonging or consigned to the master, mate, officers, or crew of such vessel, shall be forfeited.

U. S. vs. Twenty-six diamond rings, 1 Sprague, 294; U.

S. vs. Ten thousand cigars, 2 Curt., 436; The steamer Missouri, 3 Ben., 508.

SEC. 2810. Whenever it is made to appear to the satisfaction of the collector, naval officer, and surveyor, or to the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone, where either of the other of the officers are not established, or to the satisfaction of the court in which a trial shall be had concerning such forfeiture, that no part of the cargo of any vessel without proper manifests was unshipped, after it was taken on board, except such as shall have been particularly specified and accounted for in the report of the master, and that the manifests had been lost or mislaid, without fraud or collusion, or were defaced by accident, or became incorrect by mistake, no forfeiture or penalty shall be incurred under the preceding section.

Except by accident or mistake.

2 March, 1799, c. 22, a. 24, v. 1, p. 646.

SEC. 2811. Every master of any vessel laden with merchandise, and bound to any port in the United States, shall, on his arrival within four leagues of the coast thereof, or within any of the bays, harbors, ports, rivers, creeks, or inlets thereof, upon demand, produce the manifests in writing, which such master is required to have on board his vessel, to such officer of the customs as first comes on board his vessel, for inspection, and shall deliver to such officer true copies thereof, which copies shall be provided and subscribed by the master, and the officer to whom the original manifests have been produced shall certify upon the back thereof that the same were produced, and the day and year on which the same were so produced, and that such copies were to him delivered and by him examined with the original manifest; and shall likewise certify upon the back of such copies the day and year on which the same were delivered, and shall forthwith transmit such copies to the respective collectors of the several districts, to which the goods by such manifests appear respectively to be consigned.

Production of manifest.

2 March, 1799, c. 22, a. 25, v. 1, p. 646.

18 July, 1806, c. 201, a. 25, v. 14, p. 184.

SEC. 2812. The master of any such vessel shall in like manner produce to the officer of the customs who first comes on board such vessel, upon her arrival within the limits of any collection-district in which the cargo, or any part thereof, is intended to be discharged or landed, for his inspection, such manifest; and shall also deliver to him true copies thereof, such copies also to be provided and subscribed by the master, the production of which manifests and the delivery of which copies shall also be certified by the officer of the customs, upon the back of the original manifests, with the particular day and year when such manifests were produced to such officer, and when he so received the copies thereof; and such officer is required forthwith to transmit the copies of the manifests to the collector of the district; and the master shall afterward deliver the original manifests so certified to the collector. When any manifest shall be produced, upon which there shall be no certificate from any officer of the customs as before mentioned, the master producing the same shall be required to make oath that no officer has applied for, and that no indorsement has taken place on, any manifest of the cargo of such vessel.

Delivery of copies of manifest.

2 March, 1799, c. 22, a. 25, v. 1, p. 647.

SEC. 2813. The master of any such vessel shall not be required to make delivery of more than one copy of each manifest to the officer who shall first come on board of such vessel, within four leagues of the coast of the United States, and one other copy to such officer as shall first come on board within the limits of any collection-district, for which the cargo of such vessel, or some part thereof, is destined, nor to make delivery of any such copy to any other officer; but it shall be sufficient, in respect to any such other officer, to exhibit to him the original manifests and the certificates thereupon.

What number of copies must be delivered.

2 March, 1799, c. 22, a. 25, v. 1, p. 647.

SEC. 2814. If the master of any vessel laden with merchandise, and bound to any port in the United States, fails upon his arrival within four leagues of the coast thereof, or within the limits of any collection-

Forfeiture for omitting to produce manifest and deliver copies.

2 March, 1799, c. 22, s. 26, v. 1, p. 647.

district, where the cargo of such vessel, or any part thereof, is intended to be discharged, to produce such manifests as are heretofore required, in writing, to the proper officer upon demand therefor, or to deliver such copies thereof, according to the directions of the preceding sections, or if he fails to give an account of the true destination of the vessel, which he is hereby required to do, upon request of such officer, or gives a false account of such destination, in order to evade the production of the manifests, the master shall for every such neglect, refusal, or offense, be liable to a penalty of not more than five hundred dollars. If any officer first coming on board, in each case, shall neglect or refuse to certify on the back of such manifests the production thereof, and the delivery of such copies respectively as are directed to be delivered to such officer, such officer shall be liable to a penalty of five hundred dollars.

Making return of violations.

2 March, 1799, c. 22, s. 26, v. 1, p. 648.

SEC. 2815. The officers who may apply to the master of any such vessel, respecting any of the provisions in the preceding sections, and who shall not receive full satisfaction therein, are hereby required to make a return in writing of the name of the vessel and master so offending, in any or all of the particulars required, as soon as possible, to the collector of the district to which such vessel shall be considered to be bound.

Entry of merchandise intended for Albany.

2 March, 1867, c. 178, ss. 1, 2, v. 14, p. 542.

SEC. 2816. When any merchandise is intended to be imported from any foreign country into the port of Albany, upon the Hudson River, in New York, such merchandise may be entered at any port of entry and thereafter transported to Albany, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive. (See § 2963.)

Entry of merchandise intended for Augusta.

2 March, 1857, c. 62, v. 11, p. 163.

SEC. 2817. When any merchandise is intended to be imported from any foreign country into the port of Augusta, upon the Savannah River, in Georgia, such merchandise may be entered at the port of Savannah and thereafter transported, either by the river or by railroad, to Augusta, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

Entry of merchandise intended for Pilatka.

3 Aug., 1854, c. 202, s. 1, v. 10, p. 346.

SEC. 2818. When any merchandise is intended to be imported from any foreign country into the port of Pilatka, upon the Saint John's River, in Florida, such merchandise may be entered at Saint John's, and thereafter transported to Pilatka upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

Entry of merchandise intended for Bayport.

3 Aug., 1854, c. 202, s. 1, v. 10, p. 346.

SEC. 2819. When any merchandise is intended to be imported from any foreign country to the port of Bayport, in Florida, such merchandise may be entered at Saint Mark's, and thereafter transported to Bayport, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

Entry of merchandise intended for Selma.

3 March, 1857, c. 102, v. 11, p. 199.
27 Jan., 1858, c. 3, v. 11, p. 260.

SEC. 2820. When any merchandise is intended to be imported from any foreign country into the port of Selma, upon the Alabama River, in Alabama, such merchandise may be entered Mobile, and thereafter transported to Selma, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

Entry of merchandise intended for Houston.

14 July, 1870, c. 269, v. 16, p. 278.

SEC. 2821. When any merchandise is intended to be imported from any foreign country into the port of Houston, upon Trinity River, in Texas, such merchandise may be entered at the port of Galveston and thereafter transported to Houston, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

Entry of merchandise intended for ports upon the Mississippi and its tributaries.

SEC. 2822. When any merchandise is intended to be imported from any foreign country into either of the following ports of delivery, being ports upon the Mississippi River and its tributaries, namely, Pittsburgh, in Pennsylvania; Wheeling, in West Virginia; Cincinnati, in Ohio; Louisville, in Kentucky; Saint Louis, in Missouri; Nashville, in

Tennessee; and Natchez, in Mississippi, such merchandise may be entered at the port of New Orleans, or at either of such ports of entry on the sea-board as may be designated by the Secretary of the Treasury, and thereafter transported to the port of delivery for which the same is intended, by such inland routes as the Secretary of the Treasury may designate, under such rules and regulations not inconsistent with law as he may prescribe, in compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive, and subject to the forfeitures and penalties therein mentioned.

SEC. 2823. When any merchandise is intended to be imported from any foreign country into either of the following ports of delivery, namely: Parkersburgh, in West Virginia; Paducah, in Kentucky; Saint Joseph and Kansas City, in Missouri; Memphis, in Tennessee; Alton, Galena, Quincy, and Cairo, in Illinois; Evansville, New Albany, Madison, and Jeffersonville, in Indiana; Keokuk, Dubuque, and Burlington, in Iowa; Leavenworth, in Kansas, and Omaha, in Nebraska, such merchandise may be entered at the port of New Orleans, and thereafter transported to the port of delivery for which the same is intended, in compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive, and subject to the forfeitures and penalties therein mentioned.

28 Sept., 1850, c. 79, s. 14, v. 9, p. 511. 2 Aug., 1854, c. 191, v. 10, p. 334. 2 Aug., 1854, c. 192, s. 2, v. 10, p. 334. 3 Aug., 1854, c. 202, s. 2, v. 10, p. 346. v. 13, p. 342. 7 July, 1870, c. 211, v. 16, p. 190. 11 July, 1870, c. 244, v. 16, p. 229. 14 July, 1870, c. 268, v. 16, p. 278.

SEC. 2824. When any merchandise is intended to be imported from any foreign country into the port of Vallejo, in California, such merchandise may be entered at the port of San Francisco and thereafter transported to Vallejo, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive; except that the powers and duties assigned by those sections to the surveyors of the ports of delivery, shall, at Vallejo, be exercised and performed by the deputy collector.

SEC. 2825. The importer of any merchandise destined for any of the ports mentioned in the nine preceding sections shall deposit in the custody of the surveyor of such port of delivery a schedule of the goods so intended to be imported, with an estimate of their cost at the place of exportation, whereupon the surveyor shall make an estimate of the amount of duties accruing on the same, and the importer or consignee shall give bond, with sufficient sureties, to be approved by the surveyor, in double the amount of the duties so estimated, conditioned for the payment of the duties on such merchandise, ascertained as hereinafter directed; and the surveyor shall forthwith notify the collector at the port of entry for the collection-district to which such port of delivery is attached, of the same, by forwarding to him a copy of bond and schedule.

SEC. 2826. The importer, or his agent, may enter merchandise at the port of entry for the collection-district into which it is to be imported in the usual manner; and the collector shall grant a permit for the landing thereof, and cause the duties to be ascertained as in other cases, the goods remaining in the custody of the collector until reshipped for the place of destination. The collector shall certify to the surveyor at such place the amount of such duties, which the surveyor shall enter on the margin of the bond given to secure the same; and the merchandise shall be delivered by the collector to the agent of the importer or consignee, duly authorized to receive the same, for shipment to the place of importation.

SEC. 2827. The master or conductor of every vessel or vehicle in which such merchandise shall be transported, shall, previously to departure from the port of entry, deliver to the collector duplicate manifests of such merchandise, specifying the marks and numbers of every case, bag, box, chest, or package, containing the same, with the name and

2 March, 1831, c. 87, s. 1, v. 4, p. 480. 28 Sept., 1850, c. 79, s. 19, v. 9, p. 512.

Ibid.

2 March, 1831, c. 87, s. 1, v. 4, p. 480. 11 March, 1864, c. 28, v. 13, p. 22. 28 Sept., 1850, c. 79, s. 11, v. 9, p. 510. 31 Aug., 1852, c. 115, ss. 1, 2, v. 10, p. 143. 2 Feb., 1854, c. 9, v. 10, p. 266. 3 Aug., 1854, c. 198, v. 10, p. 345. 2 Aug., 1854, c. 334. 1 July, 1864, c. 202, v. 16, p. 229. 14 July,

Entry of merchandise intended for Vallejo.

1 July, 1870, c. 190, v. 16, p. 182. 3 March, 1871, c. 130, s. 3, v. 16, p. 583.

Schedule of merchandise and estimate of duties.

2 March, 1831, c. 87, s. 1, v. 4, p. 480.

Entry of merchandise and permit for landing.

2 March, 1831, c. 87, s. 2, v. 4, p. 481.

Duplicate manifests.

2 March, 1831, c. 87, s. 2, v. 4, p. 481.

place of residence of every importer or consignee of such merchandise, and the quantity shipped to each, to be by him subscribed, and to the truth of which he shall swear, and that the merchandise has been received on board his vessel or vehicle, stating the name of the agent who shipped the same; and the collector shall certify the facts, on the manifests, one of which he shall return to the master, with a permit thereto annexed, authorizing him to proceed to the place of his destination.

Penalty for illegal departure.

2 March, 1831, c. 87, s. 3, v. 4, p. 481.

Delivery of manifests.

2 March, 1831, c. 87, s. 3, v. 4, p. 481.

Inspection.

2 March, 1831, c. 87, s. 3, v. 4, p. 481.

No entry when value exceeds bond.

2 March, 1831, c. 87, s. 4, v. 4, p. 481.

Vessels bound for Natchez and Vicksburgh.

30 June, 1834, c. 135, s. 2, v. 4, p. 715.
7 July, 1838, c. 175, v. 5, p. 287.

Expenses of officer sent with vessel.

30 June, 1834, c. 135, s. 3, v. 4, p. 715.

Duties of master bound for any district in Connecticut.

SEC. 2828. If any vessel or vehicle having such merchandise on board shall depart from the port of entry without having complied with the provisions of the preceding section, the master or conductor thereof shall be liable to a penalty of five hundred dollars.

SEC. 2829. The master or conductor of any such vessel or vehicle arriving at either of the ports named in sections twenty-eight hundred and sixteen to twenty-eight hundred and twenty-four, inclusive, on board of which merchandise shall have been shipped at such port of entry, shall, within eighteen hours next after the arrival, and previously to unloading any part of such merchandise, deliver to the surveyor of such port the manifest of the same, certified by the collector, at the port of entry, and shall make oath before the surveyor that there was not, when he departed from the port of entry, any more or other merchandise on board such boat, vessel, or vehicle so imported than is therein mentioned. If the master of such vessel or vehicle shall neglect or refuse to deliver the manifests within the time herein directed, he shall be liable to a penalty of one hundred dollars.

SEC. 2830. The surveyor at the port of delivery shall cause the casks, bags, boxes, chests, or packages, to be inspected, and compared with the manifests, and the same being identified he shall grant a permit for unloading the same, or such part thereof as the master or conductor shall request; and when a part only of such merchandise is intended to be landed the surveyor shall make an indorsement on the back of the manifests, designating such part, specifying the articles to be landed, and shall return the manifests to the master or conductor, indorsing thereon his permission to such vessel or vehicle to proceed to the place of its destination.

SEC. 2831. The collector at such port of entry shall permit no entry to be made of merchandise, where the duty on the same shall exceed the amount of the bond deposited with the surveyor, nor shall the surveyor receive the bond of any person for a sum less than fifty dollars. When the bond has been completed, and the actual amount of duty ascertained and certified on the margin, the surveyor of the port where the bond is taken shall collect said duties and pay the same into the Treasury of the United States.

SEC. 2832. All vessels proceeding to the ports of Natchez or Vicksburgh from any foreign port shall stop and report their arrival at the port of New Orleans; and before any such vessel shall proceed on her voyage to Natchez or Vicksburgh the collector for the district of New Orleans shall order on board any such vessel a custom-house officer, who shall remain on board such vessel until her arrival at Natchez or Vicksburgh. Such custom-house officer shall take possession of and safely keep all the papers belonging to such vessel having relation to the freight or cargo on board, which papers he shall deliver to the collector at Natchez or Vicksburgh immediately after his arrival at that port; and any such vessel, which shall depart from New Orleans without such custom-house officer on board, shall be subject to all the pains and penalties provided for by law for a violation of the revenue laws.

SEC. 2833. The expenses of the custom-house officer who may be put on board any such vessel bound for Natchez or Vicksburgh at New Orleans, from the time of his being put on board until his return to New Orleans, shall be paid by the owner of such vessel.

SEC. 2834. The master of any vessel bound to any district in Connecticut, through or by the way of Sandy Hook, shall, before he passes the

port of New York, and immediately after his arrival, deposit with the collector for the district of New York a true manifest of the cargo on board such vessel. The master of any vessel bound to the district of Burlington, shall, before he passes the port of Philadelphia, and immediately after his arrival, deposit with the collector thereof a like manifest; and the collector shall, after registering the manifest, transmit the same, duly certified to have been so deposited, to the officer with whom the entries are to be made; and the collectors and surveyors, respectively, may, whenever they judge it to be necessary for the security of the revenue, put an inspector of the customs on board any vessel, to accompany the same until her arrival at the first port of entry or delivery, in the district to which such vessel may be destined. If the master of any vessel shall neglect or omit to deposit a manifest as herein prescribed, or shall refuse to receive an inspector of the customs on board, as the case requires, he shall forfeit and pay five hundred dollars, to be recovered with cost of suit, one-half for the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which such vessel may be bound. If, however, the manifest shall, in either of the above cases, have been previously delivered to any officer of the customs, pursuant to the provisions hereinafter made in that behalf, the depositing of a manifest shall not be necessary.

SEC. 2835. Vessels bound up James River, in the State of Virginia, shall not be required to stop in Hampton Roads to deposit a manifest with the collector at Norfolk. But the master of the revenue-cutter stationed at Norfolk shall, under the orders of the Secretary of the Treasury, board all such vessels, and indorse their manifests, and place an officer on board of each vessel bound up James River, having a cargo from a foreign port. If, however, there is no revenue-cutter on that station for the purpose of boarding vessels, or when the state of the weather may be such as to render it impracticable to send an officer on board any vessel bound up James River, having a cargo from a foreign port, the captain shall deposit, with the surveyor at Hampton, a copy of the manifest of the cargo on board such vessel.

SEC. 2836. The master of any vessel arriving within the districts of Petersburg or Richmond, laden with merchandise, belonging or consigned to persons resident within both the districts, shall make entry of such vessel, in manner already prescribed by law, with the collector of that district wherein the owner or consignee, or the husband or acting manager of such vessel, shall actually reside; and the master shall, at the time of making the entry, deliver a duplicate manifest of the cargo to the collector, whose duty it shall then be to certify the same as a true copy, and to transmit it to the collector of the other district, and the delivery of such merchandise shall be authorized by permits from the collector of each district, respectively, in which the same has been duly entered according to law. No importer, owner, or consignee of merchandise, residing in either district, shall, however, be admitted to make an entry of such merchandise with the collector of the district in which such importer, owner, or consignee does not reside. All entries, moreover, for merchandise, made by agents, for persons residing in other districts, shall be made with the collector of the district in which such vessel may discharge.

SEC. 2837. All invoices shall be made out in the weights or measures of the country or place from which the importation is made, and shall contain a true statement of the actual weights or measures of such merchandise, without any respect to the weights or measures of the United States. See §§ 5443, 5445.]

SEC. 2838. All invoices of merchandise subject to a duty ad valorem shall be made out in the currency of the place or country from whence the importation shall be made, and shall contain a true statement of the actual cost of such merchandise, in such foreign currency or currencies, without any respect to the value of the coins of the United States,

cut or for Burlington.

2 March, 1799, c. 22, s. 19, v. 1, p. 641.

Duties of master bound up James River.

23 March, 1830, c. 35, v. 4, p. 382.

Duties of master bound for Petersburg or Richmond.

3 March, 1801, c. 25, v. 2, p. 116.

What weights and measures used in invoices.

30 June, 1864, c. 171, s. 27, v. 13, p. 217.

What currency used in invoices.

3 March, 1801, c. 28, s. 2, v. 2, p. 121.

DeForest vs. Redfield, 4 Blatch., 478.

Forfeiture when cost is not set forth in invoice.

2 March, 1799, c. 22, s. 66, v. 1, p. 677.

U. S. vs. Riddle, 5 Cr., 311; *U. S. vs. One hundred and fifty Crates Earthenware*, 3 Wh., 232; *Clifton vs. U. S.*, 4 How., 242; *Buckly vs. U. S.*, 4 How., 261; *Caldwell vs. U. S.*, 5 How., 366; *U. S. vs. Sixty-seven Packages*, 17 How., 85; *U. S. vs. One Package*, 17 How., 97; *U. S. vs. One Case of Clocks*, 17 How., 99; *Wood vs. U. S.*, 16 Pet., 342; *Alfonso vs. U. S.*, 2 Story, 421; *Schmalz*, 5 Court Claims, 294.

Collector to take possession when invoice is not correct.

2 March, 1799, c. 22, s. 66, v. 1, p. 677.

Oaths to accompany invoices.

1 March, 1823, c. 21, s. 4, v. 3, pp. 730, 732.

U. S. vs. Wood, 14 Pet., 430; *Taylor vs. U. S.*, 3 How., 197.

or of foreign coins, by law made current within the United States, in such foreign place or country. (See § 2803.)

SEC. 2839. If any merchandise, of which entry has been made in the office of a collector, is not invoiced according to the actual cost thereof at the place of exportation, with design to evade payment of duty, all such merchandise, or the value thereof, to be recovered of the person making entry, shall be forfeited.

SEC. 2840. In every case in which a collector shall suspect that any merchandise is not invoiced at a sum equal to that for which it has usually been sold in the place or country from whence it was imported, he shall take the merchandise into his possession, and retain the same with reasonable care, at the risk and expense of the owner or consignee, until its value at the time and place of importation has been ascertained, as in the case of damaged merchandise, or of merchandise not accompanied with an invoice, and until the duties arising, according to such valuation, have been paid, or secured to be paid. But in case of a prosecution for forfeiture, such appraisement shall not exclude other proof, upon the trial, of the actual cost of the merchandise at the place of exportation.

SEC. 2841. Whenever merchandise imported into the United States is entered by invoice, one of the following oaths, according to the nature of the case, shall be administered by the collector of the port, at the time of entry, to the owner, importer, consignee, or agent.

Oath of consignee, importer, or agent.

I, _____, do solemnly and truly swear (or affirm) that the invoice and bill of lading now presented by me to the collector of _____, are the true and only invoice and bill of lading by me received, of all the goods, wares, and merchandise imported in the _____, whereof _____ is master, from _____, for account of any person whomsoever, for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know nor believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor to my knowledge on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly swear (or affirm) that, to the best of my knowledge and belief, (insert the name and residence of the owner or owners,) is (or are) of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost, (if purchased,) or fair market-value, (if otherwise obtained,) at the time or times, and place or places, when or where procured, (as the case may be,) of the said goods, wares, and merchandise, all the charges thereon, and no other or different discount, bounty, or drawback, but such as has been actually allowed on the same.

Oath of owner in cases where merchandise has been actually purchased.

I, _____, do solemnly and truly swear (or affirm) that the entry now delivered by me to the collector of _____, contains a just and true ac-

count of all the goods, wares, and merchandise imported by or consigned to me, in the _____, whereof _____ is master, from _____; that the invoice which I now produce contains a just and faithful account of the actual cost of the said goods, wares, and merchandise, of all charges thereon, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, and no other discount, drawback, or bounty, but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly swear (or affirm) that I have not, in the said entry or invoice, concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

Oath of manufacturer or owner in cases where merchandise has not been actually purchased.

I, _____, do solemnly and truly swear (or affirm) that the entry now delivered by me to the collector of _____, contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me, in the _____, whereof _____ is master, from _____; that the said goods, wares, and merchandise were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that, nevertheless, the invoice which I now produce contains a just and faithful valuation of the same, at their fair market-value, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, at the time or times, and place or places, when and where procured for my account, (or for account of myself and partners;) that the said invoice contains also a just and faithful account of all charges actually paid, and no other discount, drawback, or bounty but such as has been actually allowed on the said goods, wares, and merchandise; that I do not know nor believe in the existence of any invoice or bill of lading, other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly swear (or affirm) that I have not, in the said entry or invoice, concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced, of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

SEC. 2842. No merchandise subject to ad-valorem duty imported into the United States, and belonging to a person residing in the United States, but at the time absent from the place where the merchandise is intended to be entered, shall be admitted to an entry, unless the importer, consignee, or agent, shall previously give bond, the form of which shall be prescribed by the Secretary of the Treasury, with sufficient sureties, to produce, within four months, to the collector of the port where the merchandise may be, the invoice of the same, duly verified, according to the circumstances of the case, by the oath of the owner, or one of the owners; which oath shall be administered by a collector, if there is any in the place where the owner may be; or, if there is none, by some public officer duly authorized to administer oaths.

SEC. 2843. No merchandise subject to ad-valorem duty belonging to a person not residing at the time in the United States, and who shall have actually purchased the same, shall be admitted to entry, unless the invoice is verified by the oath of the owner, or one of the owners, certifying that the merchandise was actually purchased for his account, or

Bond for production of invoice of goods of absent owner.

1 March, 1823, c. 21, s. 6, v. 3, p. 733.

Oath of purchaser.

1 March, 1823, c. 21, s. 7, v. 3, p. 733.

for account of himself and partners in the purchase; that the invoice annexed thereto contains a true and faithful account of the actual cost thereof, and of all charges thereon, and that no discounts, bounties, or drawbacks, are contained in the invoice, but such as have been actually allowed on the same. Such oath shall be administered by a consul or commercial agent of the United States, or by some public officer duly authorized to administer oaths in the country where the merchandise was purchased; and the same shall be duly certified by the consul, commercial agent, or public officer; and when such oath is administered by an officer other than a consul or commercial agent of the United States, such official certificate shall be authenticated by such a consul or commercial agent. (See §§ 1715, 1717, 2442.)

Authentication
in absence of consul.

1 March, 1823, c. 21, s. 7, v. 3, p. 733.

SEC. 2844. If there is no consul or commercial agent of the United States in the country from which such merchandise was imported, the authentication required by the preceding section shall be executed by a consul of a nation at the time in amity with the United States, if there is any such residing there; and if there is no such consul in the country the authentication shall be made by two respectable merchants, if any there be, residing in the port from which the merchandise shall have been imported.

Oath of manufacturer, &c.

1 March, 1823, c. 21, s. 8, v. 3, p. 733.

SEC. 2845. No merchandise subject to ad-valorem duty belonging to a person not residing at the time in the United States, who has not acquired the same in the ordinary mode of bargain and sale, or belonging to the manufacturer, in whole or in part, of the same, shall be admitted to entry, unless the invoice thereof is verified by the oath of the owner, or of one of the owners, administered and authenticated in the mode prescribed in the two preceding sections, and certifying that the invoice contains a true and faithful account of the merchandise, at its fair market-value, at the time and place when and where the same was procured or manufactured, as the case may be, and of all charges thereon; and that the invoice contains no discounts, bounties, or drawbacks, but such as have been actually allowed.

Oath of representative.

1 March, 1823, c. 21, s. 9, v. 3, p. 734.

SEC. 2846. Whenever merchandise subject to ad-valorem duty belongs to the estates of deceased persons or of persons insolvent who have assigned the same for the benefit of their creditors, the oaths to invoices may be administered to the executor or administrator, or to the assignee, of such persons.

Secretary may admit goods notwithstanding want of invoice.

1 March, 1823, c. 21, s. 10, v. 3, p. 734.

SEC. 2847. Whenever merchandise subject to ad-valorem duty is imported belonging to a person not residing in the United States, not accompanied with an invoice verified and authenticated as required by the preceding sections, or whenever it is not practicable to make such oath, or whenever there is an immaterial informality in the oath or authentication taken, or whenever the collector of the port at which the merchandise is has certified his opinion to the Secretary of the Treasury that no fraud was intended in the invoice of the merchandise, the Secretary of the Treasury may admit the same to an entry. But he shall in no case admit any merchandise to an entry where there is just ground to suspect that a fraud on the revenue was intended.

Bond to produce invoice required.

1 March, 1823, c. 21, s. 10, v. 3, p. 734.

SEC. 2848. The consignee, importer, or agent shall, previous to an entry allowed under the preceding section, give bond, the form whereof shall be prescribed by the Secretary of the Treasury, with sufficient sureties, to produce the invoice, if the same be practicable, duly verified and authenticated, within eight months from the time of entry, if the merchandise was imported from any port on this side, and within eighteen months, if from any port beyond the Cape of Good Hope, or Cape Horn, or from the Cape of Good Hope.

Oath where one of owners resides abroad.

1 March, 1823, c. 21, s. 11, v. 3, p. 734.

SEC. 2849. In all cases where merchandise subject to ad-valorem duty belongs in part to a person residing in the United States, and in part to a person residing out of the United States, the oath of one of the owners residing in the United States shall be sufficient to admit the same to an entry. In all cases, however, where the merchandise was manufactured, in whole or in part, by any one of the owners,

residing out of the United States, the same shall not be so admitted to an entry, unless the invoice has been verified and authenticated by such manufacturer in the manner prescribed in section twenty-eight hundred and forty-five.

SEC. 2850. Whenever the invoice of merchandise belonging to a person not residing in the United States has not been duly verified and authenticated, and, upon application to the Secretary of the Treasury, the merchandise has been refused an entry, the same shall be deemed suspected.

SEC. 2851. For every verification of an invoice and certificate before a consul or commercial agent, such consul or commercial agent shall be entitled to demand and receive from the person making the same, a fee of two dollars and fifty cents. But each shipper shall have the right to include all articles shipped by him in the same invoice. (See §§ 1716, 1721.)

SEC. 2852. When any merchandise is admitted to an entry upon invoice, the collector of the port in which the same is entered shall certify the same under his official seal; and no other evidence of the value of such merchandise shall be admitted on the part of the owner thereof, in any court of the United States, except in corroboration of such entry.

SEC. 2853. All invoices of merchandise imported from any foreign country shall be made in triplicate, and signed by the person owning or shipping such merchandise, if the same has actually been purchased, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, manufacturer, or owner.

SEC. 2854. All such invoices shall, at or before the shipment of the merchandise, be produced to the consul, vice-consul, or commercial agent of the United States nearest the place of shipment, for the use of the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice is in all respects true; that it contains, if the merchandise mentioned therein is subject to ad-valorem duty, and was obtained by purchase, a true and full statement of the time when and the place where the same was purchased, and the actual cost thereof, and of all charges thereon; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have actually been allowed thereon; and when obtained in any other manner than by purchase, the actual market-value thereof at the time and place when and where the same was procured or manufactured; and, if subject to specific duty, the actual quantity thereof; and that no different invoice of the merchandise, mentioned in the invoice so produced, has been or will be furnished to any one. If the merchandise was actually purchased, the declaration shall also contain a statement that the currency in which such invoice is made out is the currency which was actually paid for the merchandise by the purchaser.

SEC. 2855. The person so producing such invoice shall at the same time declare to such consul, vice-consul, or commercial agent the port in the United States at which it is intended to make entry of merchandise; whereupon the consul, vice-consul, or commercial agent shall indorse upon each of the triplicates a certificate, under his hand and official seal, stating that the invoice has been produced to him, with the date of such production, and the name of the person by whom the same was produced, and the port in the United States at which it shall be the declared intention to make entry of the merchandise therein mentioned. The consul, vice-consul, or commercial agent shall then deliver to the person producing the same, one of the triplicates, to be used in making entry of the merchandise; shall file another in his office, to be there carefully preserved; and shall, as soon as practicable, transmit the remaining one to the collector of the port of the United States at which it shall be declared to be the intention to make entry of the merchandise.

Effect of omission of oath.

1 March, 1823, c. 21, s. 12, v. 3, p. 734.

Fee for verification of invoice.

1 March, 1823, c. 21, s. 22, v. 3, p. 737.

Certificate upon invoice.

1 March, 1823, c. 21, s. 23, v. 3, p. 737.

Triplicate invoices.

3 March, 1863, c. 76, s. 1, v. 12, p. 737.

Declaration to accompany invoice.

3 March, 1863, c. 76, s. 1, v. 12, p. 737.

Thirty-one hundred and nine cases of champagne, 1 Ben., 241.

Twelve hundred and nine quarter-casks of wine, 2 Ben., 249.

Six cases of silk ribbons, 3 Ben., 536.

Indorsement upon invoice.

3 March, 1863, c. 76, s. 1, v. 12, p. 738.

Declaration in adjacent countries.

27 July, 1868, c. 254, v. 15, p. 226.

SEC. 2856. In case of merchandise imported from a foreign country adjacent to the United States, the declaration in the two preceding sections required, may be made to, and the certificate indorsed by, the consul, vice-consul, or commercial agent at or nearest to the port of clearance for the United States.

Change of destination.

3 March, 1863, c. 76, a. 1, v. 12, p. 738.

SEC. 2857. Whenever, from a change of the destination of any merchandise, after the production of the invoice thereof to the consul, vice-consul, or commercial agent, or from other cause, the triplicate transmitted to the collector of the port to which such merchandise was originally destined, is not received at the port where the same actually arrives, and where it is desired to make entry thereof, the merchandise may be admitted to an entry on the execution by the owner, consignee, or agent, of a bond, with sufficient security, in double the amount of duty apparently due, conditioned for the payment of the duty which shall be found to be actually due thereon. The collector of the port where such entry shall be made shall immediately notify the consul, vice-consul, or commercial agent to whom such invoice has been produced, to transmit to such collector a certified copy thereof; and such consul, vice-consul, or commercial agent shall transmit the same accordingly without delay; and the duty shall not be finally liquidated until such triplicate, or a certified copy thereof, shall have been received. Such liquidation, however, shall not be delayed longer than eighteen months from the time of making such entry.

Remission of forfeiture in case of loss of invoice.

3 March, 1863, c. 76, a. 1, v. 12, p. 739.

SEC. 2858. Whenever, from accident or other cause, it has become impracticable for the person desiring to make entry of any merchandise, to produce, at the time of making such entry, any invoice thereof, as hereinbefore required, it shall be lawful for the Secretary of the Treasury to authorize the entry of such merchandise upon such terms and in accordance with such general or special regulations as he may prescribe. The Secretary of the Treasury is hereby invested with the like powers of remission in cases of forfeiture arising under the foregoing provisions as in other cases of forfeiture under the revenue laws. (See §§ 2300, 2361.)

Countries excepted from foregoing provisions.

3 March, 1863, c. 76, a. 1, v. 12, p. 739.
8 July, 1866, c. 201, a. 19, v. 14, p. 182.

SEC. 2859. The six preceding sections shall not apply to countries where there is no consul, vice-consul, or commercial agent of the United States. And whenever the value of the imported merchandise does not exceed one hundred dollars, the collector may admit it to entry without the production of the triplicate invoice, and without submitting the question to the Secretary of the Treasury, if he is satisfied that the neglect to produce such invoice was unintentional and that the importation was made in good faith, and without any purpose of defrauding or evading the revenue laws.

No entry allowed without invoices, except, &c.

3 March, 1863, c. 76, a. 1, v. 12, p. 738.

SEC. 2860. Except as allowed in the four preceding sections, no merchandise imported from any foreign place or country shall be admitted to an entry unless the invoice presented in all respects conforms to the requirements of sections twenty-eight hundred and fifty-three, twenty-eight hundred and fifty-four, and twenty-eight hundred and fifty-five, and has thereon the certificate of the consul, vice-consul, or commercial agent in those sections specified, nor unless the invoice is verified at the time of making such entry by the oath of the owner or consignee, or of the authorized agent of the owner or consignee, certifying that the invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made, nor, unless the triplicate transmitted by the consul, vice-consul, or commercial agent to the collector has been received by him.

Restriction on consular certificates.

22 Feb., 1873, c. 184, a. 3, v. 17, p. 474.

SEC. 2861. No consular officer of the United States shall grant a certificate for merchandise shipped from countries adjacent to the United States, which have passed a consulate after purchase for shipment. (See § 1717, *ibid.*)

Consuls to exact proof of invoice.

3 March, 1866, c. 111, v. 13, p. 532.

SEC. 2862. All consular officers are hereby authorized to require, before certifying any invoice under the provisions of the preceding sections, satisfactory evidence, either by the oath of the person presenting such invoices or otherwise, that such invoices are correct and true. In

the exercise of the discretion hereby given, the consular officers shall be governed by such general or special regulations or instructions as may from time to time be established or given by the Secretary of State. [See § 1715.]

SEC. 2863. All consuls and commercial agents of the United States having any knowledge or belief of any case or practice of any person who obtains verification of any invoice whereby the revenue of the United States is or may be defrauded, shall report the facts to the collector of the port where the revenue is or may be defrauded, or to the Secretary of the Treasury. [See § 5442.]

SEC. 2864. If any owner, consignee, or agent of any merchandise shall knowingly make, or attempt to make, an entry thereof by means of any false invoice, or false certificate of a consul, vice-consul, or commercial agent, or of any invoice which does not contain a true statement of all the particulars hereinbefore required, or by means of any other false or fraudulent document or paper, or of any other false or fraudulent practice or appliance whatsoever, such merchandise shall be forfeited. [See §§ 5444, 5452.]

Champagne, 3 Wall., 560. Thirty-one hundred and nine cases of champagne, 1 Ben., 241. Twenty-eight cases, 2 Ben., 63. Twelve hundred and nine quarter-casks of wine, 2 Ben., 249. Six cases of silk ribbons, 3 Ben., 536.

SEC. 2865. Every person who makes out or passes, or attempts to pass, through the custom-house any false, forged, or fraudulent invoice, or who shall aid or abet in making or passing such false, forged, or fraudulent invoice, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two years, or both in the discretion of the court.

seven packages, 17 How., 85; U. S. vs. Smith, 2 Blatch., 127; U. S. vs. Nolton, 5 Blatch., 427.

SEC. 2866. From the date of the President's proclamation declaring that he has evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the legislature of Prince Edward's Island have passed laws on their part to give effect to the provisions of the treaty of Washington of May eighth, eighteen hundred and seventy-one, as contained in articles eighteen to twenty-five inclusive, and article thirty of said treaty, and so long as said articles remain in force, according to the terms and conditions of article thirty-third of said treaty, all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been, or may from time to time be, specially designated by the President of the United States and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may, from time to time, prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions, through the territory of the United States, for export from the said ports of the United States.

To report fraudulent practices.

14 July, 1862, c. 163, s. 18, v. 12, p. 559.

Punishment for making, &c., false invoice.

3 March, 1863, c. 76, s. 1, v. 12, p. 738.

Cliquot's Champagne, 3 Wall., 114; Bollinger's

For issuing false invoice.

30 Aug., 1842, c. 270, s. 19, v. 5, p. 565.

U. S. vs. Sixty-

Entry of merchandise destined for British possessions.

1 March, 1873, c. 213, s. 3, v. 17, pp. 482-483.

CHAPTER FIVE.

UNLADING.

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Penalty for unloading without permit.

2 March, 1799, c. 22, s. 27, v. 1, p. 648.

Harris vs. Dennis, 3 Pet., 304; *Schooner Industry*, 1 Gall., 114; *Schooner Harmony*, 1 Gall., 123; *U. S. vs. Hayward*, 2 Gall., 485; *Schooner Betsy*, 1 Mas., 354; *Clark vs. Insurance Co.*, 1 Story, 109; *U. S. vs. The Virgin*, Pet., C. C., 7; *U. S. vs. The Brant*, Pet., C. C., 14.

Forfeiture for unlawful transfer.

2 March, 1799, c. 22, s. 28, v. 1, p. 648.

Schooner Harmony, 1 Gall., 123; *U. S. vs. The Virgin*, Pet., C. C., 7.

Permits.

2 March, 1799, c. 22, s. 49, v. 1, p. 664.

Pero vs. U. S., Pet., C. C., 256; *Kohne vs. Insurance Co.*, 1 Wash., C. C., 158.

What a permit must state.

2 March, 1799, c. 22, s. 49, v. 1, p. 664.

SEC. 2867. If after the arrival of any vessel laden with merchandise and bound to the United States, within the limits of any collection-district, or within four leagues of the coast, any part of the cargo of such vessel shall be unladen, for any purpose whatever, before such vessel has come to the proper place for the discharge of her cargo, or some part thereof, and has been there duly authorized by the proper officer of the customs to unlade the same, the master of such vessel and the mate, or other person next in command, shall respectively be liable to a penalty of one thousand dollars for each such offense, and the merchandise so unladen shall be forfeited, except in case of some unavoidable accident, necessity, or distress of weather. In case of such unavoidable accident, necessity, or distress, the master of such vessel shall give notice to, and, together with two or more of the officers or mariners on board such vessel, of whom the mate or other person next in command shall be one, shall make proof upon oath before the collector, or other chief officer of the customs of the district, within the limits of which such accident, necessity, or distress happened, or before the collector, or other chief officer of the collection-district, within the limits of which such vessel shall first afterward arrive, if the accident, necessity, or distress happened not within the limits of any district, but within four leagues of the coast of the United States. The collector, or other chief officer, is hereby authorized and required to administer such oath.

SEC. 2868. If any merchandise, so unladen from on board any such vessel, shall be put or received into any other vessel, except in the case of such accident, necessity, or distress, to be so notified and proved, the master of any such vessel into which the merchandise shall be so put and received, and every other person aiding and assisting therein, shall be liable to a penalty of treble the value of the merchandise, and the vessel in which they shall be so put shall be forfeited.

SEC. 2869. The collector jointly with the naval officer, if any, or alone where there is none, shall, according to the best of his or their judgment or information, make a gross estimate of the amount of the duties on the merchandise to which the entry of any owner or consignee, his factor or agent, shall relate, which estimate shall be indorsed upon such entry and signed by the officer making the same. The amount of the estimated duties having been first paid, or secured to be paid, pursuant to the provisions of this Title, the collector shall, together with the naval officer, where there is one, or alone where there is none, grant a permit to land the merchandise, whereof entry has been so made, and then, and not before, it shall be lawful to land the merchandise.

SEC. 2870. All permits shall specify, as particularly as may be, the merchandise to be delivered, namely, the number and description of the packages, whether trunk, bale, chest, box, case, pipe, hogshead, barrel, keg, or any other packages whatever, with the mark and number of each package, and, as far as circumstances will admit, the contents thereof, together with the names of the vessel and master, in which and the place from whence they were imported; and no merchandise shall be delivered by any inspector or other officer of the customs that does not fully agree with the description thereof in such permit.

SEC. 2871. The collector of customs, with the concurrence of the naval officer, where there is one, of any port at which a steamship from a foreign port or place may arrive, upon or after the issuing of a general order, shall grant, upon proper application therefor, a special license to unlade the cargo of said vessel at night, that is to say, between sunset and sunrise, but before any such special license is granted, the master, agents, or consignees of the vessel shall execute and deliver to the collector a good and sufficient bond, to be approved by him, conditioned to indemnify and save the collector harmless from any and all losses and liabilities which may occur or be occasioned by reason of the granting of such special license. And any liability of the master or owner of any such steamship to the owner or consignee of any merchandise landed from her shall not be affected by the granting of such special license or of any general order, but such liability shall continue until the merchandise is properly removed from the dock whereon the same may be landed. The collector, under such general regulations as the Secretary of the Treasury may prescribe, shall fix a uniform and reasonable rate of compensation for like service, to be paid by the master, owner, or consignee, whenever such special license is granted, and shall collect and distribute the same among the inspectors assigned to superintend the unloading of the cargo.

SEC. 2872. Except as authorized by the preceding section, no merchandise brought in any vessel from any foreign port shall be unladen or delivered from such vessel within the United States but in open day—that is to say, between the rising and the setting of the sun—except by special license from the collector of the port, and naval officer of the same, where there is one, for that purpose, nor at any time without a permit from the collector, and naval officer, if any, for such unloading or delivery.

SEC. 2873. If any merchandise shall be unladen or delivered from any vessel, contrary to the preceding section, the master of such vessel, and every other person who shall knowingly be concerned, or aiding therein, or in removing, storing, or otherwise securing such merchandise, shall each be liable to a penalty of four hundred dollars for each offense, and shall be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and the collector of the district shall advertise the name of such person in a newspaper printed in the State in which he resides, within twenty days after each respective conviction.

Hunter, Pet., C. C., 10; Bottomley vs. U. S., 1 Story, 135; Schooner Industry, 1 Gall., 114; Schooner Harmony, 1 Gall., 123; U. S. vs. Hayward, 2 Gall., 486; Schooner Betsey, 1 Mas., 354; Jackson vs. U. S., 4 Mas., 186; Clark vs. Protection Ins. Com., 1 Story, 109; U. S. vs. The Virgin, Pet., C. C., 7; Walsh vs. U. S., 3 Wood. and M., 341.

SEC. 2874. All merchandise, so unladen or delivered contrary to the provisions of section twenty-eight hundred and seventy-two, shall become forfeited, and may be seized by any of the officers of the customs; and where the value thereof, according to the highest market price of the same, at the port or district where landed, shall amount to four hundred dollars, the vessel, tackle, apparel, and furniture shall be subject to like forfeiture and seizure.

SEC. 2875. The collector of any district at which any vessel arrives, immediately on her first coming within such district, or the surveyor of any port where such vessel is, may put and keep on board such vessel, while remaining within such district, or in going from one district to another, one or more inspectors to examine the cargo or contents of such vessel, and to superintend the delivery thereof, or of so much thereof as shall be delivered within the United States, and to perform such other duties, according to law, as they shall be directed by the collector, or surveyor, to perform for the better securing the collection of the duties. Only collectors shall have power, however, to put inspectors on board vessels, to go from one district to another.

License to un-load at night.

3 March, 1873, c. 240, v. 17, p. 579.

Time of delivery.

2 March, 1799, c. 22, s. 50, v. 1, p. 665.

Harford vs. U. S., 8 Cr., 109; The brig Concord, 9 Cr., 387; The John Griffin, 15 Wall., 29; Jackson vs. U. S., 4 Mas., 186; The Gertrude, 3 Story, 68.

Penalty for unlawful delivery.

2 March, 1799, c. 22, s. 50, v. 1, p. 665.

Locke vs. U. S., 7 Cr., 339; Harford vs. U. S., 8 Cr., 109; The Gertrude, 3 Story, 68; U. S. vs. Burnham, 1 Mas., 57; U. S. vs. The

Forfeiture for unlawful delivery.

2 March, 1799, c. 22, s. 50, v. 1, p. 665.

Inspectors.

2 March, 1799, c. 22, s. 53, v. 1, p. 667.

Duties of inspectors.

2 March, 1799, c. 22, s. 53, v. 1, p. 667.

SEC. 2876. The inspector shall make known to the master of such vessel the duties he is to perform; and shall suffer no merchandise to be unladen, or otherwise removed from such vessel, without a permit in writing from the collector of the port, and naval officer thereof, if any. The inspector shall enter in a book, to be by him kept according to such a form as shall be prescribed or approved by the collector, the name of the person in whose behalf such permits are granted, together with the particulars therein specified, and the marks, numbers, kinds, and description of the respective packages which shall be unladen pursuant thereto, and shall keep a like account in the book of all merchandise which, not having been entered within the time limited by this Title, or for some other cause, has been sent to the store or warehouse provided for the reception of such merchandise; such book shall be delivered to the surveyor in the month of January in every year for his inspection, and immediately after such inspection be transmitted by the surveyor, with such observations as he may think necessary thereon, to the collector, to be deposited in his office.

Delivery of cargo.

2 March, 1799, c. 22, s. 53, v. 1, p. 667.

SEC. 2877. The inspector shall attend to the delivery of the cargo under his care, at all times when the unloading or delivery of merchandise is lawful, particularly from the rising to the setting of the sun on each day, Sundays and the fourth day of July in each year excepted; for which purpose he shall constantly attend and remain on board the vessel, the deliveries from which he is to superintend, or at any other station where his inspection is necessary. The inspector shall not quit such station or place without the leave of the surveyor of the port first obtained, who shall appoint another inspector, if he deems it necessary, to supply the place of such inspector during his absence; and any inspector who shall neglect or in any manner act contrary to the duties hereby enjoined, shall for the first offense be liable to a penalty of the sum of fifty dollars, and for the second offense shall be displaced, and be incapable of holding any station of trust or profit under the revenue laws of the United States, for a term not exceeding seven years.

Compensation, &c., of inspectors.

2 March, 1799, c. 22, s. 53, v. 1, p. 667.

SEC. 2878. No inspector shall perform any other duties or service on board any vessel, the superintendence of which is committed to him, for any person whatever, other than what is required by this Title, under the penalty of being disabled from acting any longer as an inspector of the customs; the wages or compensation of such inspector as may proceed from one district to another, shall be defrayed by the master of the vessel committed to his care; every inspector or other officer of the revenue, while performing any duty on board any vessel, not in a port of the United States, discharging her cargo, shall be entitled to receive from the master of such vessel such provisions and accommodations as are usually supplied to passengers, or as the state and condition of such vessel will admit, on receiving therefor fifty cents a day; and any master of any vessel who shall refuse such provisions and reasonable accommodations shall be liable to a penalty of one hundred dollars. [See § 2876.]

Compensation of inspectors in case of delay.

2 March, 1799, c. 22, s. 56, v. 1, p. 670.

SEC. 2879. If, by reason of the delivery of the cargo in several districts, more than the term allowed by law shall in the whole be spent therein, the wages or compensation of the inspector who may be employed on board of any vessel, in respect to which such term may be so exceeded, shall, for every day of such excess, be paid by the master or owner; and the inspector shall, previously to the clearance of the vessel, render an exact account to the collector of all such compensation as has been paid, or is due and payable by the master or owner.

Time for unloading.

2 March, 1799, c. 22, s. 56, v. 1, p. 669.

2 March, 1861, c. 81, v. 12, p. 209.

SEC. 2880. Whenever any merchandise shall be imported into any port of the United States from any foreign port, in any vessel, at the expiration of eight working days, if the vessel is less than three hundred tons burden, and within twelve working days, if it is of three hundred tons burden and less than eight hundred, and within fifteen days, if it is of eight hundred tons burden and upward, after the time within which the report of the master of any vessel is required to be made to

the collector of the district, if there is found any merchandise other than has been reported for some other district, or some foreign port, the collector shall take possession thereof; but with the consent of the owner or consignee of any merchandise, or with the consent of the owner or master of the vessel in which the same may be imported, the merchandise may be taken possession of by the collector after one day's notice to the collector of the district. All merchandise so taken shall be delivered pursuant to the order of the collector of the district, for which a certificate or receipt shall be granted.

SEC. 2881. The limitation of the time for unloading, prescribed by the preceding section, shall not extend to vessels laden with salt or coal; but if the master or owner of any vessel laden with salt or coal requires a longer time to discharge her cargo, the wages, or compensation of the inspector, for every day's attendance exceeding the number of days allowed by law, shall be paid by the master or owner; and thereupon the collector is hereby authorized and required to allow such longer time as, in his judgment, he may think necessary to discharge such cargo, not exceeding fifteen days.

SEC. 2882. No merchandise, brought in any vessel, from any foreign port or place, requiring to be weighed, gauged, or measured, in order to ascertain the duties thereupon, shall, without the consent of the proper officer, be removed from any wharf, or place, upon which the same may be landed or put, before the same shall have been so weighed, gauged, or measured, and if spirits, wines, or sugars, before the proof or quality and quantity thereof is ascertained and marked thereon, by or under the direction of the proper officer; and if any such merchandise shall be removed from such wharf or place, unless with the consent of the proper officer, obtained before the same has been so weighed, gauged, or measured, and if spirits, wines, or sugars, before the proof or quality and quantity has been so ascertained and marked, the same shall be forfeited, and may be seized by any officer of the customs or inspection.

SEC. 2883. Every permit for the unloading of spirits, wines, or any part thereof, shall, previous to such landing or unloading thereof, be produced to the officer of inspection, who shall record or register in proper books the contents thereof, and shall indorse thereupon the word "Inspected," the time when, and his own name; after which he shall return the permit to the person by whom it was produced, and then, and not otherwise, it shall be lawful to land the spirits, or wines, therein specified; and if spirits or wines shall be landed without such indorsement upon the permit granted for that purpose, the master of the vessel from which the same shall have been so landed shall for every such offense be liable to a penalty of five hundred dollars, and the spirits or wines so landed shall be forfeited.

SEC. 2884. All distilled spirits, and wines, shall be landed under the inspection of the surveyor, or other officer acting as inspector of the revenue for the port, and such of the inspectors of the customs as shall be deputed by him for that purpose, and not otherwise, on pain of forfeiture thereof, for which purpose the officer shall at all reasonable times attend. This shall not, however, be construed to exclude the inspection of any officer of the customs, as now or heretofore practiced.

SEC. 2885. The officers of inspection of any port where distilled spirits or wines shall be landed, shall, upon the landing thereof, and as soon as the casks, vessels, and cases containing the same shall be inspected, gauged, or measured, brand or otherwise mark in durable characters, the several casks, vessels, and cases containing the same, and the marks shall express the number of casks, vessels, or cases, whether of spirits or wines, marked by each officer respectively, in each year, in progressive numbers for each of the articles; also the port of importation, the name of the vessel, and the surname of the master; also each kind of spirits or wines, for which different rates of duty are or shall be imposed, the number of gallons in each cask or case, and

Salt and coal.

2 March, 1799, c.
22, s. 56, v. 1, p. 670.

Removal from
wharf.

2 March, 1799, c.
22, s. 51, v. 1, p. 665.

Peisch vs. Ware,
4 Cr., 347.

Indorsement on
permit for landing
spirits, &c.

2 March, 1799, c.
22, s. 37, v. 1, p. 658.

Landing spirits,
&c., regulated.

2 March, 1799, c.
22, s. 38, v. 1, p. 658.

Marking casks
and cases of spirits.

2 March, 1799, c.
22, s. 39, v. 1, p. 659.
14 July, 1832, c.
227, s. 5, v. 4, p. 591.

the rate of proof if spirits; also the name of the surveyor or chief officer of inspection for the port, and the date of importation; of all which particulars the chief officers of inspection shall keep fair and correct accounts, in books to be provided for that purpose.

Obliteration of marks.

2 March, 1799, c. 22, a. 44, v. 1, p. 660.

SEC. 2886. On the sale of any cask, vessel, or case, which has been or shall be marked as containing distilled spirits or wines, and which has been emptied of its contents, and prior to the delivery thereof to the purchaser, or any removal thereof, the marks and numbers, which shall have been set thereon by or under the direction of any officer of inspection, shall be defaced and obliterated in the presence of some officer of inspection or of the customs, who shall, on due notice being given, attend for that purpose, at which time the certificate which ought to accompany such chest, vessel, or case, shall also be returned and canceled. Every person who shall obliterate, counterfeit, alter, or deface any mark or number placed by an officer of inspection upon any cask, vessel, or case, containing distilled spirits or wines, or any certificate thereof; or who shall sell or in any way alienate or remove any cask, vessel, or case, which has been emptied of its contents, before the marks and numbers, set thereon pursuant to the provisions of the preceding section, shall have been defaced or obliterated, in presence of an officer of inspection; or who shall neglect or refuse to deliver the certificate issued to accompany the cask, chest, vessel, or case, of which the marks and numbers shall have been defaced or obliterated in manner aforesaid, on being thereto required by an officer of inspection or of the customs, shall for every such offense be liable to a penalty of one hundred dollars, with costs of suit.

Forfeiture of omitted or missing articles, except in case of accident or mistake.

2 March, 1799, c. 22, a. 57, v. 1, p. 671.

U. S. vs. Fairclough, 4 Wash. C. C., 398.

SEC. 2887. If any package whatever which has been so reported as wanting, and not found on board such vessel, or if the merchandise on board such vessel does not otherwise agree with the report or manifest delivered by the master of any such vessel, in every such case the master shall be liable to a penalty of five hundred dollars; except that if it is made to appear to the satisfaction of the collector, naval officer, and surveyor, or to the major part of them where those officers are established at any port, or to the satisfaction of the collector alone where neither of the others is established, or in case of trial for the penalty, to the satisfaction of the court, that no part whatever of merchandise of such vessel has been unshipped, landed, or unladen since it was taken on board, except as specified in the report or manifest, and pursuant to permits, or that the disagreement is by accident or mistake, in such case the penalty shall not be inflicted. But in all such cases the master of any vessel shall be required and shall make a post entry or addition to the report or manifest by him delivered of any and all merchandise omitted to be included and reported in such manifest; and it shall not be lawful to grant a permit to unlade any such merchandise so omitted before such post entry or addition to such report or manifest has been made. (Sec. § 2027.)

Account of deliveries.

2 March, 1799, c. 22, a. 55, v. 1, p. 663.

SEC. 2888. When the delivery of merchandise from on board of any vessel is completed, copies of the accounts or entries which have been kept or made thereof, by the officer charged with the deliveries, shall be returned to the collector of the district, and the naval officer, if any, within three days after such delivery has been completed, if at the port where such officer resides, and if at any other port as soon as the nature of the case will admit, not exceeding fifteen days. The accounts or entries to be so returned shall comprise all deliveries made pursuant to permits, and all packages or merchandise sent to the public stores; also each and every package remaining on board of such vessel for the purpose of being exported therein to a foreign port, or to some other district of the United States.

Proceedings upon returns of deliveries.

2 March, 1799, c. 22, a. 55, v. 1, p. 669.

SEC. 2889. Such returns shall be signed by the inspectors respectively under whose superintendence the deliveries have been made; and, after examination, and on being found correct, shall be countersigned or certified by the surveyor of the port, if any, at the port where the deliveries have been made. The returns shall be transmitted by him

to the naval officer, if any; who shall compare the same with the manifests and entries in his possession; and if any difference appears, the particulars thereof shall be noted by indorsement on the returns; and if no difference appears, it shall be so noted by like indorsements. The naval officer shall transmit the returns to the collector of the district; and on being returned to the collector, shall be by him compared with the manifests and entries of the merchandise, which have been made by the owner, consignee, or his factor or agent; and if any difference appears, the same shall be noted by indorsement on such manifests, specifying the particulars thereof; and if no difference appears, it shall be noted by like indorsement, that the delivery corresponds with the entry or entries thereof. The indorsement or memorandum shall, in each case, be subscribed by the officer by whom the comparison was made.

SEC. 2890. The weighers, gaugers, and measurers, employed in the service of the revenue, shall, within three days after any vessel is discharged, make returns of the articles by them respectively weighed, gauged, or measured, out of such vessel. Such returns shall be made by the weighers, gaugers, and measurers, in books to be prepared by them for that purpose, and kept in the custom-houses.

SEC. 2891. If any vessel from any foreign port, compelled by distress of weather, or other necessity, shall put into any port of the United States, not being destined for the same, the master, together with the mate or person next in command, may, within twenty-four hours after her arrival, make protest in the usual form upon oath, before a notary public or other person duly authorized, or before the collector of the district where the vessel arrives, setting forth the cause or circumstances of such distress or necessity. Such protest, if not made before the collector, shall be produced to him, and to the naval officer, if any, and a copy thereof lodged with him or them. The master shall also, within forty-eight hours after such arrival, make report in writing to the collector, of the vessel and her cargo, as is directed hereby to be done in other cases. And if it appear to the collector, by the certificate of the wardens of the port, or other officers usually charged with, and accustomed to ascertain the condition of vessels arriving in distress, if any, or by the certificate of two reputable merchants, to be named for that purpose by the collector, if there are no such wardens, or other officers duly qualified, that there is a necessity for unloading the vessel, the collector and naval officer, if any, shall grant a permit for that purpose, and shall appoint an inspector to oversee such unloading, who shall keep an account of the same, to be compared with the report made by the master of the vessel.

SEC. 2892. All merchandise so unladen from any vessel arriving in distress shall be stored under the direction of the collector, who, upon request of the master of such vessel, or of the owner thereof, shall, together with the naval officer, where there is one, and alone where there is none, grant permission to dispose of such part of the cargo as may be of a perishable nature, if any there be, or as may be necessary to defray the expenses attending such vessel and her cargo. But entry shall be made therefor, and the duties paid.

SEC. 2893. In case the delivery of the cargo does not agree with the report thereof, made by the master of such vessel so arriving in distress, and if the difference or disagreement is not satisfactorily accounted for in manner prescribed by this Title, the master of such vessel shall be liable to such penalties as in other like cases are prescribed.

SEC. 2894. The merchandise, or the remainder thereof, which shall not be disposed of, may be reloaded on board the vessel so arriving in distress, under the inspection of the officer who superintended the landing thereof, or other proper person; and the vessel may proceed with the same to the place of her destination, free from any other charge than for the storing and safe-keeping of the merchandise, and fees to the officers of the customs as in other cases.

Returns of weighers, gaugers, and measurers.

2 March, 1799, c. 22, s. 72, v. 1, p. 678.

Distress of weather.

2 March, 1799, c. 22, s. 60, v. 1, p. 672.

Storage of goods in distress.

2 March, 1799, c. 22, s. 60, v. 1, p. 672.

Variance between report and delivery of vessel in distress.

2 March, 1799, c. 22, s. 60, v. 1, p. 672.

Reloading of vessel in distress.

2 March, 1799, c. 22, s. 60, v. 1, p. 672.

Spanish vessels.
14 Feb., 1806, c.
12, a. 1, v. 2, p. 314.

SEC. 2895. Whenever any Spanish vessel shall arrive in distress, in any port of the United States, having been damaged on the coasts or within the limits of the United States, and her cargo shall have been unladen, in conformity with the provisions of the four preceding sections, the cargo, or any part thereof, may, if the vessel should be condemned as not seaworthy, or be deemed incapable of performing her original voyage, afterward be reladen on board any other vessel under the inspection of the officer who superintended the landing thereof, or other proper person. No duties, charges, or fees whatever, shall be paid on such part of the cargo as may be reladen and carried away, either in the vessel in which it was originally imported, or in any other.

Obstruction by ice.
2 March, 1799, c.
12, a. 85, v. 1, p. 694.

SEC. 2896. When a vessel is prevented by ice from getting to the port or place at which her cargo is intended to be delivered, the collector of the district in which such vessel may be obstructed may receive the report and entry of such vessel, and, with the consent of the naval officer, where there is one, grant permits for unloading or landing the merchandise imported in such vessel, at any place within his district, most convenient and proper. The report and entry of such vessel, and her cargo, or any part thereof, and all persons concerned therein, shall be subject to the same regulations and penalties as if the vessel had arrived at the port of her destination, and had there proceeded to the delivery of her cargo.

Unlading salt at New Orleans.
12 June, 1844, c.
47, v. 5, p. 663.

SEC. 2897. The Secretary of the Treasury, under such rules and regulations as he shall prescribe, may permit salt imported from foreign places to be unladen on the right bank of the river Mississippi opposite the city of New Orleans, at any point on the right bank between the upper and lower corporate limits of the municipalities of the city.

Tare.
14 July, 1862, c.
163, a. 16, v. 12, p.
558.

SEC. 2898. In estimating the allowance for tare on all chests, boxes, cases, casks, bags, or other envelope or covering of all articles imported liable to pay any duty, where the original invoice is produced at the time of making entry thereof, and the tare shall be specified therein, the collector, if he sees fit, or the collector and naval officer, if any, if they see fit, may, with the consent of the consignees, estimate the tare according to such invoice; but in all other cases the real tare shall be allowed, and may be ascertained under such regulations as the Secretary of the Treasury may from time to time prescribe; but in no case shall there be any allowance for draught.

CHAPTER SIX.

APPRAISAL.

Sec.	Sec.
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SEC. 2899. No merchandise liable to be inspected or appraised shall be delivered from the custody of the officers of the customs, until the same has been inspected or appraised, or until the packages sent to be inspected or appraised shall be found correctly and fairly invoiced and put up, and so reported to the collector. The collector may, however, at the request of the owner, importer, consignee, or agent, take bonds, with approved security, in double the estimated value of such merchandise, conditioned that it shall be delivered to the order of the collector, at any time within ten days after the package sent to the public stores has been appraised and reported to the collector. If in the mean time any package shall be opened, without the consent of the collector or surveyor given in writing, and then in the presence of one of the inspectors of the customs, or if the package is not delivered to the order of the collector, according to the condition of the bond, the bond shall, in either case, be forfeited.

SEC. 2900. The owner, consignee, or agent of any merchandise which has been actually purchased, or procured otherwise than by purchase, at the time, and not afterward, when he shall produce his original invoice to the collector and make and verify his written entry of his merchandise, may make such addition in the entry to the cost or value given in the invoice as in his opinion may raise the same to the actual market-value or wholesale price of such merchandise at the period of exportation to the United States in the principal markets of the country from which the same has been imported; and the collector within whose district the same may be imported or entered may cause such actual market-value or wholesale price to be appraised; and if such appraised value shall exceed by ten per centum or more the value so declared in the entry, then, in addition to the duties imposed by law on the same, there shall be collected a duty of twenty per centum ad valorem on such appraised value. The duty shall not, however, be assessed upon an amount less than the invoice or entered value.

385; Durand vs. Lawrence, 2 Blatch., 396; Christ vs. Maxwell, 3 Blatch., 129; Morris vs. Maxwell, 3 Blatch., 143; Vaccari vs. Maxwell, 3 Blatch., 308; Crowley vs. Maxwell, 3 Blatch., 383; Carnes vs. Maxwell, 3 Blatch., 420; Harriman vs. Maxwell, 3 Blatch., 421; Howland vs. Maxwell, 3 Blatch., 146; Schmaier vs. Maxwell, 3 Blatch., 408; Lillie vs. Redfield, 4 Blatch., 41; Fallech vs. Barney, 5 Blatch., 38.

SEC. 2901. The collector shall designate on the invoice at least one package of every invoice, and one package at least of every ten packages of merchandise, and a greater number should he or either of the appraisers deem it necessary, imported into such port, to be opened, examined, and appraised, and shall order the package so designated to the public stores for examination; and if any package be found by the appraisers to contain any article not specified in the invoice, and they or a majority of them shall be of opinion that such article was omitted in the invoice with fraudulent intent on the part of the shipper, owner, or agent, the contents of the entire package in which the article may be, shall be liable to seizure and forfeiture on conviction thereof before any court of competent jurisdiction; but if the appraisers shall be of opinion that no such fraudulent intent existed, then the value of such article shall be added to the entry, and the duties thereon paid accordingly, and the same shall be delivered to the importer, agent, or consignee. Such forfeiture may, however, be remitted by the Secretary of

No delivery without appraisal.

26 May, 1830, c. 147, s. 4, v. 4, p. 410.

Powell vs. Redfield, 4 Blatch., 45.

Additions to entry.

3 March, 1865, c. 80, s. 7, v. 13, p. 493.

Stairs vs. Peaslee, 18 How., 521; Sampson vs. Peaslee, 20 How., 571; Belcher vs. Lawrence, 21 How., 251; Kimball vs. Collector, 10 Wall., 436; Grinnell vs. Lawrence, 1 Blatch., 346; Manhattan Gas-Light Com. vs. Maxwell, 2 Blatch., 405; Thomson vs. Maxwell, 2 Blatch.,

Number of packages to be opened.

30 Aug., 1842, c. 270, s. 21, v. 5, p. 565.

Buckley vs. U. S., 4 How., 251; Converse vs. Bargees, 18 How., 413.

the Treasury on the production of evidence satisfactory to him that no fraud was intended.

Mode of appraisal.

30 Aug., 1842, c. 270, s. 16, v. 5, p. 563.

Marriatt vs. Brune, 9 How., 619, 634; *Bartlett vs. Kane*, 16 How., 271; *Converse vs. Burgess*, 18 How., 413; *Belcher vs. Lawson*, 21 How., 251; *Barnard vs. Morton*, 1 Curt., 404; *Gray vs. Lawson*, 3 Blatch., 117.

Depreciated currency.

2 March, 1799, c. 22, s. 61, v. 1, p. 673.

Grant vs. Maxwell, 2 Blatch., 220; *Dutilh vs. Maxwell*, 2 Blatch., 541; *Craig vs. Maxwell*, 2 Blatch., 545; *Fiedler vs. Maxwell*, 2 Blatch., 552; *Reynolds vs. Maxwell*, 2 Blatch., 555; *Rich vs. Maxwell*, 3 Blatch., 127; *De Forest vs. Redfield*, 4 Blatch., 478.

Value at date of shipment.

2 March, 1861, c. 68, s. 28, v. 12, p. 197.

Goods from country other than of production, &c.

30 Aug., 1842, c. 270, s. 16, v. 5, p. 563.

Fennerstein's Champagne, 3 Wall, 145; *Barnard vs. Morton*, *Sprague*, 186; *Grinnell vs. Lawrence*, 1 Blatch., 346.

Value at period of exportation.

3 March, 1865, c. 80, s. 7, v. 13, p. 493.

Stairs vs. Peaslee, 18 How., 521; *Ballard vs. Thomas*, 19 How., 382; *Sampson vs. Peaslee*, 20 How., 571; *Fennerstein's Champagne*, 3 Wall., 145; *Goddard vs. Maxwell*, 3 Blatch., 131; *Bailey vs. Goodrich*, 2 Cliff., 597; *Gray vs. Lawrence*, 3 Blatch., 117; *Barnard vs. Morton*, *Sprague*, 186.

Ascertainment of value.

28 July, 1866, c. 298, s. 9, v. 14, p. 330.

Grinnell vs. Law-

SEC. 2902. It shall be the duty of the appraisers of the United States, and every of them, and every person who shall act as such appraiser, or of the collector and naval officer, as the case may be, by all reasonable ways and means in his or their power, to ascertain, estimate, and appraise the true and actual market-value and wholesale price, any invoice or affidavit thereto to the contrary notwithstanding, of the merchandise, at the time of exportation, and in the principal markets of the country whence the same has been imported into the United States, and the number of such yards, parcels, or quantities, and such actual market-value or wholesale price of every of them, as the case may require. All such merchandise, being manufactured of wool, or whereof wool shall be a component part, which shall be imported into the United States, in an unfinished condition, shall, in every such appraisal, be estimated to have been at the time of exportation, and place whence the same was imported into the United States, of as great value as if the same had been entirely finished. [See § 2304, Schedule L.]

SEC. 2903. The President may cause to be established fit and proper regulations for estimating the duties on merchandise imported into the United States, in respect to which the original cost shall be exhibited in a depreciated currency, issued and circulated under authority of any foreign government. [See § 2303.]

SEC. 2904. When the duty upon any imports shall be subject to be levied upon the true market-value of such imports in the principal markets of the country from whence the importation has been made, or at the port of exportation, the duty shall be estimated and collected upon the value on the day of actual shipment, whenever a bill of lading shall be presented showing the date of shipment, and which shall be certified by a certificate of the United States consul, commercial agent, or other legally authorized deputy.

SEC. 2905. In all cases where merchandise, subject to ad-valorem duty, or on which the duties are to be levied upon the value of the square yard, and in all cases where any specific quantity or parcel of such merchandise has been imported into the United States from a country in which the same has not been manufactured or produced, the foreign value shall be appraised and estimated according to the current market-value or wholesale price of similar articles at the principal markets of the country of production or manufacture, at the period of the exportation of such merchandise to the United States.

SEC. 2906. When an ad-valorem rate of duty is imposed on any imported merchandise, or when the duty imposed shall be regulated by, or directed to be estimated or based upon, the value of the square yard, or of any specified quantity or parcel of such merchandise, the collector within whose district the same shall be imported or entered shall cause the actual market-value, or wholesale price thereof, at the period of the exportation to the United States, in the principal markets of the country from which the same has been imported, to be appraised, and such appraised value shall be considered the value upon which duty shall be assessed.

SEC. 2907. In determining the dutiable value of merchandise, there shall be added to the cost, or to the actual wholesale price or general market-value at the time of exportation in the principal markets of the country from whence the same has been imported into the United States, the cost of transportation, shipment, and transshipment, with all the expenses included, from the place of growth, production, or manufacture,

whether by land or water, to the vessel in which shipment is made to the United States; the value of the sack, box, or covering of any kind in which such merchandise is contained; commission at the usual rates, but in no case less than two and a half per centum; and brokerage, export duty, and all other actual or usual charges for putting up, preparing, and packing for transportation or shipment. All charges of a general character incurred in the purchase of a general invoice shall be distributed pro rata among all parts of such invoice; and every part thereof charged with duties based on value shall be advanced according to its proportion, and all wines or other articles paying specific duty by grades shall be graded and pay duty according to the actual value so determined.

rence, 1 Blatch., 346; Wilbur vs. Lawrence, 2 Blatch., 314; Griswold vs. Maxwell, 3 Blatch., 145; Munsell vs. Maxwell, 3 Blatch., 364; Barnard vs. Morton, Sprague, 186; Norcross vs. Greely, 1 Curt., 114; Warren vs. Peaslee, 2 Curt., 231; Grant vs. Peaslee, 2 Curt., 250; Millar vs. Millar, 2 Cliff., 597.

SEC. 2908. All additions made to the entered value of merchandise for charges shall be regarded as part of the actual value of such merchandise, and if such addition shall exceed by ten per centum the value declared in the entry, in addition to the duties imposed by law, there shall be collected a duty of twenty per centum on such value. But nothing contained in this and the preceding section shall apply to long combing or carpet wools costing twelve cents or less per pound, unless the charges so added shall carry the cost above twelve cents per pound, in which case one cent per pound duty shall be added: *Provided*, That this and the preceding section shall not be construed as impairing the provisions relating to duties on the several classes of imported wools, contained in section two thousand five hundred and four, under Schedule L.

Additional part of value.

28 July, 1866, c. 298, s. 9, v. 14, p. 330.

Sampson vs. Peaslee, 20 How., 571.

SEC. 2909. Where the actual value to be appraised, estimated, and ascertained as hereinbefore stated, of any merchandise imported into the United States, and subject to any ad-valorem duty, or whereon the duty is regulated by or directed to be imposed or levied on the value of the square yard, or other parcel or quantity thereof, shall exceed by ten per centum or more the invoice value, then, in addition to the duty imposed by law on the same, there shall be levied and collected on such merchandise twenty per centum of the duty imposed on the same, when fairly invoiced.

Additional duty.

30 Aug., 1842, c. 270, s. 17, v. 5, p. 564.

Belcher vs. Lawrence, 21 How., 251; Manhattan Gas-Light Co., vs. Maxwell, 2 Blatch., 405; Fiedler vs.

Maxwell, 2 Blatch., 552; Carnes vs. Maxwell, 3 Blatch., 420; Bannendahl vs. Redfield, 4 Blatch., 223; Bischoff vs. Maxwell, 4 Blatch., 384; Spring vs. Russell, Lowell, 258.

Different values in the same invoice.

2 March, 1861, c. 68, s. 32, v. 12, p. 197.

Best article fixes value.

14 July, 1832, c. 227, s. 13, v. 4, p. 593.

SEC. 2910. When merchandise of the same material or description, but of different values, is invoiced at an average price, and not otherwise provided for, the duty shall be assessed upon the whole invoice at the rate to which the highest valued goods in such invoice are subject.

Appraisement of wool.

2 March, 1867, c. 197, s. 1, v. 14, pp. 559, 560.

SEC. 2911. Whenever articles composed wholly, or in part, of wool or cotton, of similar kind, but different quality, are found, in the same package, charged at an average price, it shall be the duty of the appraisers to adopt the value of the best article contained in such package, and so charged, as the average value of the whole.

SEC. 2912. When wool of different qualities is imported in the same bale, bag, or package, it shall be appraised by the appraiser, to determine the rate of duty to which it shall be subjected, at the average aggregate value of the contents of the bale, bag, or package; and when bales of different qualities are embraced in the same invoice at the same prices whereby the average price shall be reduced more than ten per centum below the value of the bale of the best quality, the value of the whole shall be appraised according to the value of the bale of the best quality; and no bale, bag, or package shall be liable to a less rate of duty in consequence of being invoiced with wool of lower value.

Appraisement of gloves.

3 March, 1873, c. 232, s. 4, v. 17, p. 559.

SEC. 2913. In the appraisement of kid and all other gloves imported into the United States there shall be no discrimination in determining by appraisement the foreign market-value of such goods, whether protected by trade-mark or not; and in no case shall gloves so protected by trade-mark be appraised at a less foreign market-value than the like goods not so protected; and no sale or pretended sale of such goods shall be held to fix the value of the same.

- Grades of sugar.** SEC. 2914. The standard by which the color and grades of sugar are to be regulated, shall be selected and furnished to the collectors of such ports of entry as may be necessary by the Secretary of the Treasury, from time to time, and in such manner as he may deem expedient.
- 30 June, 1864, c. 171, s. 1, v. 13, p. 302.
- Sampling of sugar.** SEC. 2915. The Secretary of the Treasury shall, by regulation, prescribe and require that samples from packages of sugar shall be taken by the proper officers, in such manner as to ascertain the true quality of such sugar; and the weights of sugar imported in casks or boxes shall be marked distinctly by the custom-house weigher, by scoring the figures indelibly on each package.
- 22 Dec., 1870, c. 6, v. 16, p. 397.
- Samples of wool.** SEC. 2916. For the purpose of carrying into effect the classification of wool and hair of animals, prescribed by Schedule L, Title "DUTIES UPON IMPORTS," a sufficient number of distinctive samples of the various kinds of wool or hair embraced in each of the three classes named, selected and prepared under the direction of the Secretary of the Treasury, and duly verified by him, the standard samples of which shall be retained in the Treasury Department, shall be deposited in the custom-houses and elsewhere, as he may direct; which samples shall be used by the proper officers of the customs, to determine the class to which any imported wool or hair belongs.
- 2 March, 1867, c. 197, s. 1, v. 14, p. 560.
- Standard of vinegar.** SEC. 2917. The standard for vinegar shall be taken to be that strength which requires thirty-five grains of bicarbonate of potash to neutralize one ounce troy of vinegar; and all import duties that may be imposed by law on vinegar imported from foreign countries shall be collected according to this standard.
- 6 June, 1872, c. 315, s. 6, v. 17, p. 237.
- Hydrometers.** SEC. 2918. The Secretary of the Treasury may, under the direction of the President, adopt such hydrometer as he may deem best calculated to promote the public interest for the purpose of ascertaining the proof of liquors; and, after such adoption, the duties imposed by law upon distilled spirits shall be collected according to proof ascertained by any hydrometer so adopted.
- 12 Jan., 1825, c. 4, v. 4, p. 79.
- Ascertainment of duties on grain.** SEC. 2919. For the purpose of estimating the duties on importations of grain, the number of bushels shall be ascertained by weight, instead of by measuring; and sixty pounds of wheat, fifty-six pounds of corn, fifty-six pounds of rye, forty-eight pounds of barley, thirty-two pounds of oats, sixty pounds of pease, and forty-two pounds of buckwheat, avoirdupois weight, shall respectively be estimated as a bushel.
- 18 July, 1866, c. 201, s. 38, v. 14, p. 187.
- Expense of weighing, measuring, or gauging.** SEC. 2920. In all cases in which the invoice or entry does not contain the weight, or quantity, or measure of merchandise, now weighed, or measured, or gauged, the same shall be weighed, gauged, or measured at the expense of the owner, agent, or consignee.
- 30 July, 1846, c. 74, s. 4, v. 9, p. 43.—*Manhattan Gas-Light Co. vs. Maxwell*, 2 Hatch., 405.
- Deficiency.** SEC. 2921. If, on the opening of any package, a deficiency of any article shall be found, on examination by the appraisers, the same shall be certified to the collector on the invoice, and an allowance for the same be made in estimating the duties.
- 30 Aug., 1842, c. 270, s. 21, v. 5, p. 565.
- Examination of owner and others.** SEC. 2922. The appraisers, or the collector and naval officer, as the case may be, may call before them and examine upon oath, any owner, importer, consignee, or other person, touching any matter or thing which they may deem material in ascertaining the true market-value or wholesale price of any merchandise imported, and require the production, on oath, to the collector or to any permanent appraiser, of any letters, accounts, or invoices, in his possession relating to the same. All testimony in writing, or depositions, taken by virtue of this section, shall be filed in the collector's office, and preserved for future use or reference, to be transmitted to the Secretary of the Treasury when he shall require the same.
- 30 Aug., 1842, c. 270, s. 17, v. 5, p. 564.
- Belcher vs. Lawson**, 21 How., 255.
- Forfeiture for refusal to submit to an examination.** SEC. 2923. If any person so called shall neglect or refuse to attend, or shall decline to answer, or shall, if required, refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers, when so required by an appraiser or collector and naval officer, he shall be liable to a penalty of one hundred dollars; and
- 30 Aug., 1842, c. 270, s. 17, v. 5, p. 564.

if such person be the owner, importer, or consignee, the appraisement which the appraisers, or collector and naval officer, where there are no legal appraisers, may make of the merchandise shall be final and conclusive.

SEC. 2924. Any person who shall willfully and corruptly swear falsely on an examination before any appraiser, or collector and naval officer, shall be deemed guilty of perjury; and if he is the owner, importer, or consignee, the merchandise shall be forfeited. [See § 5392.]

SEC. 2925. Whenever, in the opinion of the Secretary of the Treasury, it may be necessary in order to carry into full effect the laws for the collection of the revenue, he may authorize the collector of any district into which merchandise, subject to duty, may be imported, to require the owner, importer, or consignee of such merchandise, to give bond, in a sum not exceeding the value of such merchandise, that he will produce or cause to be produced, within a reasonable time, to be fixed by the Secretary, such proof as the Secretary may deem necessary, and as is in the power of the owner, importer, or consignee, to obtain, to enable the collector to ascertain the class or description of manufacture, or rate of duty, to which such merchandise is justly liable.

SEC. 2926. All merchandise, of which incomplete entry has been made, or an entry without the specification of particulars, either for want of the original invoice, or for any other cause, or which has received damage during the voyage, shall be conveyed to some warehouse or storehouse, to be designated by the collector, in the parcels or packages containing the same, there to remain with due and reasonable care, at the expense and risk of the owner or consignee, under the care of some proper officer, until the particulars, cost, or value, as the case may require, shall have been ascertained either by the exhibition of the original invoice thereof, or by appraisement, at the option of the owner, importer, or consignee; and until the duties thereon shall have been paid, or secured to be paid, and a permit granted by the collector for the delivery thereof.

SEC. 2927. In respect to articles that have been damaged during the voyage, whether subject to a duty ad valorem, or chargeable with a specific duty, either by number, weight, or measure, the appraisers shall ascertain and certify to what rate or percentage the merchandise is damaged, and the rate of percentage of damage, so ascertained and certified, shall be deducted from the original amount, subject to a duty ad valorem, or from the actual or original number, weight, or measure, on which specific duties would have been computed. No allowance, however, for the damage on any merchandise, that has been entered, and on which the duties have been paid or secured to be paid, and for which a permit has been granted to the owner or consignee thereof, and which may on examining the same prove to be damaged, shall be made, unless proof to ascertain such damage shall be lodged in the custom-house of the port where such merchandise has been landed, within ten days after the landing of such merchandise.

SEC. 2928. Before any merchandise which may be taken from any wreck shall be admitted to an entry, the same shall be appraised; and the same proceedings shall be ordered and executed in all cases where a reduction of duties shall be claimed on account of damage which any merchandise shall have sustained in the course of the voyage; and in all cases where the owner, importer, consignee, or agent shall be dissatisfied with such appraisement, he shall be entitled to the privileges of appeal as provided for in this Title.

SEC. 2929. The principal appraisers shall revise and correct the report of the assistant appraisers as they may judge proper, and report to the collector their decision thereon. If the collector deems any appraisement of goods too low, he may order a re-appraisement, either by the principal appraisers, or by three merchants designated by him for that

Forfeiture for perjury.
30 Aug., 1842, c. 270, s. 17, v. 5, p. 564.

Bond to produce proof.
28 May, 1830, c. 147, s. 8, v. 4, p. 411.

Storing goods with incomplete manifests.
2 March, 1799, c. 2, s. 52, v. 1, p. 665.

Shelton vs. Austin, 1 Cliff., 388.

Damaged goods.
2 March, 1799, c. 22, s. 52, v. 1, p. 666.

Shelton vs. The Collector, 5 Wall., 113; Shelton vs. Austin, 1 Cliff., 388.

Wrecked and damaged goods.
1 March, 1823, c. 21, s. 21, v. 3, p. 736.

Shelton vs. The Collector, 5 Wall., 113; The Waterloo, Blatch. & H., 114; Shelton vs. Austin, 1 Cliff., 391.

Revision of report.
28 May, 1830, c. 147, s. 2, v. 4, p. 409.

Insigni vs. The Collector, 1 Wall., 375.

purpose, who shall be citizens of the United States; and may cause the duties to be charged accordingly. [See § 2944.]

Appeal from appraisements.

30 Aug., 1842, c. 270, s. 17, v. 5, p. 564.

3 March, 1851, c. 38, s. 3, v. 9, p. 630.

Greely vs. Thompson, 10 How., 225; *Bartlett vs. Kane*, 16 How., 263; *Belcher vs. Linn*, 24 How., 506; *Isaigi vs. The Collector*, 1 Wall., 375; *Fielden vs. Lawrence*, 3 Blatch., 120; *Banga vs. Maxwell*, 3 Blatch., 135; *Roller vs. Maxwell*, 3 Blatch., 142; *Morris vs. Maxwell*, 3 Blatch., 143; *McCall vs. Lawrence*, 3 Blatch., 360; *Vaccari vs. Maxwell*, 3 Blatch., 368; *Id.*, 376; *Schmaire vs. Maxwell*, 3 Blatch., 408; *Bannendahl vs. Redfield*, 4 Blatch., 223; *Ysnaga vs. Peaselee*, 1 Cliff., 493.

Appeal to the Secretary.

30 June, 1864, c. 171, s. 14, v. 13, p. 214.

Westray vs. U. S., 18 Wall., 322.

SEC. 2930. If the importer, owner, agent, or consignee, of any merchandise shall be dissatisfied with the appraisement, and shall have complied with the foregoing requisitions, he may forthwith give notice to the collector, in writing, of such dissatisfaction; on the receipt of which the collector shall select one discreet and experienced merchant to be associated with one of the general appraisers wherever practicable, or two discreet and experienced merchants, citizens of the United States, familiar with the character and value of the goods in question, to examine and appraise the same, agreeably to the foregoing provisions; and if they shall disagree, the collector shall decide between them; and the appraisement thus determined shall be final and be deemed to be the true value, and the duties shall be levied thereon accordingly.

SEC. 2931. On the entry of any vessel, or of any merchandise, the decision of the collector of customs at the port of importation and entry, as to the rate and amount of duties to be paid on the tonnage of such vessel or on such merchandise, and the dutiable costs and charges thereon, shall be final and conclusive against all persons interested therein, unless the owner, master, commander, or consignee of such vessel, in the case of duties levied on tonnage, or the owner, importer, consignee, or agent of the merchandise, in the case of duties levied on merchandise, or the costs and charges thereon, shall, within ten days after the ascertainment and liquidation of the duties by the proper officers of the customs, as well in cases of merchandise entered in bond as for consumption, give notice in writing to the collector on each entry, if dissatisfied with his decision, setting forth therein, distinctly and specifically, the grounds of his objection thereto, and shall within thirty days after the date of such ascertainment and liquidation, appeal therefrom to the Secretary of the Treasury. The decision of the Secretary on such appeal shall be final and conclusive; and such vessel, or merchandise, or costs and charges, shall be liable to duty accordingly, unless suit shall be brought within ninety days after the decision of the Secretary of the Treasury on such appeal for any duties which shall have been paid before the date of such decision on such vessel, or on such merchandise, or costs or charges, or within ninety days after the payment of duties paid after the decision of the Secretary. No suit shall be maintained in any court for the recovery of any duties alleged to have been erroneously or illegally exacted, until the decision of the Secretary of the Treasury shall have been first had on such appeal, unless the decision of the Secretary shall be delayed more than ninety days from the date of such appeal in case of an entry at any port east of the Rocky Mountains, or more than five months in case of an entry west of those mountains. [See §§ 2911-2914.]

Appeal from decision in regard to fees.

30 June, 1864, c. 171, s. 15, v. 13, p. 215.

SEC. 2932. The decision of the respective collectors of customs as to all fees, charges, and exactions of whatever character, other than those relating to the rate and amount of duties to be paid on the tonnage of any vessel, or on merchandise and the dutiable costs and charges thereon, claimed by them, or by any of the officers under them, in the performance of their official duty, shall be final and conclusive against all persons interested in such fees, charges, or exactions, unless the like notice that an appeal will be taken from such decision to the Secretary of the Treasury shall be given within ten days from the making of such decision, and unless such appeal shall actually be taken within thirty days from the making of such decision; and the decision of the Secretary of the Treasury shall be final and conclusive upon the matter so appealed, unless suit shall be brought for the recovery of such fees, charges, or exactions, within the period as provided for in the preceding section in regard to

duties. No suit shall be maintained in any court for the recovery of any such fees, costs, and charges, alleged to have been erroneously or illegally exacted, until the decision of the Secretary of the Treasury shall have been first had on such appeal, unless such decision of the Secretary shall be delayed more than ninety days from the date of such appeal in case of an entry at any port east of the Rocky Mountains, or more than five months in case of an entry west of those mountains. (See § 2012.)

SEC. 2933. All drugs, medicines, medicinal preparations, including medicinal essential oils and chemical preparations, used wholly or in part as medicine, imported from abroad, shall, before passing the custom-house, be examined and appraised, as well in reference to their quality, purity, and fitness for medical purposes, as to their value and identity specified in the invoice.

SEC. 2934. All medicinal preparations, whether chemical or otherwise, usually imported with the name of the manufacturer, shall have the true name of the manufacturer and the place where they are prepared, permanently and legibly affixed to each parcel by stamp, label, or otherwise; and all medicinal preparations imported without such names so affixed shall be adjudged to be forfeited.

SEC. 2935. If, on examination, any drugs, medicines, medicinal preparations, whether chemical or otherwise, including medicinal essential oils, are found, in the opinion of the examiner, to be so far adulterated, or in any manner deteriorated, as to render them inferior in strength and purity to the standard established by the United States, Edinburgh, London, French, and German pharmacopœias and dispensatories, and thereby improper, unsafe, or dangerous to be used for medicinal purposes, a return to that effect shall be made upon the invoice, and the articles so noted shall not pass the custom-house, unless, on a re-examination of a strictly analytical character, called for by the owner or consignee, the return of the examiner shall be found erroneous, and it is declared as the result of such analysis, that the articles may properly, safely, and without danger, be used for medicinal purposes.

SEC. 2936. The owner or consignee shall at all times, when dissatisfied with the examiner's return, have the privilege of calling, at his own expense, for a re-examination; and the collector, upon receiving a deposit of such sum as he may deem sufficient to defray such expense, shall procure some competent analytical chemist possessing the confidence of the medical profession, as well as of the colleges of medicine and pharmacy, if any such institutions exist in the State in which the collection-district is situated, a careful analysis of the articles included in the return, and a report upon the same under oath. In case this report, which shall be final, shall declare the return of the examiner to be erroneous, and the articles to be of the requisite strength and purity, according to the standards referred to in the next preceding section, the entire invoice shall be passed without reservation, on payment of the customary duties.

SEC. 2937. If the examiner's return, however, shall be sustained by the analysis and report, the articles shall remain in charge of the collector, and the owner or consignee, on payment of the charges of storage, and other expenses necessarily incurred by the United States, and on giving a bond with sureties satisfactory to the collector to land the articles out of the limits of the United States, shall have the privilege of re-exporting them at any time within the period of six months after the report of the analysis; but if the articles shall not be sent out of the United States within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed, and hold the owner or consignee responsible to the United States for the payment of all charges, in the same manner as if the articles had been re-exported.

SEC. 2938. One of the assistant appraisers at the port of New York, to be appointed with special reference to his qualifications for such duties, shall, in addition to the duties that may be required of him by

Examination of medicines.

26 June, 1848, c. 70, s. 1, v. 9, p. 237.

Name of proprietor to be affixed to medicines.

26 June, 1848, c. 70, s. 2, v. 9, p. 238.

Return upon examination.

26 June, 1848, c. 70, s. 3, v. 9, p. 238.

Appeal from examination.

26 June, 1848, c. 70, s. 4, v. 9, p. 238.

Exportation of rejected articles.

26 June, 1848, c. 70, s. 4, v. 9, p. 238.

Appraiser as special examiner.

27 July, 1866, c. 284, s. 3, v. 14, p. 302.

Appraisement at New York.

27 July, 1866, c. 284, s. 1, v. 14, p. 302.

Examiners at New York.

27 July, 1866, c. 284, s. 4, v. 14, p. 303.

Appraiser, &c., at New York not to engage in business.

27 July, 1866, c. 284, s. 5, v. 14, p. 303.

Duties of appraisers at New York.

27 July, 1866, c. 284, s. 6, v. 14, p. 303.

Appraiser to inspect damaged goods.

27 July, 1866, c. 284, s. 3, v. 14, p. 302.

Labor beyond usual hours.

27 July, 1866, c. 284, s. 9, v. 14, p. 303.

Penalty for declining to act as appraiser.

1 March, 1823, c. 21, s. 19, v. 3, p. 736.

Appraisement by revenue officers.

30 Aug., 1842, c. 270, s. 22, v. 5, p. 566.

the appraiser, perform the duties of a special examiner of drugs, medicines, chemicals, and so forth. [See §§ 2838, 2841.]

SEC. 2839. The collector of the port of New York shall not, under any circumstances, direct to be sent for examination and appraisement less than one package of every invoice, and one package at least out of every ten packages of merchandise, and a greater number should he, or the appraiser, or any assistant appraiser, deem it necessary. When the Secretary of the Treasury, however, from the character and description of the merchandise, may be of the opinion that the examination of a less proportion of packages will amply protect the revenue, he may, by special regulation, direct a less number of packages to be examined.

SEC. 2940. The Secretary of the Treasury may, on the nomination of the appraiser, appoint such number of examiners at the port of New York as the Secretary may in writing determine to be necessary, to aid each of the assistant appraisers in the examination, inspection, and appraisement of merchandise. No person shall be appointed such examiner who is not, at the time of his appointment, practically and thoroughly acquainted with the character, quality, and value of the article in the examination and appraisement of which he is to be employed; nor shall any such examiner enter upon the discharge of his duties, as such, until he shall have taken and subscribed an oath faithfully and diligently to discharge such duties. [See § 2744.]

SEC. 2941. No appraiser, assistant appraiser, examiner, clerk, verifier, sampler, messenger, or other person employed in the departments of appraisal at the port of New York, or any of them, shall engage or be employed in any commercial or mercantile business, or act as agent for any person engaged in such business, during the term of his appointment.

SEC. 2942. All provisions relating to the duties of appraisers, or to any proceedings consequent or dependent upon the action of such appraisers and not inconsistent with the provisions relating to the appraiser and assistant appraisers at the port of New York, shall be construed to apply to them.

SEC. 2943. One of the assistant appraisers at the port of New York shall be detailed by the appraiser for the supervision of the department for the examination of merchandise damaged on the voyage of importation, and as far as practicable to make examinations and appraisals of such or any other merchandise as the appraiser may direct, and in all cases truly to report to him the extent of such damage, or the true value of the merchandise appraised, as the case may be, according to law; such report to be subject to revision, correction, and approval by the appraiser, and to be transmitted to the collector in the same manner as other appraisals.

SEC. 2944. If at any time, from an increase of importation, or from any other cause, there shall be found upon the floors of the public stores in the city of New York an accumulation of merchandise awaiting appraisement, the appraiser shall, under regulations established by the Secretary of the Treasury, direct the assistant appraisers, and others associated with them in this branch of the public business, to devote time beyond the usual business hours, in each day, during daylight, to their respective duties, so that the business of appraisement may be faithfully and more promptly dispatched.

SEC. 2945. Any merchant who shall be chosen by the collector to make any appraisement required under any act respecting imports and tonnage, and who shall, after due notice of such choice has been given to him in writing, decline or neglect to assist at such appraisement, shall be subject to a penalty of not more than fifty dollars, and to the costs of prosecution therefor. [See §§ 2809, 2810, 2830.]

SEC. 2946. When merchandise is entered at ports where there are no appraisers, the mode hereinbefore prescribed of ascertaining the foreign value thereof shall be carefully observed by the revenue officers to whom is committed the estimating and collection of duties. [See § 2809.]

SEC. 2947. The Secretary of the Treasury shall have authority to direct the appraisers for any collection-district to attend in any other collection-district for the purpose of appraising any merchandise imported therein.

SEC. 2948. No portion of the additional duties provided by this Title shall be deemed a fine, penalty, or forfeiture, for the purpose of being distributed to any officer of the customs, but the whole amount thereof, when received, shall be paid directly into the Treasury.

Ring vs. Maxwell, 17 How., 147; U. S. vs. Collier, 3 Blatch., 325.

SEC. 2949. The Secretary of the Treasury from time to time shall establish such rules and regulations, not inconsistent with the laws of the United States, to secure a just, faithful, and impartial appraisal of all merchandise imported into the United States, and just and proper entries of such actual market-value or wholesale price thereof, and of the square yards, parcels, or other quantities, as the case may require, and of such actual market-value or wholesale price of each of them. The Secretary of the Treasury shall report all such rules and regulations, with the reasons therefor, to the then next session of Congress.

SEC. 2950. The certificate of any one of the appraisers of the dutiable value of any imported merchandise required to be appraised, shall be deemed to be the appraisal of such merchandise required by law to be made by such appraisers. Where merchandise shall be entered at ports where there are no appraisers, the certificate of the revenue officer to whom is committed the estimating and collection of duties of the dutiable value of any merchandise required to be appraised, shall be deemed and taken to be the appraisal of such merchandise required by law to be made by such officer.

SEC. 2951. Wherever the word "ton" is used in this chapter, in reference to weight, it shall be construed as meaning twenty-hundred-weight, each hundred-weight being one hundred and twelve pounds avoirdupois.

SEC. 2952. The words "value" and "valued," used in this chapter, shall be construed as meaning the true market-value of merchandise in the principal markets of the country from whence exported at the date of exportation.

SEC. 2953. Nothing herein contained shall be construed to prevent the leasing or hiring of such buildings or accommodations as may be required for the use of the United States appraisers for the due examination and appraisal of imported merchandise at the ports where such officers are provided by law, nor to prohibit the leasing or hiring by collectors of the customs, for short periods, with the approval of the Secretary of the Treasury, of such stores as may be required for custom-house purposes at any of the smaller revenue ports of the United States.

Appraisement in other districts.

1 March, 1823, c. 21, s. 16, v. 3, p. 735.

Additional duties not fines.

11 Feb., 1846, c. 7, s. 3, v. 9, p. 3.

Regulations for appraisal.

30 Aug., 1842, c. 270, s. 23, v. 5, p. 568.

14 July, 1842, c. 227, s. 9, v. 4, p. 592.

Tucker vs. Kane, Taney, 146; Gray vs. Lawrence, 3 Blatch., 117.

Appraisers' certificate.

3 March, 1851, c. 38, s. 2, v. 9, p. 630.

McCall vs. Lawrence, 3 Blatch., 360.

Definition of word "ton."

2 March, 1861, c. 68, s. 26, v. 12, p. 196.

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2 March, 1861, c. 68, s. 32, v. 12, p. 197.

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CHAPTER SEVEN.

THE BOND AND WAREHOUSE SYSTEM.

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14 Feb., 1850, Rec. No. 4, s. 1, v. 9, p. 680.

Restrictions.

28 March, 1854, c. 30, s. 7, v. 10, p. 272.

Use of leased warehouses.

3 March, 1841, c. 35, s. 6, v. 5, p. 432.

Limitation of leases.

28 March, 1854, c. 30, s. 7, v. 10, p. 272.

Cellars, vaults, and yards.

28 March, 1854, c. 30, s. 1, v. 10, p. 271.

Storage of grain.

18 July, 1866, c. 201, s. 37, v. 14, p. 187.

Private warehouses.

28 March, 1854, c. 30, s. 1, v. 10, p. 270.

SEC. 2954. The Secretary of the Treasury may, at his discretion, lease such warehouses as he deems necessary for the storage of unclaimed goods, or goods which for any other reason are required by law to be stored by the Government.

SEC. 2955. No leases shall be entered into by the United States for any warehouses for the storage of warehoused or unclaimed merchandise at any port where there may exist any private bonded warehouses: *Provided*, That such buildings may be leased as may be required for the use of appraisers for the examination and appraisal of imported merchandise at ports where such officers are provided by law; and collectors may lease, for short periods, at any of the smaller ports, such stores as may be required for custom-house purposes, with the approval of the Secretary of the Treasury.

SEC. 2956. All warehouses hired by the collector, naval officer, or surveyor, shall be on public account, and paid for by the collector as such, and shall be appropriated exclusively to the use of receiving foreign merchandise, subject, as to the rates of storage, to regulation by the Secretary of the Treasury.

SEC. 2957. No collector or other officer of the customs shall enter into any contract or agreement for the use of any building to be thereafter erected as a public store or warehouse, and no lease of any building to be so used shall be taken for a longer period than three years, nor shall rent be paid, in whole or in part, in any case, in advance.

SEC. 2958. Cellars and vaults of stores for the storage of wines and distilled spirits only, and yards for the storage of coal, mahogany, and other woods and lumber, may, at the discretion of the Secretary of the Treasury, be constituted bonded warehouses for the storage of such articles under the same regulations and conditions as required in the storage of other merchandise; the cellars or vaults shall be exclusively appropriated to the storage of wines or distilled spirits, and shall have no opening or entrance except the one from the street, on which separate and different locks of the custom-house and the owner or proprietor of the cellars or vaults shall be placed.

SEC. 2959. Parts of such building as shall be approved by the Secretary of the Treasury may be bonded for the storage of grain, under such rules, regulations, and conditions as he may prescribe for the security of the revenue.

SEC. 2960. Private warehouses shall be used solely for the purpose of storing warehoused merchandise, and shall be previously approved by the Secretary of the Treasury, and be placed in charge of a proper officer of the customs, who, together with the owner and proprietor of

the warehouse, shall have the joint custody of all the merchandise stored in the warehouse; and all the labor on the merchandise so stored must be performed by the owner or proprietor of the warehouse, under the supervision of the officer of the customs in charge of the same, at the expense of the owner or proprietor.

SEC. 2961. Before any of the stores or cellars, owned or occupied by private individuals, shall be used as a warehouse for merchandise imported by other merchants or importers, the owner, occupant, or lessee thereof shall enter into bond, in such sums and with such sureties as may be approved by the Secretary of the Treasury, exonerating and holding harmless the United States and its officers from or on account of any risk, loss, or expense of any kind or description, connected with or arising from the deposit or keeping of the merchandise in the warehouses; and all imports deposited in any public or private warehouse authorized by this Title shall be at the sole and exclusive risk and expense of the owner or importer.

SEC. 2962. Any merchandise subject to duty, with the exception of perishable articles, also gunpowder, and other explosive substances, except fire-crackers, which shall have been duly entered and bonded for warehousing, in conformity with existing laws, may be deposited, at the option of the owner, importer, consignee, or agent, at his expense and risk, in any public warehouse owned or leased by the United States, or in the private warehouse of the importer, the same being used exclusively for the storage of warehoused merchandise of his own importation or to his consignment, or in a private warehouse used by the owner, occupant, or lessee, as a general warehouse for the storage of warehoused merchandise; such place of storage to be designated on the warehouse-entry at the time of entering such merchandise at the custom-house.

SEC. 2963. When merchandise, imported into the United States, has not been entered in pursuance of the provisions of any act regulating imports and tonnage, the same shall be deposited in the public warehouse, and shall there remain, at the expense and risk of the owner, until such invoice is produced. Nothing herein contained shall be understood to prohibit the sale of such quantities of merchandise so stored as may be necessary to discharge the duties thereon, and all intervening charges, at the time or times when such duties shall become due and payable.

SEC. 2964. In all cases of failure or neglect to pay the duties within the period allowed by law to the importer to make entry thereof, or whenever the owner, importer, or consignee shall make entry for warehousing the same, in writing, in such form and supported by such proof as shall be prescribed by the Secretary of the Treasury, the merchandise shall be taken possession of by the collector, and deposited in the public stores, or in other stores to be agreed on by the collector or chief revenue officer of the port, and the importer, owner, or consignee, such stores to be secured under the joint locks of the inspector and importer, there to be kept, with due and reasonable care, at the charge and risk of the owner, importer, consignee, or agent, and subject at all times to their order, upon payment of the proper duties and expenses, to be ascertained on due entry thereof for warehousing, and to be secured by a bond of the owner, importer, or consignee, with surety to the satisfaction of the collector, in double the amount of the duties, and in such form as the Secretary of the Treasury shall prescribe.

SEC. 2965. Unclaimed merchandise required by existing laws to be taken possession of by collectors of the customs may be stored in any public warehouse owned or leased by the United States, or in any private bonded warehouse authorized by this Title, and all charges for storage, labor, and other expenses accruing on any such merchandise, not to exceed in any case the regular rates for such objects at the port in question, must be paid before delivery of the goods on due entry thereof by the claimant or owner; or if sold as unclaimed goods,

Bond of proprietor.

28 March, 1854, c. 30, s. 3, v. 10, p. 271.

Deposit of merchandise at option of owner.

28 March, 1854, c. 30, s. 1, v. 10, p. 270.
30 June, 1864, c. 171, s. 19, v. 13, p. 216.

Atkins vs. Peaslee, 1 Cliff., 446; Clark vs. Peaslee, 1 Cliff., 545; Irvin vs. Schall, 5 Blatch., 157.

Deposit for want of invoice.

1 March, 1823, c. 21, s. 3, v. 3, p. 730.

Deposit upon non-payment of duties.

6 August, 1846, c. 84, s. 1, v. 9, p. 53.

Tremlett vs. Adams, 13 How., 295; Atkins vs. Peaslee, 1 Cliff., 446; Brissac vs. Lawrence, 2 Blatch., 121; Corkle vs. Maxwell, 3 id., 413; Harriman vs. Maxwell, 3 id., 421.

Unclaimed merchandise may be stored in bonded warehouses.

28 March, 1854, c. 30, s. 2, v. 10, p. 271.

Importations in steamers.

3 August, 1854, c. 196, v. 10, p. 344.

Merchandise destined for Jeffersonville.

28 Sept., 1850, c. 79, s. 10, v. 9, p. 510.

For Albany.

2 March, 1867, c. 178, s. 3, v. 14, p. 542.

Custody of goods not unladen in time.

2 March, 1799, c. 22, s. 56, v. 1, p. 669.

Withdrawal for consumption.

14 March, 1866, c. 17, s. 1, v. 14, p. 8.

Withdrawal for exportation.

14 July, 1862, c. 163, s. 21, v. 12, p. 559.

Sale of abandoned goods after custody for three years.

28 Mar., 1854, c. 30, s. 4, v. 10, p. 271.

22 Dec., 1864, c. 9, v. 13, p. 490.

Distribution of proceeds of sale.

25 July, 1866, c. 298, s. 10, v. 14, p. 330.

Sale after one year.

6 Aug., 1846, c. 84, s. 1, v. 9, p. 53.

to realize the import duties, the charges shall be paid by the collector out of the proceeds of the sale thereof before paying such proceeds into the Treasury as required by existing laws.

SEC. 2966. When merchandise shall be imported into any port of the United States from any foreign country in vessels propelled in whole or in part by steam, and it shall appear by the bills of lading that the merchandise so imported is to be delivered immediately after the entry of the vessel, the collector of such port may take possession of such merchandise and deposit the same in bonded warehouse; and when it does not appear by the bills of lading that the merchandise so imported is to be immediately delivered, the collector of the customs may take possession of the same, and deposit it in bonded warehouse, at the request of the owner, master, or consignee of the vessel, on three days' notice to such collector after the entry of the vessel.

SEC. 2967. Merchandise imported into the port of Louisville, and destined for Jeffersonville, may be landed and warehoused at Jeffersonville, under the custody and control of the surveyor of the port of Louisville. [See § 2952.]

SEC. 2968. The Secretary of the Treasury may extend the privileges of the provisions relating to warehouses, and the regulations of the Treasury Department relating thereto, to the port of Albany.

SEC. 2969. All merchandise of which the collector shall take possession under the provisions relating to the time for the discharge of a vessel's cargo shall be kept with due and reasonable care at the charge and risk of the owner.

SEC. 2970. Any merchandise deposited in bond in any public or private bonded warehouse may be withdrawn for consumption within one year from the date of original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal; and after the expiration of one year from the date of original importation, and until the expiration of three years from such date, any merchandise in bond may be withdrawn for consumption on payment of the duties assessed on the original entry and charges, and an additional duty of ten per centum of the amount of such duties and charges.

SEC. 2971. All merchandise which may be deposited in public store or bonded warehouse may be withdrawn by the owner for exportation to foreign countries; or may be transhipped to any port of the Pacific or western coast of the United States at any time before the expiration of three years from the date of original importation; such goods on arrival at a Pacific or western port to be subject to the same rules and regulations as if originally imported there. Any goods remaining in public store or bonded warehouse beyond three years shall be regarded as abandoned to the Government, and sold under such regulations as the Secretary of the Treasury may prescribe, and the proceeds paid into the Treasury. In computing this period of three years, if such exportation or transshipment of any merchandise shall, either for the whole or any part of the term of three years, have been prevented by reason of any order of the President, the time during which such exportation or transshipment of such merchandise shall have been so prevented shall be excluded from the computation. Merchandise withdrawn for exportation shall be subject only to the payment of such storage and charges as may be due thereon.

SEC. 2972. The Secretary of the Treasury, in case of any sale of any merchandise remaining in public store or bonded warehouse beyond three years, may pay to the owner, consignee, or agent of such merchandise, the proceeds thereof, after deducting duties, charges, and expenses, in conformity with the provision relating to the sale of merchandise remaining in a warehouse for more than one year.

SEC. 2973. If any merchandise shall remain in public store beyond one year, without payment of the duties and charges thereon, except as hereinbefore provided, then such merchandise shall be appraised by the appraisers, if there be any at such port, and if none, then by two

merchants to be designated and sworn by the collector for that purpose, and sold by the collector at public auction, on due public notice thereof being first given, in the manner and for the time to be prescribed by a general regulation of the Treasury Department. At such public sale, distinct printed catalogues descriptive of such merchandise, with the appraised value affixed thereto, shall be distributed among the persons present at such sale. A reasonable opportunity shall be given before such sale, to persons desirous of purchasing, to inspect the quality of such merchandise. The proceeds of such sales, after deducting the usual rate of storage at the port in question, with all other charges and expenses, including duties, shall be paid over to the owner, importer, consignee, or agent, and proper receipts taken for the same.

SEC. 2974. The overplus, if any there be, of the proceeds of such sales, after the payment of storage, charges, expenses, and duties, remaining unclaimed for the space of ten days after such sales, shall be paid by the collector into the Treasury of the United States; and the collector shall transmit to the Treasury Department, with the overplus, a copy of the inventory, appraisement, and account of sales, specifying the marks, numbers, and descriptions of the packages sold, their contents, and appraised value, the name of the vessel and master in which, and of the port whence, it was imported, and the time when, and the name of the person to whom such merchandise was consigned in the manifest, and the duties and charges to which the several consignments were respectively subject; and the receipt or certificate of the collector shall exonerate the master of any vessel in which such merchandise was imported, from all claim of the owner thereof, who shall, nevertheless, on due proof of his interest, be entitled to receive from the Treasury the amount of any overplus paid into the same under the provisions of this Title.

SEC. 2975. All merchandise of a perishable nature, and all gunpowder and explosive substances, except fire-crackers, deposited in any public or private bonded warehouse, shall be sold forthwith.

84, s. 1, v. 9, p. 53. 30 June, 1864, c. 171, s. 19, v. 13, p. 216.—Gould vs. Hammon, Me-
Allis., 235.

SEC. 2976. Any collector of the customs is authorized, under such directions and regulations as may be prescribed by the Secretary of the Treasury, to sell, upon due notice, at public auction, any unclaimed merchandise deposited in public warehouse whenever the same may from depreciation in value, damage, leakage, or other cause, in the opinion of such collector, be likely to prove insufficient, on a sale thereof, to pay the duties, storage, and other charges if suffered to remain in public store for the period allowed by law in the case of unclaimed merchandise.

SEC. 2977. Merchandise upon which duties have been paid may remain in warehouse in custody of the officers of the customs at the expense and risk of the owners of such merchandise, and if exported directly from such custody to a foreign country within three years, shall be entitled to return duties. But proper evidence of such merchandise having been landed abroad shall be furnished to the collector by the importer, and one per centum of the duties shall be retained by the Government.

SEC. 2978. No merchandise subject to duty shall be entered for drawback, or exported for drawback, after it is withdrawn from the custody of the officers of the customs. [See §§ 3025, 3030.]

3 March, 1849, c. 110, s. 5, v. 9, p. 399. 28 September, 1850, c. 79, s. 17, v. 9, p. 512.

SEC. 2979. If the owner, importer, consignee, or agent of any merchandise on which the duties have not been paid, shall give to the collector satisfactory security that the merchandise shall be landed out of the jurisdiction of the United States, in the manner required by the laws relating to exportations for the benefit of drawback, the collector and naval officer, if any, on an entry to re-export the same, shall, upon

Distribution of
proceeds.

6 Aug., 1846, c.
84, s. 1, v. 9, p. 53.

Sale of perishable
articles.

6 Aug., 1846, c.
rs. Hammon, Me-

Sale upon depre-
ciation.

23 March, 1854, c.
30, s. 2, v. 10, p. 271.

Return of duties
upon exportation
from warehouse.

14 July, 1862, c.
163, s. 21, v. 12, p.
560.

Restriction upon
exportation for
drawback.

79, s. 17, v. 9, p. 512.

Permit for export-
ation.

6 Aug., 1846, c.
84, s. 1, v. 9, p. 53.

Districts in Texas.**Galveston.**

31 Dec., 1845, c. 2, ss. 1, 2, 3, v. 9, p. 2.
3 March, 1847, c. 57, s. 4, v. 9, p. 183.

Saluria.

3 March, 1847, c. 57, ss. 1, 2, 3, v. 9, p. 182.
3 March, 1849, c. 122, s. 1, v. 9, p. 409.
28 July, 1866, c. 293, s. 3, v. 14, p. 306.
5 June, 1868, c. 50, v. 15, p. 63.

Corpus Christi.

26 July, 1866, c. 293, s. 2, v. 14, p. 306.
17 April, 1872, c. 103, v. 17, p. 63.

Brazos de Santiago.

3 March, 1849, c. 122, s. 1, v. 9, p. 409.
17, p. 63.

Paso del Norte.

2 Aug., 1854, c. 193, ss. 1, 2, v. 10, p. 335.
3 March, 1855, c. 175, s. 13, v. 10, p. 671.
March, 1863, c. 88, s. 1, v. 12, p. 761.

Officers in Texas.**Galveston.**

31 Dec., 1845, c. 2, ss. 1, 2, 3, v. 9, p. 2.
3 March, 1847, c. 57, s. 4, v. 9, pp. 182, 183.
14 July, 1870, c. 269, v. 16, p. 278.

Saluria.

28 July, 1866, c. 293, s. 3, v. 14, p. 306.
3 March 1847, c. 57, ss. 1, 2, 3, v. 9, p. 182.

Corpus Christi.

28 July, 1866, c. 293, s. 2, v. 14, p. 306.

Brazos de Santiago.

3 March, 1849, c. 122, s. 1, v. 9, p. 409.

Paso del Norte.

2 Aug., 1854, c. 193, s. 2, v. 10, p. 335.

Additional inspectors.

30 Aug., 1852, c. 96, s. 3, v. 10, p. 38.

SEC. 2578. There shall be in the State of Texas five collection-districts, as follows:

First. The district of Galveston; to comprise all the waters and shores of the State north and east of the counties of Matagorda and Wharton as bounded on the third day of March, eighteen hundred and forty-seven; in which Galveston shall be the port of entry, and Sabine, Velasco, and Houston ports of delivery.

Second. The district of Saluria; to comprise all the waters and shores of the State from and including the counties of Matagorda and Wharton as bounded on the third day of March, eighteen hundred and forty-seven, to the county of Refugio as bounded on the twenty-eighth day of July, eighteen hundred and forty-seven; in which Indianola shall be the port of entry, and Matagorda, Copano, Lavaca, and San Antonio, ports of delivery. (See § 2994.)

Third. The district of Corpus Christi; to comprise all the waters and shores within the counties of Nueces, Zapata, Duval, Encinaco, Webb, La Salle, McMullen, Live Oak, Bee, Refugio, and San Patricio, as bounded on the twenty-eighth day of July, eighteen hundred and sixty-six; in which Corpus Christi shall be the port of entry, and Aransas a port of delivery.

Fourth. The district of Brazos de Santiago; to comprise all the waters and shores of the State south of the district of Corpus Christi; in which Brownsville shall be the port of entry.

16 June, 1860, c. 134, ss. 1, 2, 3, v. 12, p. 39. 17 April, 1872, c. 103, v.

Fifth. The district of Paso del Norte; to comprise the county of El Paso, in Texas, and the Territory of New Mexico as bounded on the second day of August, eighteen hundred and fifty-four; in which El Paso shall be the port of entry. (See § 1928.)

3 March, 1857, c. 107, s. 10, v. 11, p. 221. 3

SEC. 2579. There shall be, in the collection-districts in the State of Texas, the following officers:

First. In the district of Galveston, a collector, who shall reside at Galveston; a deputy collector, who shall reside at Sabine, and shall exercise such powers as the Secretary of the Treasury may prescribe in pursuance of law; a surveyor, who shall reside at Velasco, and a surveyor who shall reside at Houston.

Second. In the district of Saluria, a collector, who shall reside at Indianola, a surveyor who shall reside at Matagorda, and a surveyor who shall reside at Lavaca, a surveyor, who shall reside at Copano.

Third. In the district of Corpus Christi, a collector, who shall reside at Corpus Christi.

Fourth. In the district of Brazos de Santiago, a collector, who shall reside at Brownsville; and a deputy collector, who shall reside at Brazos de Santiago, and shall have the power to enter and clear vessels.

16 June, 1860, c. 134, ss. 1, 2, 3, v. 12, pp. 39, 40.

Fifth. In the district of Paso del Norte, a collector, who shall reside at El Paso.

3 March, 1863, c. 88, s. 1, v. 12, p. 761.

SEC. 2580. The Secretary of the Treasury shall appoint inspectors of the customs to reside at San Antonio, Eagle Pass, the Presidio del Norte, and San Elizario, or at such other points as he may designate, not exceeding four in number, upon the routes by which goods entered and bonded and withdrawn from warehouse may, in pursuance of law,

be exported to Mexico; and such inspectors shall make a report semi-annually to the Secretary of the Treasury of all the trade that passes under inspection, stating the number of packages, description of goods, their value, and the names of the exporters. (See §§ 2003, 2004.)

SEC. 2581. All merchandise transported in bond to the port of Brownsville from any other port in the United States, by Brazos Harbor, may, on arrival in that harbor, be transhipped under such regulations, not inconsistent with law, as the Secretary of the Treasury may prescribe, in other vessels for transportation by the Rio Grande to Brownsville; and all merchandise imported into the district by Brazos Harbor, from any foreign country, may in like manner be transhipped to Brownsville as provided for goods, wares, and merchandise transhipped in bond. (See § 2002.)

SEC. 2582. There shall be in the State of California two collection-districts, as follows:

First. The district of San Diego; to comprise all the waters and shores of the counties of Santa Barbara, Los Angeles, San Bernardo, and San Diego; in which San Diego, on the Bay of San Diego, shall be the sole port of entry, and San Pedro and Santa Barbara ports of delivery.

Second. The district of San Francisco; to comprise all the waters and shores of the State north of the counties of Santa Barbara, Los Angeles, and San Bernardo; in which San Francisco shall be the port of entry, and Eureka and Vallejo ports of delivery.

p. 400. 28 Sept., 1850, c. 79, s. 1, v. 9, p. 506. 1 July, 1870, c. 190, s. 1, v. 16, p. 182. 3 March, 1871, c. 130, s. 1, v. 16, p. 583.

SEC. 2583. There shall be in the collection-districts of California the following officers:

First. In the district of San Diego, a collector, who shall reside at San Diego, and two inspectors, to be appointed by the collector, with the approval of the Secretary of the Treasury, for the ports of San Pedro and Santa Barbara.

Second. In the district of San Francisco, a collector, a naval officer, a surveyor, who shall reside at San Francisco, two appraisers, two assistant appraisers, and a special examiner of drugs, medicines, and chemicals; a deputy collector who shall reside at Eureka, a deputy collector who shall reside at Vallejo, an inspector at Monterey, an inspector at Sacramento, an inspector at Benicia, and an inspector at Stockton.

s. 1, v. 12, p. 411. 3 March, 1871, c. 130,

SEC. 2584. Any vessel of five hundred tons, or over, coming from or going to sea, may proceed directly to or from the port of Vallejo, and report through the deputy collector at that port, to the collector of customs at San Francisco.

SEC. 2585. Any vessel of one hundred tons or over, coming from or going to sea, may proceed directly to or from either the port of Eureka or the port of Wilmington, and report through the deputy collector of such port to the collector of customs at San Francisco. (See § 2582.)

SEC. 2586. There shall be in the State of Oregon and Territory of Washington four collection-districts, as follows:

First. The southern district of Oregon, to comprise all the waters and shores of that part of the State of Oregon lying south and east of the north bank of the Siuslaw River; in which Coos Bay, in Coos County, shall be the port of entry, and Ellensburg, at the mouth of Rogue River, Port Orford, and Gardner, on the Umpqua River, ports of delivery.

Second. The district of Oregon; to comprise all the waters and shores lying north and east of the north bank of the Siuslaw River to the forty-sixth and a half degree of north latitude, and west of the coast range of mountains to the forty-eighth degree of north latitude, except that portion situated above the junction of the Willamette and Columbia Rivers and drained by those rivers and their tributary waters; in which Astoria shall be the port of entry.

Transshipment of goods transported in bond to Brownsville.

16 June, 1860, c. 134, s. 4, v. 12, p. 42.

Districts in California.

San Diego.

3 March, 1873, c. 253, ss. 1, 2, v. 17, pp. 585, 586.

San Francisco.

Ibid.

3 March, 1849, c. 112, ss. 1, 2, 3, v. 9, s. 1, v. 16, p. 182. 3

Officers in California.

San Diego.

3 March, 1873, c. 253, v. 17, pp. 585, 586.

San Francisco.

28 Sept., 1850, c. 79, s. 1, v. 9, p. 503.

18 Aug., 1856, c. 129, s. 17, v. 11, p. 92. 2 June, 1862, c. 92, ss. 1, 3, v. 16, p. 583.

Vessels going to or from Vallejo.

1 July, 1870, c. 190, s. 2, v. 16, p. 182.

Vessels going to or from Eureka or Wilmington.

3 March, 1871, c. 130, s. 2, v. 16, p. 583.

Districts in Oregon and Washington Territory.

Southern Oregon.

3 March, 1873, c. 254, ss. 1, 2, v. 17, p. 601.

Oregon.

14 Feb., 1851, c. 8, s. 1, v. 9, p. 567.

11 June, 1864, c. 122, v. 13, p. 125.

to receive and transport any such merchandise they shall become bound to the United States in bonds of such form and amount, and with such conditions not inconsistent with law, and such security as the Secretary of the Treasury shall require.

Locks and seals.

5 April, 1872, c. 86, v. 17, p. 50.

SEC. 2994. Merchandise transported under the provisions of this Title shall be conveyed in cars, vessels, or vehicles, securely fastened with locks or seals, under the exclusive control of the officers of the customs; and inspectors shall be stationed at proper points along the designated routes, or upon any car, vessel, vehicle, or train, at the discretion of the Secretary, and at the expense of the companies respectively. Such merchandise shall not be unladen or transhipped between the ports of first arrival and final destination, unless authorized by the regulations of the Secretary of the Treasury, in cases which may arise from a difference in the gauge of railroads, or from accidents, or from legal intervention, or from low water, ice, or other unavoidable obstruction to navigation; and in no case shall there be permitted any breaking of the original packages of such merchandise.

Transfer to vessel or vehicle.

14 July, 1870, c. 255, s. 33, v. 16, p. 271.

SEC. 2995. Merchandise so destined for immediate transportation, except the packages designated for examination, shall be transferred, under proper supervision, directly from the importing vessel to the car, vessel, or vehicle in which the same is to be transported to its final destination; and if transferred from the importing vessel to any bonded or other warehouse, or to any other place than such car, vessel, or vehicle, it shall be taken possession of by the collector as unclaimed, and deposited in public store, and shall not be removed from such store without entry and appraisal, as in ordinary cases.

Bonded warehouses for goods intended for transportation.

14 July, 1870, c. 255, s. 33, v. 16, p. 271.

SEC. 2996. The Secretary of the Treasury may, in his discretion, and with such precaution as he shall deem proper, authorize the establishment of bonded warehouses especially and exclusively appropriated to the reception of such merchandise in cases where its immediate transfer to the transporting car, vessel, or vehicle shall be impracticable. But merchandise remaining in such warehouse more than ten days shall be deprived of the privileges of transportation in bond conferred by this Title, and shall be taken possession of by the collector as unclaimed, and held until regularly entered and appraised.

Ports to which goods may be transported in bond.

14 July, 1870, c. 255, s. 36, v. 16, p. 271.

5 March, 1872, c. 34, v. 17, p. 36.

18 March, 1872, c. 57, v. 17, p. 41.

SEC. 2997. The privilege of transportation in bond shall extend to the ports of New York and Buffalo, in New York; Boston, in Massachusetts; Providence, in Rhode Island; Philadelphia and Pittsburgh, in Pennsylvania; Baltimore, in Maryland; Norfolk, in Virginia; Charleston, in South Carolina; Savannah, in Georgia; New Orleans, in Louisiana; Portland, in Maine; Chicago, in Illinois; Cincinnati and Toledo, in Ohio; Saint Louis, in Missouri; Evansville, in Indiana; Milwaukee, in Wisconsin; Louisville, in Kentucky; Cleveland, in Ohio; San Francisco, in California; Portland, in Oregon; Memphis, in Tennessee; and Mobile, in Alabama; and to importations from or to Europe, and from or to Asia, or the islands adjacent thereto, via the United States.

Penalty for breaking, entering, &c.

14 July, 1870, c. 255, s. 37, v. 16, p. 271.

SEC. 2998. Any person maliciously opening, breaking, or entering, by any means whatever, any car, vessel, vehicle, warehouse, or package containing any such merchandise so delivered for transportation, or removing, injuring, breaking, or defacing any lock or seal placed upon such car, vessel, vehicle, warehouse, or package, or aiding, abetting, or encouraging any other person or persons so to remove, break, injure, or deface such locks or seals, or to open, break, or enter such car, vessel, or vehicle, with intent to remove or cause to be removed unlawfully any merchandise therein, or in any manner to injure or defraud the United States; and any person receiving any merchandise unlawfully removed from any such car, vessel, or vehicle, knowing it to have been so unlawfully removed, shall be guilty of felony, and in addition to any penalties heretofore prescribed shall be punishable by imprisonment for not less than six months nor more than two years.

Special agents in foreign territory.

SEC. 2999. For the purpose of better guarding against frauds upon the revenue on foreign merchandise transported between the ports of

the Atlantic and those of the Pacific overland through any foreign territory, the Secretary of the Treasury may appoint special sworn agents as inspectors of the customs, to reside in such foreign territory where such merchandise may be landed or embarked, with power to superintend the landing or shipping of all merchandise, passing coastwise between the ports of the United States on the Pacific and the Atlantic. It shall be their duty, under such regulations and instructions as the Secretary of the Treasury may prescribe, to guard against the perpetration of frauds upon the revenue. The compensation paid to such inspectors shall not in the aggregate exceed five thousand dollars per annum.

SEC. 3000. Any merchandise, duly entered for warehousing, may be withdrawn under bond, without payment of the duties, from a bonded warehouse in any collection-district, and be transported to a bonded warehouse in any other collection-district, and rewarehoused thereat; and any such merchandise may be so transported to its destination wholly by land, or wholly by water, or partially by land and partially by water, over such routes as the Secretary of the Treasury may prescribe, and may likewise be conveyed over any foreign territory, the government of which may have, or shall by treaty stipulations grant, a free right of way over such territory.

SEC. 3001. The Secretary of the Treasury shall prescribe the form of the bond to be given for the transportation of merchandise from a port in one collection-district to a port in another collection-district as provided in the preceding section; also the time for such delivery; and for a failure to transport and deliver within the time limited any such bonded merchandise to the collector at the designated port, a duty of double the amount to which such merchandise would be liable shall be collected, which duty shall be secured by such bond, or the merchandise may be seized and forfeited for such failure, and any steam or other vessel, or vehicle, transporting such bonded merchandise, the master, owner, or conductor of which shall fail to deliver the same to the collector at the designated port, shall be liable to seizure and forfeiture.

SEC. 3002. Any imported merchandise in the original packages which shall have been duly entered and bonded, in pursuance of the provisions relating to warehouses, may be withdrawn from warehouse for immediate exportation, without payment of duties, to Chihuahua, in Mexico, by the route of the Arkansas River, through Van Buren, or by the route of the Red River, through Fulton, or by the route of the Missouri River, through Independence, or by such other routes as may be designated by the Secretary of the Treasury. Any imported merchandise duly entered and bonded at Point Isabel, in the district of Brazos de Santiago, or imported and bonded at any other port of the United States, and transported thence in bond, and duly rewarehoused at Point Isabel, may be withdrawn from warehouse for immediate exportation, without payment of duties, to ports and places in Mexico, by land or water, or partly by land and partly by water, or by such routes as may be designated by the Secretary of the Treasury. [See § 2373, ¶ 4.]

SEC. 3003. Any imported merchandise duly entered and bonded in any port of the United States may be withdrawn from warehouse without payment of duties, for immediate exportation for San Fernando, Paso del Norte, and Chihuahua, in Mexico, through the port of Lavaca, in the collection-district of Saluria, in the State of Texas, and be transhipped inland, thence to San Antonio, in that State, and from the latter place to the destinations in Mexico, either by way of Eagle Pass, the Presidio del Norte, and San Elizario, all on the Rio Grande; and the Secretary of the Treasury is hereby authorized to prescribe such regulations, not inconsistent with law, as he may deem proper and necessary, respecting the packing, marking, inspection, proof of due delivery at their foreign destinations of the imports authorized by this and the foregoing section to be exported from warehouse to ports and places in Mexico, and for the due protection in other respects of the public revenue.

28 March, 1854, c. 30, s. 5, v. 10, p. 272.

Withdrawal for rewarehousing in another district.

28 March, 1854, c. 30, s. 5, v. 10, p. 272.

Penalty for failure to transport.

28 March, 1854, c. 30, s. 6, v. 10, p. 272.
14 July, 1862, c. 163, s. 20, v. 12, p. 559.

U. S. vs. Pingree, 1 Sprague, 339.

Withdrawal for exportation to Mexico.

30 Aug., 1852, c. 96, s. 1, v. 10, p. 37.
3 March, 1845, c. 70, s. 1, v. 5, p. 750.

Through port of Lavaca.

30 Aug., 1852, c. 96, s. 2, v. 10, p. 37.

Detroit.
 2 March, 1799, c. 22, s. 17, v. 1, p. 637.

Third. The district of Detroit; to comprise all the waters and shores of Lake Erie and Lake Saint Clair, and the waters connected therewith, within the jurisdiction of the United States, from the Miami River to the mouth of the Saint Clair River; in which Detroit shall be the port of entry. And the President is authorized to establish within the district of Detroit two ports of delivery.

Superior.
 2 March, 1799, v. 1, p. 638.
 25 June, 1868, c. 74, s. 2, v. 15, p. 78.
 10 April, 1869, c. 28, v. 16, p. 47.
 3 March, 1863, c. 87, s. 4, v. 12, p. 761.

Fourth. The district of Superior; to comprise all the waters and shores of that part of the upper peninsula of the State of Michigan lying east of the principal meridian, all the islands in and bordering upon the Sainte Marie River, and all that part of the State of Michigan lying west of the principal meridian and north of the latitudinal line dividing township number forty-three, from township number forty-four north of the base-line of that State, including the territory in the State bordering Green Bay, together with all the islands, waters, and shores of Lake Superior, and the adjacent territory to the head waters of all the rivers and streams tributary thereto and within the States of Michigan and Wisconsin; in which Marquette shall be the port of entry, and Sault Sainte Marie and Mackinaw ports of delivery.

Officers in Michigan.

Michigan.
 13 April, 1866, c. 44, s. 1, v. 14, p. 32.

SEC. 2600. There shall be in the collection-districts of Michigan the following officers:

Huron.
 13 April, 1866, c. 44, s. 1, v. 14, p. 32.

First. In the district of Michigan, a collector, who shall reside at Grand Haven.

Detroit.

2 March, 1799, c. 22, s. 17, v. 1, p. 638.

Second. In the district of Huron, a collector, who shall reside at Port Huron.

14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

Third. In the district of Detroit, a collector, and an appraiser, who shall reside at Detroit, and a surveyor at each of the two ports of delivery designated by the President.

Superior.
 10 April, 1869, c. 28, v. 16, p. 47.
 3 March, 1863, c. 87, s. 4, v. 12, p. 761.

Fourth. In the district of Superior, a collector, who shall reside at Marquette, a deputy collector, who shall reside at Sault Sainte Marie, and a deputy collector, who shall reside at Mackinaw.

District of Indiana and Illinois.

Chicago.

16 July, 1846, c. 56, v. 9, p. 38.

7 Aug., 1848, c. 145, v. 9, p. 275.

SEC. 2601. There shall be in the States of Indiana and Illinois one collection-district, as follows:

Officers in Indiana and Illinois.

Chicago.

16 July, 1846, c. 56, s. 7, v. 9, p. 38.

14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

The district of Chicago; to comprise all the waters and shores of Lake Michigan within the States of Indiana and Illinois; in which Chicago shall be the port of entry, and Waukegan and Michigan City ports of delivery.

Districts in Ohio.

Miami.

3 March, 1805, c. 34, s. 3, v. 2, p. 336.

28 Sept., 1850, c. 79, s. 12, v. 9, p. 511.

28 Sept., 1850, c. 79, s. 5, v. 9, p. 509. 28 Feb., 1865, c. 72, s. 2, v. 13, p. 445.

Sandusky.

2 March, 1811, c. 33, s. 2, v. 2, p. 657.

3 March, 1821, c. 48, v. 3, p. 642.

SEC. 2602. There shall be in the collection-district of Indiana and Illinois the following officers:

Cuyahoga.

2 March, 1799, c. 22, s. 17, v. 1, p. 638.

First. In the district of Chicago, a collector, and an appraiser, who shall reside at Chicago; a deputy collector, who shall reside at Waukegan; and a surveyor, who shall reside at Michigan City.

SEC. 2603. There shall be in the State of Ohio three collection-districts, as follows:

First. The district of Miami; to comprise all the waters and shores of Lake Erie within the jurisdiction of the United States, from the western cape of Sandusky Bay to the western bank of the Miami River; in which Toledo shall be the port of entry. And the President is authorized to establish two ports of delivery in said district.

Second. The district of Sandusky; to comprise all the waters and shores of Lake Erie, within the jurisdiction of the United States, from the western bank of the Vermillion River to the western cape of Sandusky Bay; in which Sandusky shall be the port of entry.

Third. The district of Cuyahoga; to comprise all the waters and shores of Lake Erie, within the jurisdiction of the United States, from

the western boundary of the State of Pennsylvania to the western bank of the Vermillion River. The President is authorized to designate such place as he shall deem expedient to be the port of entry; and Fairport and two other places which may be established by the President shall be ports of delivery.

SEC. 2604. There shall be in the collection-districts of Ohio the following officers:

First. In the district of Miami, a collector, who shall reside at Toledo.

3 March, 1805, c. 34, s. 3, v. 2, p. 336. 28 Sept., 1850, c.

Second. In the district of Sandusky, a collector, who shall reside at Sandusky.

33, s. 2, v. 2, p. 657. 16 Aug., 1842, c. 179, s. 12, v. 9, p. 511.

Third. In the district of Cuyahoga, a collector, who shall reside at Cleveland; and an appraiser at Cleveland.

22, s. 17, v. 1, p. 638. 3 March, 1805, c. 34, s. 4, v. 2, p. 336. 11 April, 425. 14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

SEC. 2605. The Secretary of the Treasury may appoint, whenever he deems it necessary, additional inspectors of the revenue for the districts named below, as follows: Passamaquoddy, four; Portland and Fal-mouth, eight; Boston and Charlestown, fourteen; Pembina, two; Chi-cago, eight; Superior, two; Sandusky, one; Cuyahoga, three; Erie, one; Dunkirk, one; Buffalo, six; Niagara, two; Genesee, two; Oswego, five; Oswegatchie, two; Champlain, four; Vermont, two.

SEC. 2606. At each of the ports of Providence, Norfolk, Portland in Maine, Buffalo, Chicago, Detroit, Cincinnati, Saint Louis, Evansville, Milwaukee, Louisville, Cleveland, San Francisco, Portland in Oregon, Memphis, and Mobile there shall be appointed such number of weighers, gaugers, measurers, and inspectors as may be necessary.

SEC. 2607. At the port of San Diego, in the district of San Diego, the Secretary of the Treasury shall have power to appoint such inspectors, weighers, gaugers, measurers, and other officers as may be necessary for the collection of the revenue at that port.

SEC. 2608. There shall be appointed by the President, by and with the advice and consent of the Senate, four appraisers of merchandise, who shall be employed in visiting such ports of entry in the United States, under the direction of the Secretary, as may be deemed useful by him for the security of the revenue, and shall at such ports afford such aid and assistance in the appraisement of merchandise thereat as may be deemed necessary by the Secretary of the Treasury to protect and insure uniformity in the collection of the revenue from customs.

SEC. 2609. Whenever an appraisement of imported merchandise is to be made at any port for which no appraiser is provided by law, the collector of the district shall appoint two respectable resident merchants, who shall be the appraisers of such merchandise. (See § 2946.)

SEC. 2610. Every merchant who, after being chosen by the collector as provided in the preceding section, and after due notice of such choice has been given to him in writing, declines or neglects to assist at such appraisement, shall be liable to a penalty not exceeding fifty dollars, and to the costs of prosecution therefor. (See § 2945.)

SEC. 2611. Special examiners of drugs, medicines, chemicals, and so forth, shall, before entering upon their duties, take and subscribe an oath faithfully and diligently to perform such duties, and to use their best endeavors to prevent and detect frauds upon the revenue of the United States; which oath shall be administered by the collector of the port or district where the examiner making it is employed. (See §§ 2932-2937.)

SEC. 2612. The Secretary of the Treasury shall give to the collectors of districts for which an examiner of drugs, medicines, and chemicals is not provided by law, such instructions as he may deem necessary to prevent the importation of adulterated and spurious drugs and medicines.

3 March, 1805, c. 34, s. 3, v. 2, p. 336.
11 April, 1818, c. 51, v. 3, p. 425.
3 March, 1825, c. 96, s. 1, v. 4, p. 127.
Officers in Ohio.

Miami.

79, s. 12, v. 9, p. 511.
Sandusky.

2 March, 1811, c. 33, s. 2, v. 2, p. 657. 16 Aug., 1842, c. 179, v. 5, p. 507.
Cuyahoga.

2 March, 1799, c. 1818, c. 51, v. 3, p.

Additional in-spectors for certain districts.

27 June, 1864, c. 164, s. 7, v. 13, p. 196.

Weighers, gaug-ers, measurers, and inspectors.

14 July, 1870, c. 255, s. 36, v. 16, p. 271.

Weighers, gaug-ers, &c., at San Diego.

3 March, 1873, c. 253, v. 17, pp. 585, 586.

General apprais-ers.

3 March, 1851, c. 38, s. 3, v. 9, p. 630.

Gibbs vs. Wash-ington, McAll., 430.

Merchants em-ployed as apprais-ers.

1 March, 1823, c. 21, s. 16, v. 3, p. 735.

Merchant refus-ing to serve as ap-praiser.

1 March, 1823, c. 21, s. 19, v. 3, p. 736.

Oath of special examiners of drugs.

26 June, 1848, c. 70, s. 6, v. 9, p. 239.

Instructions to prevent importa-tion of adulterated drugs.

26 June, 1848, c. 70, s. 5, v. 9, p. 238.

stated was owing to circumstances beyond the control of the importer, consignee, or agent making such payments, he may draw his warrant upon the Treasurer in favor of the person entitled to the overpayment, directing the Treasurer to refund the same out of any money in the Treasury not otherwise appropriated.

Judgments, how payable.

3 March, 1865, c. 80, s. 12, v. 13, p. 944.

SEC. 3014. In all proceedings brought by the United States in any court for due recovery as well of duties upon imports alone as of penalties for the non-payment thereof, the judgment shall recite that the same is rendered for duties, and such judgment, interest, and costs shall be payable in the coin by law receivable for duties, and the execution issued on such judgment shall set forth that the recovery is for duties, and shall require the marshal to satisfy the same in the coin by law receivable for duties; and in case of levy upon and sale of the property of the judgment debtor, the marshal shall refuse payment from any purchaser at such sale in any other money than that specified in the execution. [See § 902.]

CHAPTER NINE.

DRAWBACK.

<p>3015. Allowance of drawback. 3016. Restrictions upon allowance. 3017. Limitation of time for exportation. 3018. Exportation of drugs. 3019. Manufactures. 3020. Manufactures using wood. 3021. Railroad-iron. 3022. Salt for curing fish. 3023. Duty on gaugeable merchandise. 3024. Duty upon weighable articles. 3025. No drawback after removal from custody. 3026. Gunpowder. 3027. No drawback allowed on discriminating duties. 3028. Exportation in same package. 3029. Change from casks. 3030. Change of package. 3031. Notice of change. 3032. Deposit of invoice. 3033. Comparison of invoice. 3034. Appraisement when duty ad valorem. 3035. Inspection and lading. 3036. Transportation to another district for exportation. 3037. Extension of time for entry. 3038. Debentures, to whom payable.</p>	<p>3039. Suit on refusal of payment. 3040. Debentures assignable. 3041. Exportation from another district. 3042. Refusal of debenture. 3043. Bond for delivery of merchandise at a foreign port. 3044. Discharge of bond. 3045. Consul's certificate. 3046. Consul's fee. 3047. Other proof. 3048. Permanent appropriation for payment of debentures. 3049. Penalty for relanding goods entered for drawback. 3050. Penalty for false entry. 3051. No forfeiture for accident or mistake. 3052. Exportation and transportation of bonded goods not prevented. 3053. Importations from British North America. 3054. Transportation to ports in British North America. 3055. Exportation from Lake Pontchartrain. 3056. Exportation to British North America. 3057. Drawback regulations.</p>
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Allowance of drawback.

2 March, 1799, c. 22, s. 75, v. 1, p. 680.
[See §§ 2936, 2977, 2978.]

SEC. 3015. A drawback of duties, as prescribed by law, shall be allowed and paid on all merchandise imported into the United States, in respect to all such merchandise as shall be exported to any foreign port other than the dominions of any foreign state immediately adjoining to the United States, either from the district of original importation, or from certain other districts; and all duties, drawbacks, and allowances which shall be payable, or allowable, on any specific quantity of merchandise, shall be deemed to apply in proportion to any greater or lesser quantity, except as herein otherwise provided.

Restrictions upon allowance.

2 March, 1799, c. 22, s. 75, v. 1, p. 681.

SEC. 3016. No merchandise imported shall be entitled to a drawback of the duties paid, unless the duties so paid shall amount to fifty dollars at least; nor unless they shall be exported in the original casks, cases, chests, boxes, trunks, or other packages, in which they were imported, without diminution or change of the articles which were therein contained, at the time of importation, in quantity, quality, or value, necessary or unavoidable wastage or damage only excepted.

SEC. 3017. No drawback of the duties shall be allowed on merchandise entitled to debenture under existing laws, unless such merchandise shall be exported from the United States within three years from the date of the importation of the same. One per centum on the amount of all drawbacks allowed shall be retained for the use of the United States by the collectors paying such drawbacks, respectively.

Limitation of time for exportation.

30 Aug., 1842, c. 270, s. 15, v. 5, p. 563.

3 March, 1845, c. 70, s. 10, v. 5, p. 752.

14 July, 1862, c. 163, s. 21, v. 12, p. 500.

SEC. 3018. All drugs, medicines, and chemical preparations entered for exportation and deposited in warehouse or public store, may be exported by the owner thereof in the original package, or otherwise, subject to such regulations as shall be prescribed by the Secretary of the Treasury.

Exportation of drugs.

14 July, 1862, c. 163, s. 21, v. 12, p. 559.

SEC. 3019. There shall be allowed on all articles wholly manufactured of materials imported, on which duties have been paid when exported, a drawback equal in amount to the duty paid on such materials, and no more, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury. Ten per centum on the amount of all drawbacks so allowed shall, however, be retained for the use of the United States by the collectors paying such drawbacks respectively.

Manufactures.

5 Aug., 1861, c. 45, s. 4, v. 12, p. 293.

SEC. 3020. Where fire-arms, scales, balances, shovels, spades, axes, hatchets, hammers, plows, cultivators, mowing-machines, and reapers, manufactured with stocks or handles made of wood grown in the United States, are exported for benefit of drawback under the preceding section, such articles shall be entitled to such drawback in all cases when the imported material exceeds one-half of the value of the material used.

Manufactures using wood.

6 June, 1872, c. 315, s. 9, v. 17, p. 238.

SEC. 3021. Railroad-iron, partially or wholly worn, may be imported into the United States without payment of duty, under bond to be withdrawn and exported after such railroad-iron shall have been repaired or remanufactured. The Secretary of the Treasury is hereby authorized and directed to prescribe such rules and regulations as may be necessary to protect the revenue against fraud, and secure the identity, character, and weight of all such importations when again withdrawn and exported, restricting and limiting the export and withdrawal to the same port of entry where imported, and also limiting all bonds to a period of time of not more than six months from the date of the importation.

Railroad-iron.

2 March, 1861, c. 68, s. 27, v. 12, p. 197.

SEC. 3022. Imported salt in bond may be used in curing fish, taken by vessels licensed to engage in the fisheries, under such regulations as the Secretary of the Treasury shall prescribe; and upon proof that the salt has been used in curing fish, the duties on the same shall be remitted.

Salt for curing fish.

6 June, 1872, c. 315, s. 11, v. 17, p. 238.

SEC. 3023. Upon all merchandise gaugeable by law, hereafter exported, upon which drawback or return duty is allowed, and upon all merchandise gaugeable by law, withdrawn from bonded warehouses for export, there shall be collected by the collectors of the several ports ten cents per cask.

Duty on gaugeable merchandise.

2 March, 1867, c. 168, s. 3, v. 14, p. 470.

SEC. 3024. Upon all weighable articles hereafter exported, upon which a drawback or return duty is allowed, and upon all weighable merchandise withdrawn from bonded warehouses for export, there shall be collected by the collectors of the several ports three cents per hundred pounds, to be determined by the returns of the weighers.

Duty upon weighable articles.

26 July, 1866, c. 269, s. 1, v. 14, p. 239.

SEC. 3025. No return of the duties shall be allowed on the export of any merchandise after it has been removed from the custody and control of the Government, except in the cases provided in sections three thousand and nineteen, three thousand and twenty, three thousand and twenty-two, and three thousand and twenty-six. [See § 2036.]

No drawback after removal from custody.

14 July, 1862, c. 163, s. 21, v. 12, p. 560.

SEC. 3026. There shall be a drawback on foreign saltpeter, manufactured into gunpowder in the United States and exported therefrom, equal in amount to the duty paid on the foreign saltpeter from which it shall be manufactured, to be ascertained under such regulations as

Gunpowder.

3 March, 1863, c. 77, s. 7, v. 12, p. 742.

14 July, 1870, c. 255, s. 24, v. 16, p. 269.

30 July, 1846, c. 74, s. 9, v. 9, p. 44. use his best endeavors to prevent and detect frauds against the laws of the United States imposing duties upon imports.
 9 May, 1848, c. 40, v. 9, p. 220. 26 June, 1848, c. 70, s. 6, v. 9, p. 239.

Who may administer oath of office.

2 March, 1799, c. 23, s. 20, v. 1, p. 641.
 30 July, 1846, c. 74, s. 9, v. 9, p. 44.
 26 June, 1848, c. 71, s. 6, v. 9, p. 239.

Certification, &c., of oath.

2 March, 1799, c. 22, s. 20, v. 1, pp. 641, 642.

Bonds of collectors, naval officers, and surveyors.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.
 4 June, 1844, c. 39, v. 5, p. 661.
 2 March, 1799, c. 23, s. 1, v. 1, p. 706.

U. S. vs. Eckford's Exra., 1 How., 154.

Ibid.

Ibid.

Ibid.

Ibid.

10 May, 1800, c. 49, v. 2, p. 68.
 7 July, 1838, c. 169, s. 8, v. 5, p. 267.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.
 30 June, 1834, c. 135, s. 10, v. 4, p. 716.
 7 May, 1822, c. 109, s. 2, v. 3, p. 693.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.

7 May, 1822, c. 62, s. 8, v. 3, p. 684.

12 January, 1829, c. 10, s. 1, v. 4, p. 331, p. 200.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.

Ibid.

Ibid.

2 March, 1831, c. 87, ss. 1, 5, v. 4, pp. 480, 482.

2 March, 1867, c. 178, s. 1, v. 14, p. 542.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.

Ibid.

[See § 2639.]

SEC. 2617. The oath of office required by law to be taken by a collector or may be taken before any magistrate authorized to administer oaths within the district to which such collector belongs. The oath required to be taken by any other person appointed to any office under this Title shall be taken before the collector of his district. [See § 1758.]

SEC. 2618. The oath of office administered to any person appointed to any office under this Title shall be certified under the hand and seal of the person by whom the same shall have been administered, and shall, within three months thereafter, be transmitted to the Commissioner of Customs. In default of taking such oath, or of transmitting a certificate thereof, the person failing shall be liable to a penalty of two hundred dollars.

SEC. 2619. Every collector, naval officer, and surveyor, shall, before entering on the duties of his office, give a bond to the United States, with one or more sufficient sureties, for the true and faithful discharge of the duties thereof according to law, under penalty as follows :

First. The collectors of New York and Philadelphia, in the sum of sixty thousand dollars each.

Second. The collector of Boston and Charlestown, in the sum of forty thousand dollars.

Third. The collectors of Baltimore and Charleston, in the sum of thirty thousand dollars each.

Fourth. The collector of Norfolk and Portsmouth, in the sum of fifteen thousand dollars.

Fifth. The collectors of Portsmouth in New Hampshire, Salem and Beverly, Newport, Providence, Wilmington in Delaware, Annapolis, Georgetown in the District of Columbia, Richmond, Alexandria, Wilmington in North Carolina, New Berne, Edenton, and Vicksburgh, in ten thousand dollars each.

Sixth. The collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Newark, Yorktown, Tappahannock, Georgetown in South Carolina, Beaufort in South Carolina, and Savannah, in five thousand dollars each.

Seventh. The collectors of Middletown and Waldoborough, in four thousand dollars each.

Eighth. The collectors of the several districts in the State of Florida, in such sum as the President shall prescribe.

2 March, 1831, c. 76, s. 4, v. 4, p. 476. 3 March, 1857, c. 105, v. 11,

Ninth. All collectors not above mentioned, in two thousand dollars each.

Tenth. The naval officers at Boston, New York, Philadelphia, Baltimore, and Charleston, in ten thousand dollars each.

Eleventh. All naval officers not above mentioned, in two thousand dollars each.

Twelfth. The surveyors at Albany, Pittsburgh, Wheeling, Cincinnati, Louisville, Saint Louis, Nashville, and Natchez, in ten thousand dollars each.

Thirteenth. The surveyors of Boston, New York, Philadelphia, Baltimore, and Charleston, in five thousand dollars each.

Fourteenth. All surveyors not above mentioned, in one thousand dollars each.

SEC. 2620. All bonds required by law to be given by collectors, naval officers, surveyors, or other officers of the customs, shall be approved by the Commissioner of Customs, and shall be filed in his office.

SEC. 2621. At each of the ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the collector:

First. To receive all reports, manifests, and documents to be made or exhibited on the entry of any ship or vessel, according to the regulations of this Title.

Second. To record, in books to be kept for that purpose, all manifests.

Third. To receive the entries of all ships or vessels, and of the goods, wares, and merchandise imported in them.

Fourth. To estimate, together with the naval officer where there is one, or alone where there is none, the amount of the duties payable thereupon, indorsing such amount upon the respective entries.

Fifth. To receive all moneys paid for duties, and take all bonds for securing the payment thereof.

Sixth. To grant all permits for the unloading and delivery of goods.

Seventh. To employ, with the approval of the Secretary of the Treasury, proper persons as weighers, gaugers, measurers, and inspectors at the several ports within his district.

Eighth. To provide, with the like approval, at the public expense, store-houses for the safe-keeping of goods, and such scales, weights, and measures as may be necessary. (See §§ 237, 429.)

SEC. 2622. At ports to which a collector and surveyor only are appointed, the collector shall solely execute all the duties in which the co-operation of the naval officer is requisite at the ports where a naval officer is appointed. And he shall act in like manner in case of the disability or death of the naval officer, until a successor is appointed, unless there is a deputy duly authorized under the hand and seal of the naval officer, who in that case shall continue to act until an appointment is made.

SEC. 2623. At ports to which a collector only is appointed, the collector shall solely execute all the duties in which the co-operation of the naval officer is requisite, at ports where a naval officer is appointed, and he shall also, as far as may be, perform all the duties prescribed for surveyors at ports where surveyors are authorized.

SEC. 2624. At ports of delivery to which no surveyor is appointed, and at such ports only, the collector may, from time to time, when it is necessary, employ a proper person to perform the duties of a surveyor; who shall be entitled to the like compensation with an inspector during the time he is employed.

SEC. 2625. In case of the disability or death of a collector, the duties and authorities vested in him shall devolve on his deputy, if any there be at the time of such disability or death, for whose conduct the estate of such disabled or deceased collector shall be liable; and, if there be no deputy, they shall devolve upon the naval officer of the same district, if any there be; and if there be no naval officer, they shall devolve upon the surveyor of the port appointed for the residence of such disabled or deceased collector, if any there be; and if there be no such surveyor, they shall devolve upon the surveyor of the port nearest thereto and within the district.

SEC. 2626. At ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the naval officer—

First. To receive copies of all manifests and entries.

Second. To estimate, together with the collector, the duties on all merchandise subject to duty, and no duties shall be received without such estimates.

Third. To keep a separate record of such estimates.

Fourth. To countersign all permits, clearances, certificates, debentures, and other documents, to be granted by the collector.

Fifth. To examine the collector's abstracts of duties, and other ac-

Bonds, how approved and filed.

17 June, 1864, c. 130, s. 5, v. 13, p. 134.

Duties of collector where naval officers and surveyors are appointed.

2 March, 1799, c. 22, s. 21, v. 1, p. 642.

Wood, 2 Gall., 361.

Duties of collector where no naval officer is appointed.

2 March, 1799, c. 22, s. 21, v. 1, p. 643.

Duties of collector where a collector only is appointed.

2 March, 1799, c. 22, s. 21, v. 1, p. 643.

Employment of temporary surveyors.

2 March, 1799, c. 22, s. 21, v. 1, p. 643.

Performance of collector's duties in case of disability.

2 March, 1799, c. 22, s. 22, v. 1, p. 644.

Duties of naval officers.

2 March, 1799, c. 22, s. 21, v. 1, p. 642.

[See § 2650.]

2 March, 1799, c. 22, s. 80, v. 1, p. 687.

such district, together with the naval officer thereof, where there is one, shall grant to the exporter a certificate, expressing that such merchandise was exported from such district, with the marks, numbers, and descriptions of the packages and their contents, the names of the master and vessel in which and the port to which it was exported, and by whom, and the names of the vessel and master in which it was brought, and by whom shipped at the district from whence it came, and the amount of the drawback to which it is entitled. Such certificate shall entitle the possessor thereof to receive from the collector of the district with whom the duties on the merchandise were paid, a debenture or debentures, for the amount of the drawback expressed in the certificate, payable at the same time, and in like manner as is herein directed for debentures on merchandise exported from the port of original importation.

Refusal of debenture.

2 March, 1799, c. 22, s. 80, v. 1, p. 687.

SEC. 3042. The collector may refuse to grant such debenture, in case it shall appear to him that any error has arisen, or any fraud has been committed; and in case of such refusal, if the debenture claimed shall exceed one hundred dollars, it shall be the duty of the collector to represent the case to the Secretary of the Treasury, who shall determine whether such debenture shall be granted or not. In no case, moreover, of an exportation of goods shall a drawback be paid, until the duties on the importation thereof shall have been first received.

Bond for delivery of merchandise at a foreign port.

2 March, 1799, c. 22, s. 81, v. 1, p. 689.

SEC. 3043. Before the receipt of any debenture, in case of exportation from the district of original importation, and in case of exportation from any other district before the receipt of any such certificate, as is hereinbefore required to be granted, the person applying for such debenture or certificate shall, previous to such receipt, and before the clearance of the vessel in which the merchandise was laden for exportation, give bond, with one or more sureties, to the satisfaction of the collector, who is to grant such debenture or certificate, as the case may be, in a sum equal to double the amount of the sum for which such debenture or certificate is granted, conditioned that such merchandise, or any part thereof, shall not be reloaded in any port within the limits of the United States, and that the exporter shall produce, within the time herein limited, the proofs and certificates required of such merchandise having been delivered without such limits.

Discharge of bond.

2 March, 1799, c. 22, s. 81, v. 1, p. 690.

SEC. 3044. All bonds which may be given for any merchandise exported from the United States, and on which any drawback of duties or allowance shall be payable, in virtue of such exportation, shall and may be discharged, and not otherwise, by producing within one year from the date thereof, if the exportation be made to any port of Europe or America, or within two years, if made to any part of Asia or Africa, a certificate under the hand of the consignee at the foreign port to whom the merchandise shall have been addressed, therein particularly setting forth and describing the articles so exported, their marks, numbers, description of packages, the number thereof, and their actual contents, and declaring that the same have been received by them from on board the vessel, specifying the names of the master and vessel from which they were so received; and where such merchandise is not consigned or addressed to any particular person at the foreign port to which the vessel is destined, or may arrive, but where the master, or other person on board such vessel may be the consignee of such merchandise, a certificate from the person to whom such merchandise may be sold or delivered, by such master or other person, shall be produced to the same effect as that required if the person receiving the same were originally intended to be the consignee thereof.

Consul's certificate.

2 March, 1799, c. 22, s. 81, v. 1, p. 690.

SEC. 3045. In addition to such certificate, it shall be necessary to produce a certificate under the hand and seal of the consul or agent of the United States, residing at the place, declaring either that the facts stated in the certificate of such consignee, or other person, are to his knowledge true, or that such certificate is deserving of full faith and credit; which certificates of the consignee, or other person, and consul or agent, shall, in all cases, as respects the landing or delivery of the

merchandise, be confirmed by the oath of the master and mate, if living, or, in case of their death, by the oath of the two principal surviving officers of the vessel in which the exportation shall be made. Where there is no consul or agent of the United States residing at the place of delivery, the certificate of the consignee, or other person hereinbefore required, shall be confirmed by the certificate of two reputable American merchants residing at the place, or if there are no such American merchants, then by the certificate of two reputable foreign merchants, testifying that the several facts stated in such consignee or other person's certificate, are, to their knowledge, just and true, or that such certificate is, in their opinion, worthy of full faith and credit; and such certificate shall also be supported by the oath of the master and mate, or other principal officers of the vessel, in manner as before prescribed. The oath of the master and mate, or other principal officers, shall, in all cases, when taken at a foreign port, be taken and subscribed before the consul or agent of the United States residing at such foreign port, if any such consul or agent reside thereat.

SEC. 3046. It shall be lawful for the consuls or agents of the United States, residing at the foreign ports, to demand twenty-five cents for administering each oath and one dollar for granting each certificate required by the preceding section, and if any consul or agent shall demand other or greater fees than are thus allowed, his bond shall be forfeited.

SEC. 3047. In cases of loss by sea, or by capture or other unavoidable accident, or when, from the nature of the trade, the proofs and certificates before required are not, and cannot be, procured, the exporter shall be allowed to adduce to the collector of the port of exportation such other proofs as they may have, and as the nature of the case will admit; which proofs shall, with a statement of all the circumstances attending the transaction within the knowledge of such collector, be transmitted to the Secretary of the Treasury, who shall have power to allow a further reasonable time for obtaining such proofs; or if he be satisfied with the truth and validity of the proofs adduced, to direct the bond of such exporter to be canceled. If the amount of such bond shall not exceed the penal sum of two hundred dollars, the collector, with the naval officer, where there is one, and alone, where there is none, may, pursuant to such rules as shall be prescribed by the Secretary of the Treasury, admit such proof as may be adduced; and if they deem the same satisfactory, cancel such bond accordingly.

SEC. 3048. So much money as may be necessary for the payment of debentures or drawbacks and allowances which may be authorized and payable, is hereby appropriated for that purpose out of any money in the Treasury, to be expended under the direction of the Secretary of that Department, according to the laws authorizing debentures or drawbacks and allowances. The collectors of the customs shall be the disbursing agents to pay such debentures, drawbacks, and allowances. All debenture certificates issued according to law shall be received in payment of duties at the custom-house where the same have been issued, the laws regulating drawbacks having been complied with.

SEC. 3049. If any merchandise entered for exportation, with intent to drawback the duties, or to obtain any allowance given by law on the exportation thereof, shall be landed within any port within the limits of the United States, all such merchandise shall be subject to seizure and forfeiture, together with the vessel from which such merchandise shall be landed, and the vessels or boats used in landing the same; and all persons concerned therein shall, upon indictment and conviction thereof, suffer imprisonment for a term not exceeding six months. For discovery of frauds and seizure of merchandise relanded contrary to law, the several officers established by this Title shall have the same powers, and, in case of seizure, the same proceedings shall be had, as in the case of merchandise imported contrary to law.

SEC. 3050. If any merchandise, of which entry shall have been made in the office of a collector, for the benefit of drawback or bounty upon

Consul's fee.

2 March, 1799, c. 22, s. 81, v. 1, p. 692.

Other proof.

2 March, 1799, c. 22, s. 81, v. 1, p. 690.

Permanent appropriation for payment of debentures.

3 March, 1849, c. 110, s. 2, v. 9, p. 398.

Penalty for relanding goods entered for drawback.

2 March, 1799, c. 22, s. 82, v. 1, p. 692.

Penalty for false entry.

have received the permit for lading such merchandise, or if the amount of such drawback shall be estimated according to weight, gauge, or measure, until such merchandise shall be first weighed, gauged, or measured, as the case may require, he shall be subject to the like penalties, and be discharged from the public service. [See § 2444.]

Customs officers, &c., not to own vessels or engage in importation.

2 March, 1799, c. 22, s. 86, v. 1, p. 696.

Collectors, naval officers, and surveyors must keep and render accounts.

2 March, 1799, c. 23, s. 2, v. 1, p. 706.

3 March, 1849, c. 106, s. 12, v. 9, p. 396.

Andrews vs. U. S., 2 Story, 203.

Their duty in respect to accounts, and the penalty for omission.

2 March, 1799, c. 22, s. 21, v. 1, p. 643.

Accounts must include all emoluments as well as expenses.

7 May, 1822, c. 107, s. 12, v. 3, p. 695.

Services of occasional inspectors must be specified.

2 March, 1799, c. 23, s. 2, v. 1, p. 707.

List of clerks and account of expenditures for stationery, &c., to be furnished.

7 May, 1822, c. 107, s. 13, v. 3, p. 695.

Accounts of collectors upon northern, &c., frontiers.

3 March, 1863, c. 87, s. 1, v. 12, p. 760.

SEC. 2638. No person employed under the authority of the United States, in the collection of duties on imports or tonnage, shall own, either in whole or in part, any vessel, or act as agent, attorney, or consignee for the owner or owners of any vessel, or of any cargo or lading on board the same; nor shall any such person import, or be concerned directly or indirectly in the importation of any merchandise for sale into the United States. Every person who violates this section shall be liable to a penalty of five hundred dollars. [See §§ 2442, 1788, 1790.]

SEC. 2639. Every collector, naval officer, and surveyor shall keep accurate accounts of all fees and official emoluments received by him, and of all expenditures, specifying expenditures for rent, fuel, stationery, and clerk-hire, and shall annually, within ten days after the thirtieth day of June, transmit the same, verified by oath, to the Commissioner of Customs, who shall annually lay an abstract of the same before Congress. Every collector, naval officer, or surveyor who omits or neglects to keep such account, or to transmit the same so verified, shall be liable to a penalty of not more than five hundred dollars. [See § 1788.]

SEC. 2640. Collectors, naval officers, and surveyors shall attend in person at the ports to which they are respectively appointed; and shall keep fair and true accounts and records of all their transactions, as officers of the customs, in such manner and form as may from time to time be directed by the Secretary of the Treasury; and shall at all times submit their books, papers, and accounts to the inspection of such persons as may be appointed for that purpose; and shall once in every month, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement. And if any collector, naval officer, or surveyor shall omit to keep fair and true accounts, or shall refuse to submit forthwith his books, papers, and accounts to inspection as required by law, or if any collector shall omit or refuse to render his accounts for settlement, for a term exceeding three months after the same shall have been required by the proper officer, the delinquent officer shall be liable to a penalty of one thousand dollars, to be recovered with costs of suit.

SEC. 2641. Every collector, naval officer, and surveyor shall account to the Treasury for all his emoluments, and also for all the expenses incident to his office. Such accounts, as well of expenses as of emoluments, shall be rendered on oath, at such times and in such forms, and shall be supported by such proofs, as shall be prescribed by the Secretary of the Treasury.

SEC. 2642. The services performed by occasional inspectors shall be particularly detailed in the accounts to be transmitted to the Treasury, and certified by the naval officer or surveyor of the district, if there be any, as to the necessity for and performance of such services.

SEC. 2643. Every collector, naval officer, and surveyor shall, together with his accounts of the expenses incident to his office, render a list of the clerks employed by him, stating the rate of compensation allowed to each, and the duties which they severally perform; and also an account of the sums paid for stationery, official or contingent expenses, fuel, and office-rent, stating the purposes for which the premises rented are applied.

SEC. 2644. The collector of customs of each of the districts on the northern, northeastern, and northwestern frontiers shall render, with his accounts of the expenses incident to his office, a list of the clerks and other officers of the customs employed by him, stating the rate of compensation allowed to each, the duties they severally perform, and also an account of the sums paid for stationery, fuel, and all other office ex-

penses, including office-rent; for all of which expenses he shall submit an estimate each month in advance, and shall state the purposes for which any premises are used; and shall also render an accurate account of all fees and commissions collected by him.

SEC. 2645. All accounts for salary, compensation, and emoluments shall be rendered quarterly, at the end of each quarter of the fiscal year.

SEC. 2646. All blank-books, blanks, and stationery of every kind required by collectors and other officers of the customs shall, so soon as they can be prepared for delivery, by or under the direction of the Secretary of the Treasury, be furnished to them for the use of their respective offices, upon requisition made by them, and the expense of such books, blanks, and stationery shall be paid out of the appropriation for defraying the expenses of collecting the revenue from customs.

SEC. 2647. Every collector of customs, every naval officer, and every surveyor performing or having performed the duties of a collector, shall render a quarter-yearly account, under oath, to the Secretary of the Treasury, in such form as the Secretary shall prescribe, of all sums of money by each of them respectively received or collected for fines, penalties, or forfeitures, or for seizure of merchandise, or upon compromises made upon any seizure; or on account of suits instituted for frauds against the revenue laws; or for rent and storage of merchandise, which may be stored in the public store-houses, and for which a rent is paid beyond the rents paid by the collector or other such officer; or for custody of goods in bonded warehouses; and if from such accounting it shall appear that the money received in any one year by any collector, naval officer, or surveyor, on account and for rents and storage, and for fees and emoluments, shall in the aggregate exceed the sum of two thousand dollars, such excess shall be paid by the collector, naval officer, or surveyor, as the case may be, into the Treasury as public money.

SEC. 2648. Collectors and surveyors of the collection-districts on the northern, northeastern, and northwestern frontiers are authorized to keep on sale, at their several offices, blank manifests and clearances required for the business of their districts, and to charge the sum of ten cents, and no more, for each blank which shall be prepared and executed by them.

SEC. 2649. The Secretary of the Treasury may appoint special agents, not exceeding fifty-three in number, for the purpose of making the examinations of the books, papers, and accounts of collectors and other officers of the customs, and to be employed generally, under the direction of the Secretary, in the prevention and detection of frauds on the customs revenue; and the expense thereof shall be charged to the "appropriation to defray the expense of collecting the revenue from customs."

SEC. 2650. The special agents shall be divided into three classes:

First. The first class shall consist of nineteen agents, two of whom shall each receive, in addition to the expenses necessarily and actually incurred by him, a compensation of ten dollars per day, and seventeen of whom shall each receive, in addition to expenses necessarily and actually incurred by him, a compensation of eight dollars per day.

Second. The second class shall consist of sixteen agents, each of whom shall receive, in addition to expenses necessarily and actually incurred by him, a compensation of six dollars per day.

Third. The third class shall consist of eighteen agents, each of whom shall receive, in addition to expenses necessarily and actually incurred by him, a compensation of five dollars per day.

SEC. 2651. The Secretary of the Treasury may, from time to time, make such regulations not inconsistent with law, for the government of the special agents, as he deems expedient, and may rescind or alter regulations so made. But no special agent, in addition to those authorized by the two preceding sections, shall be appointed or employed upon any business relating to the customs revenue; nor shall any sum be paid to

Monthly estimate in advance.

Ibid.

Accounts to be rendered quarterly.

11 Feb., 1846, c. 7, s. 2, v. 9, p. 3.

Books to be furnished to customs officers.

28 July, 1866, c. 293, s. 5, v. 14, p. 309.

Quarterly account of collections of fines, &c., required.

3 March, 1841, c. 35, s. 5, v. 5, p. 432.
16 July, 1866, c. 201, s. 40, v. 14, p. 187.

3 March, 1857, c. 108, s. 8, v. 11, p. 229.

U. S. vs. Walker, 22 How., 299.
U. S. vs. McDonald, 5 Wall., 647.

[See § 2720.]

Blanks.

14 July, 1862, c. 169, s. 2, v. 12, p. 572.

Special agents to examine books, accounts, &c., of collectors, &c.

12 May, 1870, c. 102, s. 1, v. 16, p. 122.

Classification and payment of agents.

12 May, 1870, c. 102, s. 2, v. 16, p. 123.

Regulations for special agents, and limitations on their number and compensation.

12 May, 1870, c. 102, ss. 2, 3, v. 16, p. 123.

- to duty, or to have been unlawfully introduced into the United States, whether by the person in possession or charge, or by, in, or upon such vehicle, beast, or otherwise, he shall seize and secure the same for trial.
- SEC. 3062.** Every such vehicle and beast, or either, together with teams or other motive-power used in conveying, drawing, or propelling such vehicle or merchandise, and all other appurtenances, including trunks, envelopes, covers, and all means of concealment, and all the equipage, trappings, and other appurtenances of such beast, team, or vehicle, shall be subject to seizure and forfeiture. If any person who may be driving or conducting, or in charge of any such carriage or vehicle or beast, or any person traveling, shall willfully refuse to stop and allow search and examination to be made as herein provided, when required so to do by any authorized person, he shall be punishable by a fine of not more than one thousand dollars, nor less than fifty dollars.
- SEC. 3063.** No railway-car or engine or other vehicle, or team, used by any person or corporation, as common carriers, in the transaction of their business as such common carriers, shall be subject to forfeiture by force of the provisions of this Title unless it shall appear that the owner, superintendent, or agent of the owner in charge thereof at the time of such unlawful importation or transportation thereon or thereby was a consenting party, or privy to such illegal importation or transportation.
- SEC. 3064.** The Secretary of the Treasury may from time to time prescribe regulations for the search of persons and baggage, and for the employment of female inspectors for the examination and search of persons of their own sex; and all persons coming into the United States from foreign countries shall be liable to detention and search by authorized officers or agents of the Government, under such regulations.
- SEC. 3065.** Any person authorized by this Title to make searches and seizures, or any person assisting him or acting under his directions, may, if deemed necessary by him or them, enter into or upon or pass through the lands, inclosures, and buildings, other than the dwelling-house of any person whomsoever, in the night or in the day time, in order to the more effectual discharge of his official duties.
- SEC. 3066.** If any collector, naval officer, surveyor, or other person specially appointed by either of them, or inspector, shall have cause to suspect a concealment of any merchandise in any particular dwelling-house, store-building, or other place, they, or either of them, upon proper application on oath to any justice of the peace, shall be entitled to a warrant to enter such house, store, or other place, in the day-time only, and there to search for such merchandise; and if any shall be found, to seize and secure the same for trial; and all such merchandise, on which the duties shall not have been paid, or secured to be paid, shall be forfeited.
- SEC. 3067.** It shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue-cutters, to go on board of vessels in any port of the United States, or within four leagues of the coast thereof, if bound to the United States, whether in or out of their respective districts, for the purposes of demanding the manifests, and of examining and searching the vessels; and those officers respectively shall have free access to the cabin and every other part of a vessel.
- SEC. 3068.** If any master of a vessel coming into or having arrived at any port within the United States shall obstruct or hinder, or shall intentionally cause any obstruction or hinderance to any officer in lawfully going on board such vessel, for the purpose of carrying into effect any of the revenue laws of the United States, he shall for every such offense be liable to a penalty of not more than five hundred dollars nor less than fifty dollars.
- SEC. 3069.** If any box, trunk, chest, cask, or other package shall be found in the cabin, steerage, or fore-castle of a vessel, or in any other place separate from the residue of the cargo, the officer of the customs shall take a particular account of such package, and of the marks and
- Forfeitures.**
18 July, 1866, c. 201, s. 3, v. 14, p. 178.
- Privity of owner.**
18 July, 1866, c. 201, s. 3, v. 14, p. 179.
- Search of baggage.**
18 July, 1866, c. 201, s. 3, v. 14, p. 178.
- Entering buildings, &c.**
18 July, 1866, c. 201, s. 5, v. 14, p. 179.
- Warrant to search dwelling-house.**
2 March, 1799, c. 22, s. 68, v. 1, p. 678.
28 Feb., 1865, c. 67, s. 2, v. 13, p. 442.
- U. S. vs. Three Hundred and Fifty Chests of Tea, 12 Wh., 487; Taylor vs. U. S., 3 How., 197; U. S. vs. Certain Hogsheads, 1 Curt., 276; U. S. vs. Twenty-six Diamond Rings, Sprague, 294.**
- Authority to go on board vessels.**
2 March, 1799, c. 22, s. 54, v. 1, p. 668.
- Penalty for obstructing officers in going on board of vessels.**
2 March, 1799, c. 22, s. 71, v. 1, p. 678.
- Articles separate from the cargo.**
2 March, 1799, c. 22, s. 54, v. 1, p. 668.

numbers thereof, if any, and a description thereof, and, if he judges proper, shall seal every such package; and such account and description shall be by him forwarded without delay to the collector of the district to which such vessel is bound. If upon her arrival at the port of her entry, the packages so described, or any of them, are missing, or if any seal put thereon has been broken, the master shall be liable to a penalty for every package missing, or on which any seal shall be broken, of two hundred dollars.

SEC. 3070. The inspector who may be put on board of any vessel shall secure, after sunset in each evening, or previous to his quitting the vessel, the hatches and other communications with the hold of such vessel, or any other part thereof he may judge necessary, with locks or other proper fastening, which locks or other fastenings shall not be opened, broken, or removed until the morning following, or after the rising of the sun, and in the presence of the inspector by whom the same were affixed, except by special license from the collector of the port, and the naval officer, if any, first obtained. If the locks or other fastenings, or any of them, are broken or removed contrary to this section, or if any merchandise or packages are clandestinely landed, notice thereof shall be immediately given by the inspector to the collector and naval officer, if any, of the port where the vessel may be; and the master of such vessel shall, for each or every such offense, be liable to a penalty of five hundred dollars. [See § 2877.]

SEC. 3071. Every officer or other person authorized to make searches and seizures by this Title, shall, at the time of executing any of the powers conferred upon him, make known, upon being questioned, his character as an officer or agent of the customs or Government, and shall have authority to demand of any person within the distance of three miles to assist him in making any arrests, search, or seizure authorized by this Title, where such assistance may be necessary; and if such person shall, without reasonable excuse, neglect or refuse so to assist, upon proper demand, he shall be deemed guilty of a misdemeanor, punishable by a fine of not more than two hundred dollars, nor less than five dollars.

SEC. 3072. It shall be the duty of the several officers of the customs to seize and secure any vessel or merchandise which shall become liable to seizure by virtue of any law respecting the revenue, as well without as within their respective districts.

3 Wh., 246; The Joseph Segunda, 10 Wh., 312; Wood vs. U. S., 16 U. S., 3 How., 197; Bolina and Cargo, 1 Gall., 75.

SEC. 3073. If any officer, or other person, executing or aiding or assisting in the seizure of goods, under any act providing for or regulating the collection of duties on imports or tonnage, is sued for anything done in virtue of the powers given thereby, or by virtue of a warrant granted by any judge, or justice, pursuant to law, he may plead the general issue and give such act and the special matter in evidence.

SEC. 3074. In all cases of seizure of property subject to forfeiture for any of the causes named in any provision of law relating to the customs, or for the registering, enrolling, or licensing of vessels, when, in the opinion of the collector or other principal officer of the revenue making such seizure, the value of the property seized does not exceed five hundred dollars, he shall cause a list and particular description of the property seized to be prepared in duplicate, and an appraisement of the same to be made by two sworn appraisers under the revenue laws, if there are such appraisers at or near the place of seizure; but if there are no such appraisers, then by two competent and disinterested citizens of the United States, to be selected by him for that purpose, residing at or near the place of seizure; which list and appraisement shall be properly attested by such collector or other officer and the persons making the appraisal. For such services of the appraisers they shall be allowed out of the revenue one dollar and fifty cents each, for every day necessarily employed in such service.

Locks and fastenings.

2 March, 1799, c. 22, s. 54, v. 1, p. 668.

Officers to make character known.

18 July, 1866, c. 201, s. 10, v. 14, p. 180.

[See § 5448.]

Seizures.

2 March, 1799, c. 22, s. 70, v. 1, p. 678.

Gelston vs. Hoyt, Pet., 342; Taylor vs.

Persons making seizures may plead general issue and give special matter in evidence.

2 March, 1799, c. 22, s. 71, v. 1, p. 678.

Appraisement.

18 July, 1866, c. 201, s. 11, v. 14, p. 180.

2 April, 1844, c. 8, s. 1, v. 5, p. 653.

8 Aug., 1846, c. 110, v. 9, p. 82.

28 Feb., 1865, c. 67, s. 4, v. 13, p. 442.

28 July, 1866, c. 203, s. 6, v. 14, p. 309.

Notice of seizure.

18 July, 1866, c. 201, s. 11, v. 14, p. 180.

2 April, 1844, c. 8, s. 1, v. 5, p. 653.

28 Feb., 1865, c. 67, s. 4, v. 13, p. 442.

SEC. 3075. If the amount of the appraisal of property so seized as forfeited shall not exceed the sum of five hundred dollars, the collector or other principal officer shall publish a notice once a week for three successive weeks in some newspaper of the county or place where such seizure shall have been made, if any newspaper shall be published in such county; but if no newspaper shall be published in such county, then such notice shall be published in some newspaper of the county in which the principal customs office of the district shall be situated; and if no newspaper shall be published in such county, then notices shall be posted in proper public places, which notices shall describe the articles seized, and state the time, cause, and place of seizure, and shall require any person claiming such articles to appear and file with such collector or other officer his claim to such articles within twenty days from the date of the first publication of such notice.

Claim for property seized.

18 July, 1866, c. 201, s. 12, v. 14, p. 181.

2 April, 1844, c. 8, s. 1, v. 5, p. 653.

SEC. 3076. Any person claiming the property so seized may, at any time within twenty days from the date of such publication, file with the collector or other officer a claim, stating his interest in the articles seized, and, upon depositing with such collector or other officer a bond to the United States in the penal sum of two hundred and fifty dollars, with two sureties, to be approved by such collector or other officer, conditioned that, in case of the condemnation of the articles so claimed, the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation. Such collector or other officer shall transmit the same, with the duplicate list and description of the articles seized and claimed, to the United States district attorney for the district, who shall proceed for a condemnation of the property in the ordinary mode prescribed by law.

Sale of property seized.

18 July, 1866, c. 201, s. 12, v. 14, p. 181.

2 April, 1844, c. 8, s. 1, v. 5, p. 653.

SEC. 3077. If no such claim shall be filed or bond given within the twenty days above specified, such collector or other officer shall give not less than fifteen days' notice of the sale of the property so seized, by publication in the manner before mentioned; and, at the time and place specified in such notice, he shall sell at public auction the property so seized, and shall deposit the proceeds, after deducting the actual expenses of such seizure, publication, and sale, in the Treasury of the United States, as shall be directed by the Secretary of the Treasury. The collector, however, shall have power to adjourn such sale from time to time for a period not exceeding thirty days in all.

Application for remission of forfeiture, &c.

18 July, 1866, c. 201, s. 13, v. 14, p. 181.

SEC. 3078. Any person claiming to be interested in the property sold under the provisions of the preceding section may, within three months after such sale, apply to the Secretary of the Treasury for a remission of the forfeiture and a restoration of the proceeds of such sale, and the same may be granted by the Secretary upon satisfactory proof, to be furnished in such manner as he shall direct, that the applicant, at the time of the seizure and sale of the property in question, did not know of the seizure, and was in such circumstances as prevented him from knowing of the same, and that such forfeiture was incurred without willful negligence or any intention of fraud on the part of the owner of such property.

Distribution.

18 July, 1866, c. 201, s. 14, v. 14, p. 181.

2 April, 1844, c. 8, s. 3, v. 5, p. 654.

SEC. 3079. If no application for such remission or restoration shall be made within three months after such sale, the Secretary of the Treasury shall then cause the proceeds of such sale to be distributed in the same manner as if such property had been condemned and sold in pursuance of a decree of a competent court.

Sale of perishable articles.

18 July, 1866, c. 201, s. 15, v. 14, pp. 181, 182.

SEC. 3080. Whenever seizure shall be made of any property which, in the opinion of the appraisers, is liable to perish or waste, or to be greatly reduced in value by keeping, or which cannot be kept without great disproportionate expense, whether such property consists of live animals or merchandise, and when the property thus seized shall not exceed five hundred dollars in value, and when no claim shall have been interposed therefor as is hereinbefore provided, the appraisers, if requested by the collector or principal officer making the seizure, at the

Conway vs. Stannard, 17 Wall., 398.

time when such appraisal is made, shall certify on oath in their appraisal their belief that the property seized is liable to speedy deterioration, or that the expenses of its keeping will largely reduce the net proceeds of the sale; and in case the appraisers thus certify, such collector or other officer may proceed to advertise and sell the same at auction, by giving notice for such time as he may think reasonable, but not less than one week, of such seizure and intended sale, by advertisement as is hereinbefore provided; and the proceeds of such sale shall be deposited to the credit of the Treasurer of the United States, subject, nevertheless, to the payment of such claims as shall be presented within three months from the day of sale, and allowed by the Secretary of the Treasury.

SEC. 3081. The collectors of the several districts of the United States, in all cases of seizure of any merchandise for violation of the revenue laws, the appraised value of which, in the district wherein such seizure shall be made, does not exceed one thousand dollars, are hereby authorized, subject to the approval of the Secretary of the Treasury, to release such merchandise on payment of the appraised value thereof.

SEC. 3082. If any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any merchandise, contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported contrary to law, such merchandise shall be forfeited and the offender shall be fined in any sum not exceeding five thousand dollars nor less than fifty dollars, or be imprisoned for any time not exceeding two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have or to have had possession of such goods, such possession shall be deemed evidence sufficient to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury.

Farnsworth, 1 Mas., 1; Clark *vs.* Protection Ins. Co., 1 Story, 109; U. S. *vs.* Cook, Sprague, 213.

SEC. 3083. Whenever any seizure shall be made for the purpose of enforcing any forfeiture, the collector or other person causing such seizure to be made shall immediately give information thereof to the Solicitor of the Treasury.

SEC. 3084. The several collectors of customs shall report within ten days to the district attorney of the district in which any fine, penalty, or forfeiture may be incurred for the violation of any law of the United States relating to the revenue, a statement of all the facts and circumstances of the case within their knowledge, or which may come to their knowledge from time to time, stating the names of the witnesses, and the provisions of the law believed to be violated, and on which a reliance may be had for condemnation or conviction. If any collector shall in any case fail to report to the proper district attorney, as prescribed in this section, such collector's right to any compensation, benefit, or allowance in such case shall be forfeited to the United States, and the same may, in the discretion of the Secretary of the Treasury, be awarded to such persons as may make complaint and prosecute the same to judgment or conviction. [See § 833.]

SEC. 3085. District attorneys, upon receiving the report of a collector, shall cause suit and prosecution to be commenced and prosecuted without delay for the fines and personal penalties by law in such case provided, unless upon inquiry and examination they shall decide that a conviction cannot probably be obtained, or that the ends of public justice do not require that a suit or prosecution should be instituted, in which case they shall report the facts to the Secretary of the Treasury for his direction. For expenses incurred and services rendered in prosecutions for such fines and personal penalties, they shall receive such allowance as the Secretary of the Treasury shall deem just and reasonable, upon the certificate of the judge before whom such prosecution was had. [See §§ 823, 834.]

Release on payment of appraised value.

3 March, 1863, c. 76, s. 5, v. 12, p. 740.

Concealing or buying goods liable to seizure.

2 March, 1799, c. 22, s. 69, v. 1, p. 678.
18 July, 1866, c. 201, s. 4, v. 14, p. 179.

U. S. *vs.* Sixty-seven Packages, 17 How., 85; Stockwell *vs.* U. S., 13 Wall., 531; U. S. *vs.*

Notice to Solicitor of the Treasury.

29 May, 1830, c. 153, s. 4, v. 4, p. 415.

Collectors to report to district attorneys.

18 July, 1866, c. 201, s. 7, v. 14, p. 179.

3 March, 1873, c. 244, v. 17, p. 560.

Duty of district attorneys.

18 July, 1866, c. 201, s. 7, v. 14, p. 179.

3 March, 1873, c. 244, v. 17, p. 561.

Custody of goods.

18 July, 1866, c. 201, s. 31, v. 14, p. 186.

Ex parte Hoyt, 13 Pet., 279; *U. S. vs. Five Hundred Boxes Pipes*, 2 Abb., U. S., 500; *Schmalz vs. U. S.*, 4 Cr. Clm., 142; *Schmalz vs. U. S.*, 5 Cr. Clm., 294.

Institution of suits.

2 March, 1799, c. 22, s. 89, v. 1, p. 686.

Lien on vessels for violations.

18 July, 1866, c. 201, s. 8, v. 14, p. 180.

The steamer Missouri, 3 Ben., 508.

Costs of prosecution in certain cases.

2 March, 1799, c. 22, s. 91, v. 1, p. 697.

One Large Water-tub, 3 Ben., 436.

Distribution of forfeitures.

2 March, 1867, c. 188, s. 1, v. 14, p. 546.

2 March, 1799, c. 22, s. 91, v. 1, p. 697.

Jones vs. Shore's Ex., 1 Wh., 462; *Van Ness vs. Buell*, 4 Wh., 74; *Buell vs. Van Ness*, 8 Wh., 312; *U. S. vs. Morris*, 10 Wh., 290; *McLane vs. U. S.*, 6 Pet., 404; *Hoyt vs. U. S.*, 10 How., 109; *Brig Hollen*, 1 Mas., 431; *Schooner Bolina*, 1 Gall., 75; *Sawyer vs. Steele*, 3 Wash., 464; *Hooper vs. Fifty-one Casks of Brandy*, Dav., 370; *U. S. vs. Collier*, 3 Blatch., 325; *U. S. vs. George*, 6 Blatch., 37; *Fifty Thousand Cigars*, Lowell, 22.

Warrant to seize papers.

2 March, 1867, c. 188, s. 2, v. 14, p. 547.

SEC. 3086. All merchandise or property of any kind seized under the provisions of any law of the United States relating to the customs, shall, unless otherwise provided for by law, be placed and remain in the custody of the collector or other principal officer of the customs of the district in which the seizure shall be made, to abide adjudication by the proper tribunal, or other disposition according to law.

SEC. 3087. The collector within whose district any seizure shall be made or forfeiture incurred for any violation of the duty laws is hereby enjoined to cause suits for the same to be commenced without delay, and prosecuted to effect; and is, moreover, authorized to receive from the court within which such trial is had, or from the proper officer thereof, the sum recovered, after deducting all proper charges to be allowed by the court; and on receipt thereof he shall pay and distribute the same without delay, according to law.

SEC. 3088. Whenever a vessel, or the owner or master of a vessel, has become subject to a penalty for a violation of the revenue laws of the United States, such vessel shall be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel to recover such penalty.

SEC. 3089. Whenever a seizure, condemnation, and sale of merchandise takes place within the United States, and the value thereof is less than two hundred and fifty dollars, that part of the forfeiture which accrues to the United States, or so much thereof as may be necessary, shall be applied to the payment of the cost of prosecution.

SEC. 3090. From the proceeds of fines, penalties, and forfeitures incurred under the provisions of the laws relating to the customs, there shall be deducted such charges and expenses as are by law in each case authorized to be deducted; and in addition, in case of the forfeiture of imported merchandise of a greater value than five hundred dollars on which duties have not been paid, or in case of a release thereof, upon payment of its appraised value, or of any fine or composition in money, there shall also be deducted an amount equivalent to the duties in coin upon such merchandise, including the additional duties, if any; which shall be credited in the accounts of the collector as duties received; and the residue of the proceeds shall be paid into the Treasury of the United States, and distributed, under the direction of the Secretary, in the manner following, to wit: One-half to the United States; one-fourth to the person giving the information which has led to the seizure, or to the recovery of the fine or penalty, and if there be no informer other than the collector, naval officer, or surveyor, then to the officer making the seizure; and the remaining one-fourth to be equally divided between the collector, naval officer, and surveyor, or such of them as are appointed for the district in which the seizure has been made, or the fine or penalty incurred, or if there be only a collector, then to such collector. But where any fine, penalty, or forfeiture, incurred by virtue of the laws relating to customs, shall be recovered in consequence of any information given by an officer of a revenue-cutter, the proceeds thereof shall, after the legal deductions, including the deductions herein authorized, have been made, be disposed of as follows: One-fourth to the United States; one-fourth to the officers of the customs, as hereinbefore provided; and the remainder to the officers of such revenue-cutter, to be divided among them in proportion to their pay.

SEC. 3091. Whenever it shall be made to appear to the satisfaction of the district judge for any judicial district in the United States, by complaint and affidavit, that any fraud on the revenue has been committed by any person interested, or in any way engaged, in the importation or entry of merchandise at any port within such district, the judge shall forthwith issue his warrant directed to the marshal of the district, requiring the marshal, by himself or deputy, to enter any place or prein-

ises where any invoices, books, or papers are deposited relating to the merchandise in respect to which such fraud is alleged to have been committed, and to take possession of such books or papers and produce them before the judge.

SEC. 3092. No warrant for such seizure shall be issued, unless the complaint shall set forth the character of the fraud alleged, the nature of the same, and the importations in respect to which it was committed, and the papers to be seized. The warrant issued on such complaint, with report of service and proceedings thereon, shall be returned as other warrants to the district court of the judicial district within which such judge presides.

SEC. 3093. Any invoices, books, or papers seized under the provisions of the two preceding sections shall be subject to the order of the judge, who shall allow the examination of the same by the collector of customs of the port into which the alleged fraudulent importation has been made, or by any officer duly authorized by the collector. Such invoices, books, or papers may be retained by the judge as long as, in his opinion, the retention thereof may be necessary.

SEC. 3094. Nothing contained in this Title shall be construed to exempt the masters or owners of vessels from making and subscribing any oaths required by any laws of the United States not immediately relating to the collection of the duties on the importation of merchandise into the United States.

Return of warrant.

2 March, 1867, c. 188, s. 2, v. 14, p. 547.

Examination of papers taken under warrant.

2 March, 1867, c. 188, s. 2, v. 14, p. 547.

No exemption from taking other oaths.

2 March, 1799, c. 22, s. 110, v. 1, p. 703.

CHAPTER ELEVEN.

PROVISIONS APPLYING TO COMMERCE WITH CONTIGUOUS COUNTRIES.

Sec.	Sec.
3095. Manner of importation.	3115. Remission for necessary repairs.
3096. Vessels and vehicles.	3116. Manifests of vessels in the coasting trade.
3097. Entry on northern, &c., frontiers.	3117. Entry for goods taken or delivered at intermediate ports.
3098. Delivery of manifests.	3118. Departure for place where there is no custom-house.
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3101. Penalty for obstructing inspection.	3121. Landing permit for vessel from foreign port.
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3105. Penalty for opening sealed packages.	3125. Penalty for neglect.
3106. Forfeiture of vessel, &c.	3126. Registered vessels may touch at foreign ports.
3107. Search of houses on boundary-line.	3127. No duty by reason of touching at foreign port.
3108. Penalty for receiving, &c., into such buildings.	3128. Lake Champlain.
3109. Report by masters of foreign vessels.	3129. Entry of foreign vessels from British North American provinces.
3110. Forfeiture for transportation by foreign vessels.	
3111. Report of sea-stores.	
3112. Duty on excess of stores.	
3113. Duty on saloon-stores.	
3114. Duty on equipments for vessels.	

SEC. 3095. Except into the districts hereinbefore described on the northern, northwestern, and western boundaries of the United States, adjoining to the Dominion of Canada, or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port in any other manner than by sea, nor in any vessel of less than thirty tons burden, agreeably to the advertisement directed for ascertaining the tonnage of vessels; or landed or unladen at any other port than is directed by this Title, under the penalty of seizure and forfeiture of all such vessels, and of the merchandise imported therein, landed or unladen in any other manner.

Manner of importation.

2 March, 1799, c. 22, s. 92, v. 1, p. 697.

Vessels and vehicles.

2 March, 1799, c. 22, s. 15, v. 1, p. 702.

Entry on the northern and northwestern frontiers.

2 March, 1799, c. 22, s. 106, v. 1, p. 702.

Delivery of manifests.

2 March, 1821, c. 14, s. 1, v. 3, p. 616.
18 July, 1866, c. 201, s. 9, v. 14, p. 180.

Steinham vs. U. S., 2 Paine, 168; *U. S. vs. Smith*, 2 Blatch., 127; *Certain quantity of pine lumber*, 4 *ibid.*, 182; *U. S. vs. Noltton*, 5 *ibid.*, 427.

Penalty for non-delivery of manifest.

2 March, 1821, c. 14, s. 1, v. 3, p. 616.
3 March, 1823, c. 58, s. 1, v. 3, p. 781.
18 July, 1866, c. 201, s. 9, v. 14, p. 180.

Inspection of merchandise.

27 June, 1864, c. 164, s. 1, v. 13, p. 137.

Penalty for obstructing inspection.

SEC. 3096. All persons may import any merchandise of which the importation shall not be entirely prohibited, into the districts which are or may be established on the northern and northwestern boundaries of the United States, in vessels or boats of any burden, and in rafts or carriages of any kind or nature whatsoever.

SEC. 3097. All vessels, boats, rafts, and carriages, of what kind soever, arriving in such districts, on the northern and northwestern frontiers, containing merchandise subject to duties, on being imported into any port of the United States, shall be reported to the collector, or other chief officer of the customs at the port of entry in the district into which it shall be so imported; and such merchandise shall be accompanied with like manifests, and like entries shall be made, by the persons having charge of any such vessels, boats, rafts, and carriages, and by the owners or consignees of the merchandise laden on board the same; and the powers and duties of the officers of the customs shall be exercised and discharged in the districts last mentioned, in like manner as is prescribed in respect to merchandise imported in vessels from the sea; and generally, all such importations shall be subject to like regulations, penalties, and forfeitures as in other districts, except as is hereinafter specially provided.

SEC. 3098. The master of any vessel, except registered vessels, and every person having charge of any boat, canoe, or raft, and the conductor or driver of any carriage or sleigh, and every other person, coming from any foreign territory adjacent to the United States into the United States, with merchandise subject to duty, shall deliver, immediately on his arrival within the United States, a manifest of the cargo or loading of such vessel, boat, canoe, raft, carriage, or sleigh, or of the merchandise so brought from such foreign territory, at the office of any collector or deputy collector which shall be nearest to the boundary-line, or nearest to the road or waters by which such merchandise is brought; and every such manifest shall be verified by the oath of such person delivering the same; which oath shall be taken before such collector or deputy collector; and such oath shall state that such manifest contains a full, just, and true account of the kinds, quantities, and values of all the merchandise so brought from such foreign territory.

SEC. 3099. If the master, or other person having charge of any vessel, boat, canoe, or raft, or the conductor or driver of any carriage or sleigh, or other person bringing such merchandise, shall neglect or refuse to deliver the manifest required by the preceding section, or pass by or avoid such office, the merchandise subject to duty, and so imported, shall be forfeited to the United States, together with the vessel, boat, canoe, or raft, the tackle, apparel, and furniture of the same, or the carriage or sleigh, and harness and cattle drawing the same, or the horses with their saddles and bridles, as the case may be; and such master, conductor, or other importer shall be subject to a penalty of four times the value of the merchandise so imported.

SEC. 3100. All merchandise, and all baggage and effects of passengers, and all other articles imported into the United States from any contiguous foreign country, except as hereafter provided, as well as the vessels, cars, and other vehicles and envelopes in which the same shall be imported, shall be unladen in the presence of, and be inspected by, an inspector or other officer of the customs, at the first port of entry or custom-house in the United States where the same shall arrive; and to^(*) enable the owner or his agent, or other person, having charge or possession of the proper officer thoroughly to discharge this duty, he may require any trunk, traveling-bag, or sack, valise, or other envelope, or of any closed vessel, car, or other vehicle, to open the same, or to deliver to him the proper key.

SEC. 3101. If any owner, agent, or other person shall refuse or neglect to comply with his demands, allowed by the preceding section, the officer shall retain such trunk, traveling-bag, or sack, valise, or what-

(*) The ninth and tenth lines of Sec. 3100 should be transposed.

soever it may be, and open the same, and, as soon thereafter as may be practicable, examine the contents; and if any article subject to the payment of duty shall be found therein, the whole contents, together with the envelope, shall be forfeited to the United States, and disposed of as the law provides in other similar cases. If any such dutiable merchandise or article shall be found in any such vessel, car, or other vehicle, the owner, agent, or other person in charge of which shall have refused to open the same or deliver the key as herein provided, the same, together with the vessel, car, or other vehicle, shall be forfeited to the United States, and shall be held by such officer, to be disposed of as the law provides in other similar cases of forfeiture.

SEC. 3102. To avoid the inspection at the first port of arrival, the owner, agent, master, or conductor of any such vessel, car, or other vehicle, or owner, agent, or other person having charge of any such merchandise, baggage, effects, or other articles, may apply to any officer of the United States duly authorized to act in the premises, to seal or close the same, under and according to the regulations hereinafter authorized, previous to their importation into the United States; which officer shall seal or close the same accordingly; whereupon the same may proceed to their port of destination without further inspection. Every such vessel, car, or other vehicle, shall proceed, without unnecessary delay, to the port of its destination, as named in the manifest of its cargo, freight, or contents, and be there inspected. Nothing contained in this section shall be construed to exempt such vessel, car, or vehicle, or its contents, from such examination as may be necessary and proper to prevent frauds upon the revenue and violations of this Title.

SEC. 3103. The Secretary of the Treasury is hereby authorized and required to make such regulations, and from time to time so to change the same as to him shall seem necessary and proper, for sealing such vessels, cars, and other vehicles, when practicable, and for sealing, marking, and identifying such merchandise, baggage, effects, trunks, traveling-bags, or sacks, valises, and other envelopes and articles; and also in regard to invoices, manifests, and other pertinent papers, and their authentication.

SEC. 3104. If the owner, master, or person in charge of any vessel, car, or other vehicle so sealed, shall not proceed to the port or place of destination thereof named in the manifest of its cargo, freight, or contents, and deliver such vessel, car, or vehicle to the proper officer of the customs, or shall dispose of the same by sale or otherwise, or shall unload the same, or any part thereof, at any other than such port, or place, or shall sell or dispose of the contents of such vessel, car, or other vehicle, or any part thereof, before such delivery, he shall be deemed guilty of felony, and on conviction thereof, before any court of competent jurisdiction, pay a fine not exceeding one thousand dollars, or shall be imprisoned for a term not exceeding five years, or both, at the discretion of the court; and such vessel, car, or other vehicle, with its contents, shall be forfeited to the United States, and may be seized wherever found within the United States, and disposed of and sold as in other cases of forfeiture. Nothing in this section, however, shall be construed to prevent sales of cargo, in whole or in part, prior to arrival, to be delivered as per manifest, and after due inspection.

SEC. 3105. If any unauthorized person or persons shall willfully break, cut, pick, open, or remove any wire, seal, lead, lock, or other fastening or mark attached to any vessel, car, or other vehicle, crate, box, bag, bale, basket, barrel, bundle, cask, trunk, package, or parcel, or anything whatsoever, under and by virtue of this Title and regulations authorized by it, or any other law, or shall affix or attach, or any way willfully aid, assist, or encourage the affixing in or attaching, by wire or otherwise, to any vessel, car, or other vehicle, or to any crate, box, bale, barrel, bag, basket, bundle, cask, package, parcel, article, or thing of any kind, any seal, lead, metal, or anything purporting to be a seal authorized by law, such person or persons shall be deemed guilty of felony, and shall be

27 June, 1864, c. 164, s. 1, v. 13, p. 197.

Sealing cars and vessels.

27 June, 1864, c. 164, s. 2, v. 13, p. 197.

Regulations for sealing.

27 June, 1864, c. 164, s. 3, v. 13, p. 197.

Penalty for not proceeding to port of destination, &c.

27 June, 1864, c. 164, s. 4, v. 13, p. 197.

Penalty for opening sealed packages.

27 June, 1864, c. 164, s. 5, v. 13, p. 198.

U. S. vs. Three R. R. cars., 1 Abb., U. S., 196.

Forfeiture of vessel, &c.

27 June, 1864, c. 164, s. 5, v. 13, p. 198.

imprisoned for a term not exceeding five years, or shall pay a fine of not exceeding one thousand dollars, or both, at the discretion of the court.

SEC. 3106. Each vessel, car, or other vehicle, crate, box, bag, basket, barrel, bundle, cask, trunk, package, parcel, or other thing, with the cargo, or contents thereof, from which the wire, seal, lead, lock, or other fastening or mark shall have been broken, cut, picked, opened, or removed by any such unauthorized person or persons, or to which such seal, or other thing purporting to be a seal, has been wrongfully attached, shall be forfeited.

Search, &c., of buildings on boundary-line.

28 Feb., 1865, c. 67, s. 3, v. 13, p. 442.

SEC. 3107. If any store, warehouse, or other building shall be upon or near the boundary-line between the United States and any foreign country, and there is reason to believe that dutiable merchandise is deposited or has been placed therein or carried through or into the same without payment of duties, and in violation of law, and the collector, deputy collector, naval officer, or surveyor of customs, shall make oath before any magistrate competent to administer the same, that he has reason to believe, and does believe, that such offense has been therein committed, such officer shall have the right to search such building and the premises belonging thereto; and if any such merchandise shall be found therein, the same, together with such building, shall be seized, forfeited, and disposed of according to law, and the building shall be forthwith taken down or removed.

Penalty for receiving, &c., into such building.

28 Feb., 1865, c. 67, s. 3, v. 13, p. 442.

SEC. 3108. Any person who shall have received or deposited in such building upon the boundary-line between the United States and any foreign country, or carried through the same, any merchandise, or shall have aided therein, in violation of law, shall be punishable by a fine of not more than ten thousand dollars, or by imprisonment for not more than two years, or by both.

Report by masters of foreign vessels.

18 July, 1866, c. 201, s. 41, v. 14, p. 188.

SEC. 3109. The master of any foreign vessel, laden or in ballast, arriving in the waters of the United States from any foreign territory adjacent to the northern, northeastern, or northwestern frontiers of the United States, shall report at the office of any collector or deputy collector of the customs, which shall be nearest to the point at which such vessel may enter such waters; and such vessel shall not proceed farther inland, either to unlade or take in cargo, without a special permit from such collector or deputy collector, issued under and in accordance with such general or special regulations as the Secretary of the Treasury may in his discretion, from time to time, prescribe. For any violation of this section such vessel shall be seized and forfeited.

Forfeiture for transportation by foreign vessels.

18 July, 1866, c. 201, s. 20, v. 14, p. 182.

SEC. 3110. If any merchandise shall, at any port in the United States on the northern, northeastern, or northwestern frontiers thereof, be laden upon any vessel belonging wholly or in part to a subject of a foreign country, and shall be taken thence to a foreign port to be reladen and reshipped to any other port in the United States on such frontiers, either by the same or any other vessel, foreign or American, with intent to evade the provisions relating to the transportation of merchandise from one port of the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign power, the merchandise shall, on its arrival at such last-named port, be seized and forfeited to the United States, and the vessel shall pay a tonnage-duty of fifty cents per ton on her admeasurement.

Report of sea-stores.

18 July, 1866, c. 201, s. 22, v. 14, p. 183.

10 Feb., 1871, c. 45, s. 1, v. 16, p. 408.

SEC. 3111. If any vessel enrolled or licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States shall touch at any port in the adjacent British provinces, and the master of such vessel shall purchase any merchandise for the use of the vessel, the master of the vessel shall report the same, with cost and quantity thereof, to the collector or other officer of the customs at the first port in the United States at which he shall next arrive, designating them as "sea-stores;" and in the oath to be taken by such master of such vessel, on making such report, he shall declare that the articles so specified or designated "sea-stores" are truly intended for the use exclusively of the vessel, and are not intended for sale, trans-

fer, or private use. If any other or greater quantity of dutiable articles shall be found on board such vessel than are specified in such report or entry of such articles, or any part thereof shall be landed without a permit from a collector or other officer of the customs, such articles, together with the vessel, her apparel, tackle, and furniture, shall be forfeited.

SEC. 3112. If, upon examination and inspection by the collector or other officer of the customs, such articles are not deemed excessive in quantity for the use of the vessel, until an American port may be reached by such vessel, where such sea-stores can be obtained, such articles shall be declared free of duty; but if it shall be found that the quantity or quantities of such articles, or any part thereof so reported, are excessive, it shall be lawful for the collector or other officer of the customs to estimate the amount of duty on such excess, which shall be forthwith paid by the master of the vessel, on penalty of paying a sum of not less than one hundred dollars, nor more than four times the value of such excess, or such master shall be punishable by imprisonment for not less than three months, and not more than two years.

SEC. 3113. Articles purchased for the use of or for sale on board any such vessel, as saloon stores or supplies, shall be deemed merchandise, and shall be liable, when purchased at a foreign port, to entry and the payment of the duties found to be due thereon, at the first port of arrival of such vessel in the United States; and for a failure on the part of the saloon-keeper or person purchasing or owning such articles to report, make entries, and pay duties, as hereinbefore required, such articles, together with the fixtures and other merchandise, found in such saloon or on or about such vessel belonging to and owned by such saloon-keeper or other person interested in such saloon, shall be seized and forfeited, and such saloon-keeper or other person so purchasing and owning shall be liable to a penalty of not less than one hundred dollars and not more than five hundred, and shall be punishable by imprisonment for not less than three months, and not more than two years.

SEC. 3114. The equipments, or any part thereof, including boats, purchased for, or the expenses of repairs made in a foreign country upon a vessel enrolled and licensed under the laws of the United States to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad-valorem duty of fifty per centum on the cost thereof in such foreign country; and if the owner or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel, and furniture, shall be seized and forfeited.

SEC. 3115. If the owner or master of such vessel shall, however, furnish good and sufficient evidence that such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into such foreign port and purchase such equipments, or make such repairs, to secure the safety of the vessel to enable her to reach her port of destination, then it shall be competent for the Secretary of the Treasury to remit or refund such duties, and such vessel shall not be liable to forfeiture, and no license or enrollment and license, or renewal of either, shall hereafter be issued to any such vessel until the collector to whom application is made for the same shall be satisfied, from the oath of the owner or master, that all such equipments and repairs made within the year immediately preceding such application have been duly accounted for under the provisions of this and the preceding sections, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited.

SEC. 3116. The master of every vessel enrolled or licensed to engage in the foreign and coasting trade on the northern, northeastern, and

Duty on excess of stores.

18 July, 1866, c. 201, s. 22, v. 14, p. 183.

10 Feb., 1871, c. 45, s. 1, v. 16, p. 408.

Duty on saloon stores.

18 July, 1866, c. 201, s. 22, v. 14, p. 183.

10 Feb., 1871, c. 45, s. 1, v. 16, p. 408.

Duty on equipments for vessels.

18 July, 1866, c. 201, s. 23, v. 14, p. 183.

Remission for necessary repairs.

18 July, 1866, c. 201, s. 23, v. 14, p. 184.

Manifests of vessels in the coasting trade.

1 July, 1870, c. 185, s. 1, v. 16, p. 176.

northwestern frontiers of the United States, except canal-boats employed in navigating the canals within the United States, shall, before the departure of his vessel from a port in one collection-district to a port in another collection-district, present to the collector at the port of departure duplicate manifests of his cargo, or, if he have no cargo, duplicate manifests setting forth that fact; such manifests shall be subscribed and sworn to by the master before the collector, who shall indorse thereon his certificate of clearance, retaining one for the files of his office; the other he shall deliver for the use of the master.

Entry for goods taken or delivered at intermediate ports.

1 July, 1870, c. 185, s. 1, v. 16, p. 176.

SEC. 3117. If any vessel so enrolled or licensed shall touch at any intermediate port in the United States, and there discharge cargo taken on board at an American port, or at such intermediate ports shall take on board cargo destined for an American port, the master of such vessel shall not be required to report such lading or unlading at such intermediate ports, but shall enter the same on his manifest obtained at the original port of departure, which he shall deliver to the collector of the port at which the unlading of the cargo is completed, within twenty-four hours after arrival, and shall subscribe and make oath as to the truth and correctness of the same.

Departure for places where there is no custom-house.

1 July, 1870, c. 185, s. 1, v. 16, p. 176.

SEC. 3118. The master of any vessel so enrolled or licensed shall, before departing from a port in one collection-district to a place in another collection-district, where there is no custom-house, file his manifest, and obtain a clearance in the same manner, and make oath to the manifest, which manifest and clearance shall be delivered to the proper officer of customs at the port at which the vessel next arrives after leaving the place of destination specified in the clearance.

Report and unlading of cargoes.

1 July, 1870, c. 185, s. 1, v. 16, p. 177.

SEC. 3119. Nothing contained in the three preceding sections shall exempt masters of vessels from reporting, as now required by law, any merchandise destined for any foreign port. No permit shall be required for the unlading of cargo brought from an American port.

Time for delivery of merchandise taken from one port to another.

18 July, 1866, c. 201, s. 26, v. 14, p. 184.

SEC. 3120. No merchandise taken from any port in the United States on the northern, northeastern, or northwestern frontiers thereof, to a port in another collection-district of the United States on such frontiers, in any vessel, shall be unladen or delivered from such vessel within the United States, but in open day, that is to say, between the rising and setting of the sun, except by special license from the collector or other principal officer of the port for the purpose. The owner of every vessel whose master or manager shall neglect to comply with the provisions of this section shall be liable to a penalty of not less than one hundred dollars nor more than five hundred. The Secretary of the Treasury may, from time to time, make such regulations as to him shall seem necessary and expedient for unloading at and clearance from any port or place on such frontiers of ships or vessels at night.

Landing permit for vessel from foreign port.

1 July, 1870, c. 185, s. 1, v. 16, p. 177.

SEC. 3121. The master of any vessel with cargo, passengers, or baggage from any foreign port, shall obtain a permit and comply with existing laws, before discharging or landing the same.

Departure from place where there is no custom-house.

1 July, 1870, c. 185, s. 2, v. 16, p. 177.

SEC. 3122. The master of any vessel so enrolled or licensed, destined with a cargo from a place in the United States, at which there may be no custom-house, to a port where there may be a custom-house, shall, within twenty-four hours after arrival at the port of destination, deliver to the proper officer of the customs a manifest, subscribed by him, setting forth the cargo laden at the place of departure, or laden or unladen at any intermediate port, or place, to the truth of which manifest he shall make oath before such officer. If the vessel, however, have no cargo, the master shall not be required to deliver such manifest.

Steam-tugs.

1 July, 1870, c. 185, s. 3, v. 16, p. 177.

SEC. 3123. Steam-tugs duly enrolled and licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, when exclusively employed in towing vessels, shall not be required to report and clear at the custom-house. When such steam-tugs, however, are employed in towing rafts

or other vessels without sail or steam motive-power, not required to be enrolled or licensed under existing laws, they shall be required to report and clear in the same manner as is hereinbefore provided in similar cases for other vessels.

SEC. 3124. The manifests, certificates of clearance, and oaths, provided for by the eight preceding sections, shall be in such form, and prepared, filled up, and executed in such manner as the Secretary of the Treasury may from time to time prescribe.

SEC. 3125. If the master of any enrolled or licensed vessel shall neglect or fail to comply with any of the provisions or requirements of the nine preceding sections, such master shall forfeit and pay to the United States the sum of twenty dollars for each and every failure or neglect, and for which sum the vessel shall be liable, and may be summarily proceeded against, by way of libel, in any district court of the United States.

SEC. 3126. Any vessel, on being duly registered in pursuance of the laws of the United States, may engage in trade between one port in the United States and one or more ports within the same, with the privilege of touching at one or more foreign ports during the voyage, and land and take in thereat merchandise, passengers and their baggage, and letters, and mails. All such vessels shall be furnished by the collectors of the ports at which they shall take in their cargoes in the United States, with certified manifests, setting forth the particulars of the cargoes, the marks, number of packages, by whom shipped, to whom consigned, at what port to be delivered; designating such merchandise as is entitled to drawback, or to the privilege of being placed in warehouse; and the masters of all such vessels shall, on their arrival at any port of the United States from any foreign port at which such vessel may have touched, as herein provided, conform to the laws providing for the delivery of manifests of cargo and passengers taken on board at such foreign port, and all other laws regulating the report and entry of vessels from foreign ports, and be subject to all the penalties therein prescribed.

SEC. 3127. Any foreign merchandise taken in at one port of the United States to be conveyed in registered vessels to any other port within the same, either under the provisions relating to warehouses, or under the laws regulating the transportation coastwise of merchandise entitled to drawback, as well as any merchandise not entitled to drawback, but on which the import duties chargeable by law shall have been duly paid, shall not become subject to any import duty by reason of the vessel in which they may arrive having touched at a foreign port during the voyage.

SEC. 3128. When any merchandise shall be imported from Canada into the United States, in any steamboat on Lake Champlain, and the merchandise shall have been duly entered, the duties thereon paid at the office of the collector of any district adjoining Lake Champlain, it shall be lawful to land such merchandise in the same or any other district adjoining Lake Champlain.

SEC. 3129. The Secretary of the Treasury, with the approbation of the President, provided the latter shall be satisfied that similar privileges are extended to vessels of the United States in the colonies hereinafter mentioned, is hereby authorized, under such regulations as he may prescribe to protect the revenue from fraud, to permit vessels laden with the products of Canada, New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island, or either of them, to lade or unlade at any port within any collection-district of the United States which he may designate; and if any such vessel entering a port so designated, to lade or unlade, shall neglect or refuse to comply with the regulations so prescribed by the Secretary of the Treasury, such vessel, and the owner and master thereof, shall be subject to the same penalties as if no authority under this section had been granted to lade or unlade in such port.

Forms.

1 July, 1870, c. 185, s. 4, v. 16, p. 177.

Penalty for neglect.

1 July, 1870, c. 185, s. 5, v. 16, p. 177.

Registered vessels may touch at foreign ports.

27 May, 1848, c. 48, s. 1, v. 9, p. 232.

No duty by reason of touching at foreign port.

27 May, 1848, c. 48, s. 2, v. 9, p. 232.

Lake Champlain.

3 March, 1817, c. 109, s. 4, v. 3, p. 397.

Entry of foreign vessels from British North American Provinces.

26 Sept., 1850, c. 69, v. 9, p. 469.

TITLE XXXV.

INTERNAL REVENUE.

CHAPTER ONE.

OFFICERS OF INTERNAL REVENUE.

<p>Sec. 3140. Definition of word "State." 3141. Collection districts. 3142. Collectors. 3143. Collectors' bonds. 3144. Collectors to be disbursing agents. 3145. Collectors' salary and allowances. 3146. Accounts of collectors adjusted according to fiscal year. 3147. Apportionment of compensation of collectors. 3148. Deputy collectors. 3149. Disability or vacancy in office of collector. 3150. Deputy collector, when entitled to collector's salary. 3151. Inspectors of tobacco and cigars. 3152. Agents. 3153. Store-keepers and their salaries. 3154. Assignment and transfer of store-keepers. 3155. Temporary store-keeper. 3156. Gaugers. 3157. Gaugers' fees. 3158. Statement under oath of fees, &c.; penalty. 3159. Supervisors.</p>	<p>Sec. 3160. Supervisor's salary. 3161. Officers in charge of exportation and drawbacks. 3162. Superintendents of exports and drawbacks may administer oaths. 3163. Supervisor's duties and powers. 3164. Duty of collectors to report violations of law to district attorney. 3165. Revenue officer who may administer oaths and take evidence. 3166. Revenue officers authorized to make seizures. 3167. Revenue officers disclosing operations of manufacturers, &c.; penalty. 3168. Officers not to be interested in certain manufactures; penalty. 3169. Officers of internal revenue guilty of extortion, receiving unlawful fees, and other unlawful acts. 3170. District attorney or marshal accepting or demanding anything for compromise of violation of internal-revenue laws. 3171. Officers suffering injuries may maintain suit for damages.</p>
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Definition of the word "State."

30 June, 1864, c. 173, s. 182, v. 13, p. 306.

Collection districts.

30 June, 1864, c. 173, s. 7, v. 13, p. 224.

12 July, 1870, c. 251, s. 1, v. 16, p. 239.

1 July, 1862, c. 119, s. 2, v. 12, p. 433.

SEC. 3140. The word "State," when used in this Title, shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out its provisions.

SEC. 3141. For the purpose of assessing, levying, and collecting the taxes provided by the internal-revenue laws, the President may establish convenient collection-districts, and for that purpose he may subdivide any State, Territory, or the District of Columbia, or may unite two or more States or Territories into one district, and may from time to time alter said districts: *Provided*, That the number of districts in any State shall not exceed the number of Representatives in Congress to which such State was entitled in the Thirty-seventh Congress, except in such States as were entitled to an increased representation in the Thirty-eighth Congress, in which States the number of districts shall not exceed the number of Representatives to which any such State was so entitled: *And provided further*, That in the State of California the President may establish a number of districts not exceeding the number of Senators and Representatives to which said State is entitled, in the Thirty-seventh Congress.

SEC. 3142. The President, by and with the advice and consent of the Senate, shall appoint for each collection-district a collector, who shall be a resident of the same. When two or more collection-districts are united by him, he may designate from among the existing officers of such districts one collector for the new district, or, at his discretion, he may make a new appointment of such officer for said district.

Collectors.

30 June, 1864, c. 173, s. 7, v. 13, p. 224.

1 July, 1862, c. 119, s. 2, v. 12, p. 433.

14 July, 1870, c. 255, s. 18, v. 16, p. 261.

SEC. 3143. Every collector, before entering upon the duties of his office, shall execute a bond for such amount as may be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, with not less than five sureties, to be approved by the Solicitor of the Treasury, conditioned that said collector shall faithfully perform the duties of his office according to law, and shall justly and faithfully account for and pay over to the United States, in compliance with the order or regulations of the Secretary of the Treasury, all public moneys which may come into his hands or possession; and he shall, from time to time, renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct, with such further conditions as the said Commissioner shall prescribe. Said bonds shall be filed in the office of the First Comptroller of the Treasury.

SEC. 3144. It shall be the duty of such collectors of internal revenue as may be designated by the Secretary of the Treasury to act as disbursing agents of the Treasury for the payment of all expenses of collection of taxes and other expenditures for the internal revenue service within their respective districts, under regulations and instructions from the Secretary of the Treasury, on giving good and sufficient bond, with such sureties, in such form, and in such penal sum as shall be prescribed by the First Comptroller of the Treasury, and approved by the Secretary of the Treasury, for the faithful performance of their duties as such disbursing agents; but no additional compensation shall be paid to collectors for such services. [See §§ 1788-1790.]

SEC. 3145. There shall be allowed to collectors, in full compensation for their services, and for those of their deputies, a salary of fifteen hundred dollars per annum, to be paid quarterly, and, in addition thereto, a commission of three per centum upon the first hundred thousand dollars, of one per centum upon all sums above one hundred thousand dollars and not exceeding four hundred thousand dollars, and of one-half of one per centum on all sums above four hundred thousand dollars and not exceeding one million dollars, and of one-eighth of one per centum on all sums above one million of dollars; such commissions to be computed upon the amounts by them respectively collected and paid over and accounted for under the instructions of the Treasury Department; except that in determining the compensation to be allowed to any collector the commission shall be computed on only one half of the tax received on any articles which shall have been transported from his district in bond, and on only one-half of the tax received on any articles received in his district in bond, where such transportation has been by shipment from one district to another. And there shall be further paid, after the account thereof has been rendered to and approved by the proper officers of the Treasury, to each collector his necessary and reasonable charges for advertising, stationery, and blank-books used in the performance of his official duties, and for postage actually paid on letters and documents received or sent, and exclusively relating to official business; but no such account shall be allowed unless it states the date and the particular items of every such expenditure, and is verified by the oath of the collector. The Secretary of the Treasury may make such further allowances, from time to time, as may be reasonable, in cases where, by reason of the territorial extent of the district, or the amount of internal taxes collected, or other circumstances, it may seem just to make such allowances. But the total net compensation of a collector shall not in any case exceed four thousand five hundred dollars a year; and no collector shall be entitled to any portion of the salary pertaining to his office unless he shall have been confirmed by the Senate, except in cases of commissions to fill vacancies which happen by death or resignation during the recess of the Senate.

SEC. 3146. In adjusting the accounts of collectors, accruing after June thirtieth, eighteen hundred and sixty-four, and in the payment of their compensation for services, the fiscal year of the Treasury shall be observed.

Collectors' bonds.

30 June, 1864, c. 137, s. 9, v. 13, p. 225.

Collectors to be disbursing agents.

3 March, 1865, c. 78, s. 4, v. 13, p. 483.

Collectors' salary and allowances.

30 June, 1864, c. 173, s. 25, v. 13, p. 231.

3 March, 1865, c. 78, s. 1, v. 13, p. 469.

13 July, 1866, c. 184, s. 9, v. 14, p. 106.

2 March, 1867, c. 169, s. 9, v. 14, p. 473.

2 March, 1867, c. 166, s. 1, v. 14, p. 445.

3 March, 1873, c. 226, s. 1, v. 17, p. 494.

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3 March, 1873, c. 226, s. 1, v. 17, p. 494.

Apportionment of compensation of collectors.

13 July, 1866, c. 184, s. 9, v. 14, p. 160.

30 June, 1864, c. 173, s. 26, v. 13, p. 232.

Deputy collectors.

30 June, 1864, c. 173, s. 10, v. 13, p. 225.

Disability or vacancy in office of collector.

30 June, 1864, c. 173, ss. 39, 40, v. 13, p. 238.

3 March, 1865, c. 78, s. 1, v. 13, p. 471.

2 March, 1867, c. 169, s. 9, v. 14, p. 473.

Deputy collector, when entitled to collector's salary.

1 July, 1870, c. 187, v. 16, p. 179.

1 March, 1869, c. 57, s. 1, v. 15, p. 282.

Inspectors of tobacco and cigars.

30 June, 1864, c.

SEC. 3147. When any part of the compensation of the collector of any district is by commission upon assessments or collections, and, in consequence of a new appointment, is due to more than one collector within the same year, such commissions shall be apportioned between such collectors; but in no case shall a greater amount of the commissions be allowed to two or more collectors in the same district than shall have been authorized by law to be allowed to one collector, and the same rules shall apply to the salaries and commissions of assessors and collectors heretofore earned and accrued. But no payment shall be made to collectors, on account of salaries or commissions, without the certificate of the Commissioner of Internal Revenue that all reports required by law or regulation have been received, or that a satisfactory explanation has been rendered to him of the cause of delay.

SEC. 3148. Each collector shall be authorized to appoint, by an instrument in writing, under his hand, as many deputies as he may think proper, to be by him compensated for their services; to revoke any such appointment, giving such notice thereof as the Commissioner of Internal Revenue may prescribe; and to require and accept bonds or other securities from such deputies. Each such deputy shall have the like authority, in every respect, to collect the taxes levied or assessed within the portion of the district assigned to him, which is by law vested in the collector himself; but each collector shall, in every respect, be responsible both to the United States and to individuals, as the case may be, for all moneys collected, and for every act done or neglected to be done by any of his deputies while acting as such.

SEC. 3149. In case of the sickness of a collector or of his temporary disability to discharge his duties, they may be devolved by him upon one of his deputies; and for the official acts or defaults of such deputy the collector and his sureties shall be held responsible to the United States. In case of a vacancy occurring in the office of collector, the deputies of such collector shall continue to act until his successor is appointed; and until a successor is appointed the deputy of such collector senior in service shall discharge all the duties of collector; and of two or more deputies appointed on the same day, the one residing nearest the residence of the collector when the vacancy occurred shall discharge the said duties until another collector is appointed: *Provided*, That when it appears to the Secretary of the Treasury that the interest of the Government so requires, he may, by his order, direct the said duties to be performed by such other one of the said deputies as he may designate. For the official acts and defaults of such senior deputy, remedy shall be had on the official bond of the collector, as in other cases. And any bond or security taken from a deputy by a collector, pursuant to the preceding section, shall be available to his legal representatives and sureties to indemnify them for loss or damage accruing from any act or omission of duty by the deputy so continuing or succeeding to the duties of such collector.

SEC. 3150. Any deputy collector who has performed or may perform, under authority of law, the duties of any collector in consequence of a vacancy in the office of said collector, shall be entitled to receive the salary and commissions allowed by law to such collector, or the allowance in lieu of said salary and commissions allowed by the Secretary of the Treasury to such collector, and the Secretary of the Treasury may make to such deputy collector such allowance in lieu of salary and commissions as he might lawfully make to such collector. And such deputy shall not be debarred from receiving such salary and commissions, or allowances in lieu thereof, by reason of the holding of another Federal office by said collector during the time for which such deputy acts as collector. But all payments to such deputy collector shall be upon duly audited vouchers.

SEC. 3151. There shall be appointed by the Secretary of the Treasury, in every collection-district where they may be necessary, one or more inspectors of tobacco and cigars, who shall take an oath faithfully to

perform their duties, in such form as the Commissioner of Internal Revenue may prescribe, and shall be entitled to receive such fees as he may prescribe, to be paid by the owner or manufacturer of the articles inspected. Such inspectors shall be required to give bonds, with security approved by the Secretary of the Treasury, or collector of the district, in a sum not less than five thousand dollars, conditioned for the faithful discharge of the duties of such inspector.

173, s. 58, v. 13, p. 244.
20 July, 1868, c. 186, s. 50, v. 15, p. 145.
13 July, 1866, c. 184, s. 29, v. 14, p. 155.
2 March, 1867, c. 169, s. 17, v. 14, p. 481.

SEC. 3152. The Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ competent agents, not exceeding at any time twenty-five in number, to be paid such compensation as he may deem proper, not exceeding, in aggregate, any appropriation made for that purpose, and he may, at his discretion, assign any such agent to duty under the direction of any officer of internal revenue, or to such other special duty as he may deem necessary; and no general or special agent or inspector, by whatever designation he may be known, of the Treasury Department in connection with the internal revenue, except inspectors of tobacco, snuff, and cigars, and except as provided for in this Title, shall be appointed, commissioned, employed, or continued in office. [See § 5448.]

Agents.
20 July, 1868, c. 186, s. 50, v. 15, p. 145.
6 June, 1872, c. 315, s. 12, v. 17, p. 241.
2 March, 1867, c. 169, s. 7, v. 14, p. 473.

SEC. 3153. There shall be appointed by the Secretary of the Treasury such number of internal-revenue store-keepers as may be necessary, who shall each receive such compensation, not exceeding five dollars a day, to be paid monthly by the United States, as may be determined by the Commissioner of Internal Revenue. No store-keeper shall be engaged in any other business while in the service of the United States, without the written permission of the Commissioner of Internal Revenue. Every store-keeper shall take an oath faithfully to perform the duties of his office, and shall give a bond, to be approved by the Commissioner of Internal Revenue, for the faithful discharge of his duties, in such form and for such amount as the Commissioner may prescribe.

Store-keepers and their salaries.

20 July, 1868, c. 186, s. 52, v. 15, p. 145.
29 March, 1869, Res. 5, v. 16, p. 52.
12 July, 1870, c. 251, s. 1, v. 16, p. 239.
6 June, 1872, c. 315, s. 14, v. 17, p. 244.

SEC. 3154. One or more store-keepers shall be assigned by the Commissioner of Internal Revenue to every bonded or distillery warehouse established by law; and any store-keeper may be transferred by the supervisor on duty in the district, or by the Commissioner of Internal Revenue, from one warehouse to another.

Assignment and transfer of store-keepers.

20 July, 1868, c. 186, s. 52, v. 15, p. 145.
146. 6 June, 1872, c. 315, s. 12, v. 17, p. 241.

SEC. 3155. In case of the absence of any internal-revenue store-keeper by reason of sickness or other cause, the collector having control of the warehouse may designate a person to have temporary charge thereof, who shall, during such absence, perform the duties and receive the pay of the store-keeper for the time he may be so employed, and shall for any violation of the law be subject to the same punishment as store-keepers.

Temporary store-keeper.

20 July, 1868, c. 186, s. 52, v. 15, p. 146.

SEC. 3156. The Secretary of the Treasury shall appoint in every collection-district where they may be necessary, one or more internal-revenue gaugers, who shall each take an oath faithfully to perform his duties, and shall give bond, with one or more sureties, satisfactory to the Commissioner of Internal Revenue, for the faithful discharge of the duties assigned to him by law or regulations; and the penal sum of said bond shall not be less than five thousand dollars, and said bond shall be renewed or strengthened as the Commissioner of Internal Revenue may require. The duties of every such gauger shall be performed under the supervision and direction of the collector of the district to which he may be assigned, or of the collector in charge of exports at any port of entry to which he may be assigned.

Gaugers.

20 July, 1868, c. 186, s. 53, v. 15, p. 147.

SEC. 3157. Gaugers shall be entitled to receive such fees, to be determined by the quantity gauged, as may be prescribed by the Commissioner of Internal Revenue; and said fees, together with their actual and necessary traveling expenses, shall be verified by their oaths, and shall be paid by the United States monthly.

Gaugers' fees.

20 July, 1868, c. 186, s. 53, v. 15, p. 147.
6 June, 1872, c. 315, s. 14, v. 17, p. 244.

Statement under oath of fees, &c.; penalty.

13 July, 1866, c. 184, s. 60, v. 14, p. 168.

30 June, 1864, c. 173, s. 42, v. 13, p. 239.

Supervisors.

20 July, 1869, c. 186, s. 49, v. 15, p. 144.

6 June, 1872, c. 315, s. 12, v. 17, p. 241.

Supervisor's salary.

20 July, 1868, c. 186, s. 49, v. 15, p. 145.

6 June, 1872, c. 315, s. 12, v. 17, p. 241.

Officers in charge of exportations and drawbacks.

3 March, 1865, c. 78, s. 15, v. 13, p. 486.

13 July, 1866, c. 184, ss. 20, 41, v. 14, pp. 153, 161.

Superintendents of exports and drawbacks may administer oaths.

3 March, 1865, c. 78, s. 15, v. 13, p. 486.

Supervisor's duties and powers.

20 July, 1868, c. 186, ss. 49, 51, v. 15, pp. 144, 145.

6 June, 1872, c. 315, s. 12, v. 17, p. 241.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Matter of Meador, 1 Abb. U. S., 317; Stanwood vs. Green, 2 Abb. U. S., 184.

SEC. 3158. Every internal-revenue officer, whose payment, charges, salary, or compensation are composed, wholly or in part, of fees, commissions, allowances, or rewards, from whatever source derived, shall be required to render to the Commissioner of Internal Revenue, under regulations to be approved by the Secretary of the Treasury, a statement under oath setting forth the entire amount of such fees, commissions, emoluments, or rewards of whatever nature, or from whatever source received, during the time for which said statement is rendered; and any false statement knowingly and willfully rendered under the requirements of this section, or regulations established in accordance therewith, shall be deemed willful perjury, and punished in the manner provided by law for the crime of perjury. And any neglect or omission to render such statement when required shall be punished by a fine of not less than hundred dollars, nor more than five hundred dollars, in the discretion of the court.

SEC. 3159. The President, by and with the advice and consent of the Senate, may appoint not exceeding ten officers, to be called supervisors of internal revenue, each of whom shall be assigned by the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue, to duty in any part of the United States, and may be transferred from place to place, according to the exigency of the public service.

SEC. 3160. Every supervisor shall be entitled to receive, in addition to expenses necessarily incurred by him and allowed and certified by the Commissioner, such salary, not exceeding three thousand dollars a year, as the Commissioner may deem reasonable.

SEC. 3161. In any port of the United States where there is more than one collector of internal revenue, the Secretary of the Treasury may designate one of them to have charge of all matters relating to the exportation of articles subject to tax under the internal-revenue laws; and at any port where he may deem it necessary, there shall be appointed by him an officer to superintend all matters of exportation and drawback, under the direction of the collector. The compensation of the officers last named shall be prescribed by the Secretary of the Treasury, but shall not exceed, in any case, an annual rate of two thousand dollars, excepting at New York, where such compensation shall be at the annual rate of three thousand dollars. At any port where there is no superintendent of exports, all the duties and services required of such officers shall be performed by the collector of internal revenue designated to have charge of exportation. All the books, papers, and documents in the bureau of drawbacks in the respective ports, relating to the drawback of taxes paid under the internal-revenue laws, shall be delivered to the collector of internal revenue in charge of exportation. (See §§ 3013-3057.)

SEC. 3162. Every collector of internal revenue and every superintendent of exports and drawbacks is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal-revenue laws.

3 March, 1865, c. 78, s. 15, v. 13, p. 486. 13 July, 1866, c. 184, s. 20, v. 14, p. 163.

SEC. 3163. Every supervisor, under the direction of the Commissioner, shall see that all laws and regulations relating to the collection of internal taxes are faithfully executed and complied with; and shall aid in the prevention, detection, and punishment of any frauds in relation thereto, and examine into the efficiency and conduct of all officers of internal revenue; and for such purposes he shall have power to examine all persons, books, papers, accounts, and premises, to administer oaths, and to summon any person to produce books and papers, or to appear and testify under oath before him, and to compel a compliance with such summons in the same manner as collectors may do. He shall report in writing to the Commissioner of Internal Revenue any neglect of duty, incompetency, delinquency, or malfeasance in office of any internal-revenue officer of which he may obtain knowledge, with a state-

ment of all the facts in each case, and any evidence sustaining the same. He may, by notice in writing, suspend from duty any inspector, ganger, or store-keeper, and he may suspend any collector for fraud, or gross neglect of duty, or abuse of power. In case of the suspension of any inspector, ganger, or store-keeper, he shall immediately notify the collector of the proper district and the Commissioner of Internal Revenue, and within three days thereafter report his action and his reasons therefor, in writing, to the Commissioner. In case of the suspension of any collector, he shall immediately report his action to the Commissioner, with his reasons therefor, in writing, and the Commissioner, in all cases of suspension, shall thereupon take such action as he may deem proper. Every supervisor may also transfer any inspector, ganger, or store-keeper from one distillery, or other place of duty, or from one collection-district, to another.

SEC. 3164. It shall be the duty of every collector of internal revenue to report within ten days to the district attorney of the district in which any fine, penalty, or forfeiture may be incurred for the violation of any law of the United States relating to the revenue, a statement of all the facts and circumstances of the case within his knowledge, together with the names of the witnesses, and which may come to his knowledge from time to time, stating the provisions of the law believed to be violated, and on which a reliance may be had for condemnation or conviction; and if any collector shall in any case fail to report to the proper district attorney as prescribed in this section, his right to any compensation, benefit, or allowance in such case shall be forfeited to the United States, and the same may, in the discretion of the Secretary of the Treasury, be awarded to such persons as may make complaint and prosecute the same to judgment or conviction. [See § 533.]

SEC. 3165. Every collector, deputy collector, and inspector is authorized to administer oaths and to take evidence touching any part of the administration of the internal-revenue laws with which he is charged, or where such oaths and evidence are authorized by law to be taken.

SEC. 3166. Any officer of internal revenue may be specially authorized by the Commissioner of Internal Revenue to seize any property which may by law be subject to seizure, and for that purpose such officer shall have all the power conferred by law upon collectors; and such special authority shall be limited in respect of time, place, and kind and class of property, as the Commissioner may specify: *Provided*, That no collector shall be detailed or authorized to discharge any duty imposed by law upon any other collector.

SEC. 3167. If any collector or deputy collector, or any inspector, or other officer acting under the authority of any revenue law of the United States, divulges to any party, or makes known in any other manner than may be provided by law, the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, he shall be subject to a fine of not exceeding one thousand dollars, or to be imprisoned for not exceeding one year, or to both, at the discretion of the court, and shall be dismissed from office, and be forever thereafter incapable of holding any office under the Government.

SEC. 3168. Any internal-revenue officer who is or shall become interested, directly or indirectly, in the manufacture of tobacco, snuff, or cigars, or in the production, rectification, or redistillation of distilled spirits, shall be dismissed from office; and every officer who becomes so interested in any such manufacture or production, rectification, or redistillation, or in the production of fermented liquors, shall be fined not less than five hundred dollars nor more than five thousand dollars.

SEC. 3169. Every officer or agent appointed and acting under the authority of any revenue law of the United States—

Duty of collectors to report violations of law to district attorney.

3 March, 1873, c. 244, v. 17, p. 580.

Revenue officers who may administer oaths and take evidence.

30 June, 1864, c. 173, s. 52, v. 13, p. 242. 3 March, 1865, c. 78, s. 1, v. 13, p. 471. Revenue officers authorized to make seizures.

2 March, 1867, c. 169, s. 19, v. 14, p. 482.

20 July, 1868, c. 186, s. 51, v. 15, p. 145.

Revenue officers disclosing operations of manufacturers, &c.; penalty.

30 June, 1864, c. 173, ss. 36, 38, v. 13, p. 238.

3 March, 1865, c. 78, s. 1, v. 13, pp. 469, 471.

Officers not to be interested in certain manufactures; penalty.

13 July, 1866, c. 184, s. 59, v. 14, p. 167.

20 July, 1868, c. 186, s. 97, v. 15, p. 164.

Officers of internal revenue guilty of extortion, re-

ceiving unlawful fees, and other unlawful acts.

20 July, 1868, c. 186, s. 96, v. 15, p. 165.

First. Who is guilty of any extortion or willful oppression under color of law; or,

Second. Who knowingly demands other or greater sums than are authorized by law, or receives any fee, compensation, or reward, except as by law prescribed, for the performance of any duty; or,

Third. Who willfully neglects to perform any of the duties enjoined on him by law; or,

Fourth. Who conspires or colludes with any other person to defraud the United States; or,

Fifth. Who makes opportunity for any person to defraud the United States; or,

Sixth. Who does or omits to do any act with intent to enable any other person to defraud the United States; or,

Seventh. Who negligently or designedly permits any violation of the law by any other person; or,

Eighth. Who makes or signs any false entry in any book, or makes or signs any false certificate or return, in any case where he is by law or regulation required to make any entry, certificate, or return; or,

Ninth. Who, having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against the United States under any revenue law, fails to report, in writing, such knowledge or information to his next superior officer and to the Commissioner of Internal Revenue; or,

Tenth. Who demands, or accepts, or attempts to collect, directly or indirectly, as payment or gift, or otherwise, any sum of money or other thing of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of law, except as expressly authorized by law so to do, shall be dismissed from office, and shall be held to be guilty of a misdemeanor, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than three years. The court shall also render judgment against the said officer or agent for the amount of damages sustained in favor of the party injured, to be collected by execution. One-half of the fine so imposed shall be for the use of the United States, and the other half for the use of the informer, who shall be ascertained by the judgment of the court. [See § 5434.]

District attorney or marshal, accepting or demanding anything for compromise of violation of internal-revenue laws.

2 March, 1867, c. 169, s. 26, v. 14, p. 483.

Officers suffering injuries may maintain suit for damages.

13 July, 1866, c. 184, s. 67, v. 14, p. 172.

SEC. 3170. Every district attorney or marshal who demands, or accepts, or attempts to collect, directly or indirectly, as payment or gift or otherwise, any sum of money or other property of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of any provision of the internal-revenue laws, except as expressly authorized by law to do so, shall be held to be guilty of a misdemeanor, and shall be fined in double the sum or value of the money or property received or demanded, and be imprisoned for not less than one nor more than ten years.

SEC. 3171. If any officer appointed under and by virtue of any act to provide internal revenue, or any person acting under or by authority of any such officer, shall receive any injury to his person or property, for or on account of any act by him done, under any law of the United States for the collection of taxes, he shall be entitled to maintain suit for damage therefor, in the circuit-court of the United States, in the district wherein the party doing the injury may reside or shall be found.

CHAPTER TWO.

OF ASSESSMENTS AND COLLECTIONS.

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SEC. 3172. Every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay a special tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects.

Canvass of districts for objects of taxation.

30 June, 1864, c. 173, s. 12, v. 13, p. 225.

2 March, 1867, c. 13, s. 1, v. 17, p. 401.

SEC. 3173. It shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, special tax, stamp, or tax imposed by law, when not otherwise provided for, on or before the first Monday of March in each year, and in other cases before the day

Annual returns of persons liable to tax.

30 June, 1864, c.

172, ss. 11, 13, v. 13, pp. 225, 226.

13 July, 1866, c. 184, s. 9, v. 14, p. 101.

2 March, 1867, c. 169, s. 1, v. 14, p. 471.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

of levy, to make a list or return, verified by oath or affirmation, to the deputy collector of the district where located, of the articles or objects charged with a special duty or tax, the quantity of goods, wares, and merchandise made or sold, and charged with a specific or ad valorem duty or tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles and objects liable to pay any duty or tax, or any business or occupation liable to pay any special tax as aforesaid, then, and in that case, it shall be the duty of the deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: *Provided further*, That in case any person shall be absent from his or her residence or place of business at the time a deputy collector shall call for the annual list or return, and no annual list or return has been rendered by such person to the deputy collector as required by law, it shall be the duty of such deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post-office, a note or memorandum, addressed to such person, requiring him or her to render to such deputy collector the list or return required by law within ten days from the date of such note or memorandum, verified by oath or affirmation. And if any person on being notified or required as aforesaid shall refuse or neglect to render such list or return within the time required as aforesaid, or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent or contains any undervaluation or under-statement, it shall be lawful for the collector to summon such person or any other person, having possession, custody, or care of books of account containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books, at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects liable to tax or the returns thereof. The collector may summon any person residing or found within the State in which his district lies; and when the person intended to be summoned does not reside and cannot be found within such State, he may enter any collection-district where such person may be found, and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

Summons, form and manner of service of.

30 June, 1864, c. 173, s. 14, v. 13, p. 226.

13 July, 1866, c. 184, s. 9, v. 14, p. 101.

24 Dec., 1872, c. 13, v. 17, p. 401.

In re Phillips, 2 Am. L., T. U. S. Cts., 154.

Failure to obey summons, proceedings on.

SEC. 3174. Such summons shall in all cases be served by a deputy collector of the district where the person to whom it is directed may be found, by an attested copy delivered to such person in hand, or left at his last and usual place of abode, allowing such person one day for each twenty-five miles he may be required to travel, computed from the place of service to the place of examination; and the certificate of service signed by such deputy shall be evidence of the facts it states on the hearing of an application for an attachment. When the summons requires the production of books, it shall be sufficient if such books are described with reasonable certainty.

SEC. 3175. Whenever any person summoned under the two preceding sections neglects or refuses to obey such summons, or to give testi-

mony, or to answer interrogatories as required, the collectors may apply to the judge of the district court or to a commissioner of the circuit court of the United States for the district within which the person so summoned resides for an attachment against him as for a contempt. It shall be the duty of the judge or commissioner to hear the application, and, if satisfactory proof is made, to issue an attachment, directed to some proper officer, for the arrest of such person, and upon his being brought before him to proceed to a hearing of the case; and upon such hearing the judge or commissioner shall have power to make such order as he shall deem proper not inconsistent with existing laws for the punishment of contempts, to enforce obedience to the requirements of the summons and to punish such person for his default or disobedience.

SEC. 3176. The collector or any deputy collector in every district shall enter into and upon the premises, if it be necessary, of every person therein who has taxable property and who refuses or neglects to render any return or list required by law, or who renders a false or fraudulent return or list, and make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the objects liable to tax, owned or possessed or under the care or management of such person, and the Commissioner of Internal Revenue shall assess the tax thereon, including the amount, if any, due for special tax, and in case of any return of a false or fraudulent list or valuation, he shall add one hundred per centum to such tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add fifty per centum to such tax. In case of neglect occasioned by sickness or absence as aforesaid, the collector may allow such further time for making and delivering such list or return as he may deem necessary, not exceeding thirty days. The amount so added to the tax shall, in all cases, be collected at the same time and in the same manner as the tax; and the list or return so made and subscribed by such collector or deputy collector shall be held good and sufficient for all legal purposes.

SEC. 3177. Any collector, deputy collector, or inspector may enter, in the day-time, any building or place where any articles or objects subject to tax are made, produced, or kept, within his district, so far as it may be necessary, for the purpose of examining said articles or objects. And any owner of such building or place, or person having the agency or superintendence of the same, who refuses to admit such officer, or to suffer him to examine such article or articles, shall, for every such refusal, forfeit five hundred dollars. And when such premises are open at night, such officers may enter them while so open, in the performance of their official duties. And if any person shall forcibly obstruct or hinder any collector, deputy collector, or inspector, in the execution of any power and authority vested in him by law, or shall forcibly rescue or cause to be rescued any property, articles, or objects after the same shall have been seized by him, or shall attempt or endeavor so to do, the person so offending, excepting in cases otherwise provided for, shall, for every such offense, forfeit and pay the sum of five hundred dollars, or double the value of the property so rescued, or be imprisoned for a term not exceeding two years, at the discretion of the court.

SEC. 3178. All persons required to make returns or lists of objects charged with an internal tax shall declare therein whether the several rates and amounts are stated according to their values in legal-tender currency or according to their values in coined money; and in case of neglect or refusal so to declare to the satisfaction of the collector receiving such returns or lists, such officer shall make returns or lists for such persons so neglecting or refusing, as in cases of persons neglecting or refusing to make the returns or lists required by law, and the Commissioner shall assess the tax thereon, and add thereto the amount of pen-

30 June, 1864, c. 173, s. 14, v. 13, p. 226.

13 July, 1866, c. 184, s. 9, v. 14, p. 101.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

When collector may enter premises and make returns.

30 June, 1864, c. 173, s. 14, v. 13, p. 226.

13 July, 1866, c. 184, s. 9, v. 14, p. 101.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

Officers may enter premises where taxable articles are kept.

30 June, 1864, c. 173, ss. 37, 38, v. 13, p. 238.

Returns to show whether amounts are valued in coin or currency.

10 March, 1866, c. 15, ss. 3, 4, v. 14, p. 5.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

alties imposed by law in cases of such neglect or refusal. And whenever the rates and amounts contained in the returns or lists are stated in coined money, the collector receiving the same shall reduce them to their equivalent in legal-tender currency, according to the value of such coined money in said currency for the time covered by such returns.

Making false return, or refusing to produce books; penalty.

30 June, 1864, c. 173, s. 15, v. 13, p. 226.

Taxable property owned by non-residents.

30 June, 1864, c. 173, s. 16, v. 13, p. 227.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Lists when taken and how denominated.

30 June, 1864, c. 173, s. 18, v. 13, p. 228.

Commissioner of Internal Revenue to make assessments; correction of incomplete or imperfect lists.

30 June, 1864, c. 173, s. 20, v. 13, p. 229.

13 July, 1866, c. 184, s. 9, v. 14, p. 103.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

**Smith vs. Dan-
delt, 18 Wall., 642.**

Duty and authority of collectors and deputies to collect all taxes.

13 July, 1866, c. 184, s. 9, v. 14, p. 110. 30 June, 1864,

Notice and demand of taxes.

SEC. 3179. Whenever any person delivers or discloses to the collector or deputy any false or fraudulent list, return, account, or statement, with intent to defeat or evade the valuation, enumeration, or assessment intended to be made, or, being duly summoned to appear to testify, or to appear and produce such books as aforesaid, neglects to appear or to produce said books, he shall be fined not exceeding one thousand dollars, or be imprisoned not exceeding one year, or both, at the discretion of the court, with costs of prosecution.

SEC. 3180. Whenever there are in any district any articles not owned or possessed by or under the care or control of any person within such district, and liable to be taxed, and of which no list has been transmitted to the collector, as required by law, the collector or one of his deputies shall enter the premises where such articles are situated and shall take such view thereof as may be necessary, and make lists of the same, according to the form prescribed. Said lists, being subscribed by such collector or deputy, shall be taken as sufficient lists of such articles for all purposes.

SEC. 3181. The lists or returns aforesaid shall, where not otherwise specially provided for, be taken with reference to the day fixed for that purpose by this Title as aforesaid; and where duties accrue at other and different times, the last shall be taken with reference to the time when said taxes become due, and shall be denominated annual, monthly, and special lists or returns.

SEC. 3182. The Commissioner of Internal Revenue is hereby authorized and required to make the inquiries, determinations, and assessments of all taxes and penalties imposed by this Title, or accruing under any former internal-revenue act, where such taxes have not been duly paid by stamp at the time and in the manner provided by law, and shall certify a list of such assessments when made to the proper collectors respectively, who shall proceed to collect and account for the taxes and penalties so certified. Whenever it is ascertained that any list which has been or shall be delivered to any collector, is imperfect or incomplete in consequence of the omission of the name of any person liable to tax, or in consequence of any omission, or understatement, or undervaluation, or false or fraudulent statement contained in any return made by any person liable to tax, the Commissioner of Internal Revenue may, at any time within fifteen months from the time of the delivery of the list to the collector as aforesaid, enter on any monthly or special list the name of such person so omitted, together with the amount of tax for which he may have been or shall become liable, and also the name of any such person in respect to whose return, as aforesaid, there has been or shall be any omission, undervaluation, understatement, or false or fraudulent statement, together with the amount for which such person may be liable, above the amount for which he may have been or shall be assessed upon any return made as aforesaid; and he shall certify and return such list to the collector as required by law. And all provisions of law for the ascertainment of liability to any tax, or the assessment or collection thereof, shall be held to apply, so far as may be necessary, to the proceedings herein authorized and directed.

SEC. 3183. It shall be the duty of the collectors, or their deputies, in their respective districts, and they are authorized, to collect all the taxes imposed by law, however the same may be designated. And every collector and deputy collector shall give receipts for all sums collected by him.

c. 173, ss. 36, 41, v. 13, pp. 238, 239.

SEC. 3184. Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes

from the Commissioner of Internal Revenue, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof. If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of five per centum additional upon the amount of taxes, and interest at the rate of one per centum a month.

SEC. 3185. All returns required to be made monthly by any person liable to tax shall be made on or before the tenth day of each month, and the tax assessed or due thereon shall be returned by the Commissioner of Internal Revenue to the collector on or before the last day of each month. All returns for which no provision is otherwise made shall be made on or before the tenth day of the month succeeding the time when the tax is due and liable to be assessed, and the tax thereon shall be returned as herein provided for monthly returns, and shall be due and payable on or before the last day of the month in which the assessment is so made. When the said tax is not paid on or before the last day of the month, as aforesaid, the collector shall add a penalty of five per centum, together with interest at the rate of one per centum per month, upon such tax from the time the same became due; but no interest for a fraction of a month shall be demanded: *Provided*, That notice of the time when such tax becomes due and payable is given in such manner as may be prescribed by the Commissioner of Internal Revenue. It shall then be the duty of the collector, in case of the non-payment of said tax on or before the last day of the month, as aforesaid, to demand payment thereof, with five per centum added thereto, and interest at the rate of one per centum per month, as aforesaid, in the manner prescribed by law; and if said tax, penalty, and interest, are not paid within ten days after such demand, it shall be lawful for the collector or his deputy to make distraint therefor, as provided by law.

SEC. 3186. If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount shall be a lien in favor of the United States from the time it was due until paid, with the interest, penalties, and costs that may accrue in addition thereto, upon all property and rights to property belonging to such person.

SEC. 3187. If any person liable to pay any taxes neglects or refuses to pay the same within ten days after notice and demand, it shall be lawful for the collector or his deputy to collect the said taxes, with five per centum additional thereto, and interest as aforesaid, by distraint and sale, in the manner hereafter provided, of the goods, chattels, or effects, including stocks, securities, and evidences of debt, of the person delinquent as aforesaid: *Provided*, That there shall be exempt from distraint and sale, if belonging to the head of a family, the school-books and wearing apparel necessary for such family; also arms for personal use, one cow, two hogs, five sheep and the wool thereof, provided the aggregate market-value of said sheep shall not exceed fifty dollars; the necessary food for such cow, hogs, and sheep, for a period not exceeding thirty days; fuel to an amount not greater in value than twenty-five dollars; provisions to an amount not greater than fifty dollars; household furniture kept for use to an amount not greater than three hundred dollars; and the books, tools, or implements, of a trade or profession, to an amount not greater than one hundred dollars shall also be exempt; and the officer making the distraint shall summon three disinterested householders of the vicinity, who shall appraise and set apart to the owner the amount of property herein declared to be exempt.

SEC. 3188. In such case of neglect or refusal, the collector may levy, or by warrant may authorize a deputy collector to levy, upon all property and rights to property, except such as are exempt by the preceding section, belonging to such person, or on which the said lien exists, for the payment of the sum due as aforesaid, with interest and penalty for non-payment, and also of such further sum as shall be sufficient for the fees, costs, and expenses of such levy.

13 July, 1866, c. 184, s. 9, v. 14, p. 106.

2 March, 1867, c. 169, s. 8, v. 14, p. 473.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

Monthly returns and special returns, when to be made, and when tax payable.

13 July, 1866, c. 184, s. 11, v. 14, p. 160.

2 March, 1867, c. 169, s. 8, v. 14, p. 473.

24 Dec., 1872, c. 13, ss. 1, 2, v. 17, pp. 401, 402.

Lien for taxes.

13 July, 1866, c. 184, s. 9, v. 14, p. 107.

Taxes collectible by distraint.

13 July, 1866, c. 184, s. 9, v. 14, pp. 106, 107, 108.

2 March, 1867, c. 169, s. 8, v. 14, p. 473.

Mode of levying distraint.

13 July, 1866, c. 184, s. 9, v. 14, p. 107.

Delinquents must exhibit evidences relating to property distrained.

13 July, 1866, c. 184, s. 9, v. 14, p. 107.

Proceedings on distraint.

13 July, 1866, c. 184, s. 9, v. 14, p. 107.

When property sold under distraint is subject to tax, and tax not paid.

13 July, 1866, c. 184, s. 9, v. 14, p. 108.
24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

When property sold under distraint may be purchased for United States, &c.

13 July, 1866, c. 184, s. 9, v. 14, p. 108.

Property distrained to be restored on payment before sale.

13 July, 1866, c. 184, s. 9, v. 14, p. 106.

Effect of certificate of sale on distraint.

13 July, 1866, c. 184, s. 9, v. 14, p. 107.
30 June, 1864, c. 173, s. 45, v. 13, p. 240.

SEC. 3189. All persons, and officers of companies or corporations, are required, on demand of a collector or deputy collector about to distraint or having distrained on any property, or rights of property, to exhibit all books containing evidence or statements relating to the subject of distraint, or the property or rights of property liable to distraint for the tax due as aforesaid.

SEC. 3190. When distraint is made, as aforesaid, the officer charged with the collection shall make or cause to be made an account of the goods or effects distrained, a copy of which, signed by the officer making such distraint, shall be left with the owner or possessor of such goods or effects, or at his dwelling or usual place of business, with some person of suitable age and discretion, if any such can be found, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be published in some newspaper within the county wherein said distraint is made, if a newspaper is published in said county, or to be publicly posted at the post-office, if there be one within five miles nearest to the residence of the person whose property shall be distrained, and in not less than two other public places. Such notice shall specify the articles distrained, and the time and place for the sale thereof. Such time shall not be less than ten nor more than twenty days from the date of such notification to the owner or possessor of the property and the publication or posting of such notice as herein provided, and the place proposed for the sale shall not be more than five miles distant from the place of making such distraint. Said sale may be adjourned from time to time by said officer, if he deems it advisable, but not for a time to exceed in all thirty days.

SEC. 3191. When property subject to tax, but upon which the tax has not been paid, is seized upon distraint and sold, the amount of such tax shall, after deducting the expenses of such sale, be first appropriated out of the proceeds thereof to the payment of the tax. And if no assessment of such tax has been made upon such property, the collector shall make a return thereof in the form required by law, and the Commissioner of Internal Revenue shall assess the tax thereon.

SEC. 3192. When any property advertised for sale under distraint, as aforesaid, is of a kind subject to tax, and the tax has not been paid, and the amount bid for such property is not equal to the amount of the tax, the collector may purchase the same in behalf of the United States for an amount not exceeding the said tax. All property so purchased may be sold by the collector, under such regulations as may be prescribed by the Commissioner of Internal Revenue. The collector shall render to the Commissioner a distinct account of all charges incurred in such sales, and, in case of sale, shall pay into the Treasury the surplus, if any there be, after defraying all lawful charges and fees.

SEC. 3193. In any case of distraint for the payment of the taxes aforesaid, the goods, chattels, or effects so distrained shall be restored to the owner or possessor, if, prior to the sale, payment of the amount due is made to the proper officer charged with the collection, together with the fees and other charges; but in case of non-payment as aforesaid, the said officers shall proceed to sell the said goods, chattels, or effects at public auction, and shall retain from the proceeds of such sale the amount demandable for the use of the United States, and a commission of five per centum thereon for his own use, with the fees and charges for distraint and sale, rendering the overplus, if any there be, to the person who may be entitled to receive the same.

SEC. 3194. In all cases of sale, as aforesaid, the certificate of such sale shall be prima-facie evidence of the right of the officer to make such sale, and conclusive evidence of the regularity of his proceedings in making the sale, and shall transfer to the purchaser all right, title, and interest of such delinquent in and to the property sold; and where such property consists of stocks, said certificate shall be notice, when received, to any corporation, company, or association of said transfer, and shall

be authority to such corporation, company, or association to record the same on their books and records in the same manner as if transferred or assigned by the party holding the same, in lieu of any original or prior certificates, which shall be void, whether canceled or not. And said certificates, where the subject of sale is securities or other evidences of debt, shall be good and valid receipts to the person holding the same, as against any person holding, or claiming to hold, possession of such securities or other evidences of debt.

SEC. 3195. When any property liable to distraint for taxes is not divisible, so as to enable the collector by a sale of part thereof to raise the whole amount of the tax, with all costs, charges, and commissions, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after satisfying the tax, costs, and charges, shall be paid to the person legally entitled to receive the same; or, if he cannot be found, or refuses to receive the same, shall be deposited in the Treasury of the United States, to be there held for his use until he makes application therefor to the Secretary of the Treasury, who, upon such application and satisfactory proofs in support thereof, shall, by warrant on the Treasury, cause the same to be paid to the applicant.

SEC. 3196. When goods, chattels, or effects sufficient to satisfy the taxes imposed upon any person are not found by the collector or deputy collector, he is authorized to collect the same by seizure and sale of real estate.

SEC. 3197. The officer making the seizure mentioned in the preceding section shall give notice to the person whose estate it is proposed to sell, by giving him in hand, or leaving at his last or usual place of abode, if he has any such within the collection-district where said estate is situated, a notice, in writing, stating what particular estate is to be sold, describing the same with reasonable certainty, and the time when and place where said officer proposes to sell the same; which time shall not be less than twenty nor more than forty days from the time of giving said notice. The said officer shall also cause a notification to the same effect to be published in some newspaper within the county where such seizure is made, if any such there be, and shall also cause a like notice to be posted at the post-office nearest to the estate to be seized, and in two other public places within the county; and the place of said sale shall not be more than five miles distant from the estate seized, except by special order of the Commissioner of Internal Revenue. At the time and place appointed, the officer making such seizure shall proceed to sell the said estate at public auction, offering the same at a minimum price, including the expense of making such levy, and all charges for advertising and an officer's fee of ten dollars. When the real estate so seized consists of several distinct tracts or parcels, the officer making sale thereof shall offer each tract or parcel for sale separately, and shall, if he deem it advisable, apportion the expenses, charges, and fees, aforesaid, to such several tracts or parcels, or to any of them, in estimating the minimum price aforesaid. If no person offers for said estate the amount of said minimum price, the officer shall declare the same to be purchased by him for the United States, and shall deposit with the district attorney of the United States a deed thereof, as hereafter provided; otherwise, the same shall be declared to be sold to the highest bidder. And said sale may be adjourned from time to time by said officer for not exceeding thirty days in all, if he shall think it advisable so to do. If the amount bid shall not be then and there paid, the officer shall forthwith proceed to again sell said estate in the same manner.

SEC. 3198. Upon any sale of real estate, as provided in the preceding section, and the payment of the purchase-money, the officer making the seizure and sale shall give to the purchaser a certificate of purchase, which shall set forth the real estate purchased, for whose taxes the same was sold, the name of the purchaser, and the price paid therefor; and if the said real estate be not redeemed in the manner and within the

When property
distrained is not
divisible.

13 July, 1866, c.
184, s. 9, v. 14, p.
108.

When real estate
may be sold to sat-
isfy taxes.

13 July, 1866, c.
184, s. 9, v. 14, p.
108.

Proceedings for
seizure and sale of
real estate for
taxes.

13 July, 1866, c.
184, s. 9 v. 14, pp.
108, 109.

Certificate of
purchase. Deed.

13 July, 1866, c.
184, s. 9, v. 14, p.
109.

time hereafter provided, the said collector or deputy collector shall execute to the said purchaser, upon his surrender of said certificate, a deed of the real estate purchased by him as aforesaid, reciting the facts set forth in said certificate, and in accordance with the laws of the State in which such real estate is situate upon the subject of sales of real estate under execution.

Collector's deed to be *prima-facie* evidence, &c.

13 July, 1866, c. 184, s. 9, v. 14, p. 109.

Collector may seize lands of delinquent in any district of same State.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

Redemption of land prior to sale.

13 July, 1866, c. 184, s. 9, v. 14, p. 109.

Redemption of lands after sale.

13 July, 1866, c. 184, s. 9, v. 14, p. 109.

Record of sales.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

Redemptions to be entered on record.

13 July, 1866, c. 184, s. 9, v. 14, p. 108.

Successive seizures may be made, when.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

Fees and charges in seizure cases.

SEC. 3199. The deed of sale given in pursuance of the preceding section shall be *prima-facie* evidence of the facts therein stated; and if the proceedings of the officer as set forth have been substantially in accordance with the provisions of law, shall be considered and operate as a conveyance of all the right, title, and interest the party delinquent had in and to the real estate thus sold at the time the lien of the United States attached thereto.

SEC. 3200. Any collector or deputy collector may, for the collection of taxes imposed upon any person, and committed to him for collection, seize and sell the lands of such person situated in any other collection-district within the State in which such officer resides; and his proceedings in relation thereto shall have the same effect as if the same were had in his proper collection-district.

SEC. 3201. Any person whose estate may be proceeded against as aforesaid shall have the right to pay the amount due, together with the costs and charges thereon, to the collector or deputy collector at any time prior to the sale thereof, and all further proceedings shall cease from the time of such payment.

SEC. 3202. The owners of any real estate sold as aforesaid, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the land sold, or any particular tract thereof, at any time within one year after the sale thereof, upon payment to the purchaser, or, in case he cannot be found in the county in which the land to be redeemed is situate, then to the collector of the district in which the land is situate, for the use of the purchaser, his heirs or assigns, the amount paid by the said purchaser and interest thereon at the rate of twenty per centum per annum.

SEC. 3203. It shall be the duty of every collector to keep a record of all sales of land made in his collection-district, whether by himself or his deputies, or by another collector, in which shall be set forth the tax for which any such sale was made, the dates of seizure and sale, the name of the party assessed, and all proceedings in making said sale, the amount of fees and expenses, the name of the purchaser and the date of the deed; and said record shall be certified by the officer making the sale. And it shall be the duty of every deputy making sale, as aforesaid, to return a statement of all his proceedings to the collector, and to certify the record thereof. In case of the death or removal of the collector, or the expiration of his term of office from any other cause, said record shall be delivered to his successor in office; and a copy of every such record, certified by the collector, shall be evidence in any court of the truth of the facts therein stated.

SEC. 3204. When any lands sold, as aforesaid, are redeemed as heretofore provided, the collector shall make entry of the fact upon the record mentioned in the preceding section, and the said entry shall be evidence of such redemption.

SEC. 3205. Whenever any property, personal or real, which is seized and sold by virtue of the foregoing provisions, is not sufficient to satisfy the claim of the United States for which distraint or seizure is made, the collector may, thereafter, and as often as the same may be necessary, proceed to seize and sell, in like manner, any other property liable to seizure of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid.

SEC. 3206. The Commissioner of Internal Revenue shall by regulation determine the fees and charges to be allowed in all cases of distraint

and other seizures; and shall have power to determine whether any expense incurred in making any distraint or seizure was necessary.

SEC. 3207. In any case where there has been a refusal or neglect to pay any tax, and it has become necessary to seize and sell real estate to satisfy the same, the Commissioner of Internal Revenue may direct a bill in chancery to be filed, in a district or circuit court of the United States, to enforce the lien of the United States for tax upon any real estate, or to subject any real estate owned by the delinquent, or in which he has any right, title, or interest, to the payment of such tax. All persons having liens upon or claiming any interest in the real estate sought to be subjected as aforesaid, shall be made parties to such proceedings, and be brought into court as provided in other suits in chancery therein. And the said court shall, at the term next after the parties have been duly notified of the proceedings, unless otherwise ordered by the court, proceed to adjudicate all matters involved therein, and finally determine the merits of all claims to and liens upon the real estate in question, and, in all cases where a claim or interest of the United States therein is established, shall decree a sale of such real estate, by the proper officer of the court, and a distribution of the proceeds of such sale according to the findings of the court in respect to the interests of the parties and of the United States. (See § 548.)

SEC. 3208. The Commissioner of Internal Revenue shall have charge of all real estate which has been or shall be assigned, set off, or conveyed, by purchase or otherwise, to the United States, in payment of debts arising under the laws relating to internal revenue, and of all trusts created for the use of the United States in payment of such debts due them; and, with the approval of the Secretary of the Treasury, may, at public vendue, and upon not less than twenty days' notice, sell and dispose of lands assigned or set off to the United States in payment of such debts, or vested in them by mortgage or other security, for the payment of such debts. And in cases where real estate has or may become the property of the United States by conveyance or otherwise, in payment of or as security for a debt arising under the laws relating to internal revenue, and such debt shall have been paid, together with the interest thereon, at the rate of one per centum per month, to the United States, within two years from the date of the acquisition of such real estate, it shall be lawful for the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to release by deed, or otherwise convey such real estate to the debtor, from whom it was taken, or to his heirs or other legal representatives. (See § 550.)

SEC. 3209. Whenever a collector has on any list duly returned to him the name of any person not within his collection-district who is liable to tax, or of any person so liable who has, in the collection-district in which he resides, no sufficient property subject to seizure or distraint, from which the money due for tax can be collected, such collector shall transmit a statement containing the name of the person liable to such tax, with the amount and nature thereof, duly certified under his hand, to the collector of any district to which said person shall have removed, or in which he shall have property, real or personal, liable to be seized and sold for tax. And the collector to whom the said certified statement is transmitted shall proceed to collect the said tax in the same way as if the name of the person and objects of tax contained in the said certified statement were on any list of his own collection-district; and he shall, upon receiving said certified statement as aforesaid, transmit his receipt for it to the collector sending the same to him.

SEC. 3210. The gross amount of all taxes and revenues received or collected by virtue of this Title, or of any law hereafter enacted providing internal revenue, shall be paid, by the officers receiving or collecting the same, daily into the Treasury of the United States, under the instructions of the Secretary of the Treasury, without any abatement or deduction on account of salary, compensation, fees, costs, charges, expenses, or claims of any description; and a certificate of such payment,

13 July, 1866, c. 184, s. 9, v. 14, p. 10c.

Proceedings in chancery to subject real estate to payment of tax.

20 July, 1868, c. 186, s. 106, v. 15, p. 167.

Commissioner to have charge of real estate acquired under internal-revenue laws.

2 March, 1867, c. 163, s. 4, v. 14, p. 472.

List to be sent to district where the party taxed resides or has property, when.

30 June, 1864, c. 173, s. 32, v. 13, p. 236.

Collections to be paid into Treasury daily.

3 March, 1865, c. 78, s. 3, v. 13, p. 463.

stating the name of the depositor and the specific account on which the deposit was made, signed by the Treasurer, assistant treasurer, designated depository, or proper officer of a deposit bank, shall be transmitted to the Commissioner of Internal Revenue: *Provided*, That in districts where, from the distance of the officer, collector, or agent receiving or collecting such taxes and revenues from a proper Government depository, the Secretary of the Treasury may deem it proper, he may extend the time for making such payment, not exceeding, however, in any case a period of one month.

Depositories.

30 June, 1864, c. 173, s. 33, v. 13, p. 236.

Collector's monthly statement; final accounts.

30 June, 1864, c. 173, s. 33, v. 13, p. 236.

Suits, &c., for fines, penalties, and forfeitures, and for taxes.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

Suits for taxes, &c., not to be brought without sanction of Commissioner.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

Regulations as to suits for Government of officers.

2 March, 1867, c. 169, s. 3, v. 14, p. 472.

Moneys recovered by suits to be paid to collectors.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

Dues from delinquent collector to be collected by distraint and sale.

30 June, 1864, c. 173, s. 35, v. 13, p. 237.

SEC. 3211. The Secretary of the Treasury is authorized to designate one or more depositories in each State, for the deposit and safe-keeping of the money collected by virtue of the internal-revenue laws; and the receipt of the proper officer of such depository to a collector for the money deposited by him shall be a sufficient voucher for such collector in the settlement of his accounts at the Treasury Department. (See § 5490.)

SEC. 3212. Every collector shall, at the expiration of each month after he commences his collections, transmit to the Commissioner of Internal Revenue a statement of the collections made by him within the month. And every collector shall complete the collection of all sums assigned to him for collection, and shall pay over the same into the Treasury, and shall render his accounts to the Treasury Department as often as he may be required.

SEC. 3213. It shall be the duty of the collectors, in their respective districts, subject to the provisions of this Title, to prosecute for the recovery of any sums which may be forfeited by law. All suits for fines, penalties, and forfeitures, where not otherwise provided for, shall be brought in the name of the United States, in any proper form of action, or by any appropriate form of proceeding, *qui tam* or otherwise, before any circuit or district court of the United States, for the district within which said fine, penalty, or forfeiture may have been incurred, or before any other court of competent jurisdiction; and taxes may be sued for and recovered in the name of the United States, in any proper form of action, before any circuit or district court of the United States for the district within which the liability to such tax is incurred, or where the party from whom such tax is due resides at the time of the commencement of the said action.

SEC. 3214. No suit for the recovery of taxes, or of any fine, penalty, or forfeiture, shall be commenced unless the Commissioner of Internal Revenue authorizes or sanctions the proceedings: *Provided*, That in case of any suit for penalties or forfeitures brought upon information received from any person, other than a collector or deputy collector, the United States shall not be subject to any costs of suit.

SEC. 3215. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to establish such regulations, not inconsistent with law, for the observance of revenue officers, district attorneys, and marshals, respecting suits arising under the internal-revenue laws in which the United States is a party, as may be deemed necessary for the just responsibility of those officers and the prompt collection of all revenues and debts due and accruing to the United States under such laws. (See § 377.)

SEC. 3216. All judgments and moneys recovered or received for taxes, costs, forfeitures, and penalties, shall be paid to collectors as internal taxes are required to be paid.

SEC. 3217. When any collector fails either to collect or to render his account, or to pay over in the manner or within the times provided by law, the First Comptroller of the Treasury shall, immediately after evidence of such delinquency, report the same to the Solicitor of the Treasury, who shall issue a warrant of distress against such delinquent collector, directed to the marshal of the district, expressing therein the amount with which the said collector is chargeable, and the sums, if any,

which have been paid over by him, so far as the same are ascertainable. And the said marshal shall, himself, or by his deputy, immediately proceed to levy and collect the sum which may remain due, with five per centum thereon, and all the expenses and charges of collection, by distress and sale of the goods and chattels, or any personal effects of the delinquent collector, giving at least five days' notice of the time and place of sale, in the manner provided by law for advertising sales of personal property on execution in the State wherein such collector resides. And the bill of sale of the officer of any goods, chattels, or other personal property, distrained and sold as aforesaid, shall be conclusive evidence of title to the purchaser, and prima-facie evidence of the right of the officer to make such sale, and of the correctness of his proceedings in selling the same. And for want of goods and chattels, or other personal effects of such collector, sufficient to satisfy any warrant of distress, issued as aforesaid, the real estate of such collector, or so much thereof as may be necessary for satisfying the said warrant, after being advertised for at least three weeks next before the time of sale, in not less than three public places in the collection-district, and in one newspaper printed in the county or district, if any there be, shall be sold at public auction by the marshal or his deputy. Upon such sale, the marshal shall make and deliver to the purchaser of the premises sold a deed of conveyance thereof, to be executed and acknowledged in the manner and form prescribed by the laws of the State in which said lands are situated, and said deed so made shall invest the purchaser with all the title and interest of the defendant named in said warrant, existing at the time of the seizure thereof. And all moneys that may remain of the proceeds of such sale of personal or real property, after satisfying the said warrant of distress, and paying the reasonable costs and charges of sale, shall be returned to the proprietor of the property sold as aforesaid.

SEC. 3218. Every collector shall be charged with the whole amount of taxes, whether contained in lists transmitted to him by the Commissioner of Internal Revenue, or by other collectors, or delivered to him by his predecessor in office, and with the additions thereto, with the par value of all stamps deposited with him, and with all moneys collected for penalties, forfeitures, fees, or costs; and he shall be credited with all payments into the Treasury made as provided by law, with all stamps returned by him uncancelled to the Treasury, and with the amount of taxes contained in the lists transmitted in the manner heretofore provided to other collectors, and by them receipted as aforesaid; also with the amount of the taxes of such persons as may have absconded, or become insolvent, prior to the day when the tax ought, according to the provisions of law, to have been collected, and with all uncollected taxes transferred by him or by his deputy acting as collector to his successor in office: *Provided*, That it shall be proved to the satisfaction of the Commissioner of Internal Revenue, who shall certify the facts to the First Comptroller of the Treasury, that due diligence was used by the collector. And each collector shall also be credited with the amount of all property purchased by him for the use of the United States, provided he faithfully account for and pay over the proceeds thereof upon a resale of the same as required by law.

SEC. 3219. In case of the death, resignation, or removal of any collector, all lists and accounts of taxes uncollected shall be transferred to his successor in office as soon as such successor is appointed and qualified, and it shall be the duty of such successor to collect the same.

SEC. 3220. The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized, on appeal to him made, to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; also to repay to any

Collectors charged with, what.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

Death, &c., of collector, uncollected balances.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

Refundment of taxes, penalties, &c.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Dorheimer vs. U. S., 2 Ct. Clms., 103.

Taxes on spirits accidentally destroyed.

27 May, 1872, c. 218, s. 1, v. 17, p. 162.

Retrospective effect of preceding section.

27 May, 1872, c. 218, s. 2, v. 17, p. 162.

When tax on lost spirits is indemnified by insurance.

27 May, 1872, c. 218, s. 2, v. 17, p. 162.

Suits to restrain assessments or collection of taxes.

2 March, 1867, c. 169, s. 10, v. 14, p. 475.—*Pullan vs. Kinsinger*, 2 Abb. U. S., 94.

Suits to recover taxes collected under second assessment, burden of proof as to fraud.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Suits for recovery of taxes wrongfully collected.

13 July, 1866, c. 184, s. 19, v. 14, p. 152.

6 June, 1872, c. 315, s. 44, v. 17, p. 257.

Braun vs. Sauerwein, 10 Wall., 218; *The Collector vs. Hubbard*, 12 Wall., 1; *Cutting vs. Gilbert*, 5 Blatch., 259; *Nelson vs. Carman*, 5 Blatch., 511; *Lauer vs. U. S.*, 5 Ct. Clms., 447.

Limitation of suits for recovery

collector or deputy collector the full amount of such sums of money as may be recovered against him in any court, for any internal taxes collected by him, with the costs and expenses of suit; also all damages and costs recovered against any assessor, assistant assessor, collector, deputy collector, or inspector, in any suit brought against him by reason of anything done in the due performance of his official duty: *Provided*, That where a second assessment is made in case of a list, statement, or return which in the opinion of the collector or deputy collector was false or fraudulent, or contained any understatement or undervaluation, such assessment shall not be remitted, nor shall taxes collected under such assessment be refunded, or paid back, unless it is proved that said list, statement, or return was not false or fraudulent, and did not contain any understatement or undervaluation.

SEC. 3221. The Secretary of the Treasury, upon the production to him of satisfactory proof of the actual destruction by accidental fire or other casualty, and without any fraud, collusion, or negligence of the owner thereof, of any distilled spirits, while the same remained in the custody of any officer of internal revenue in any distillery warehouse, or bonded warehouse of the United States and before the tax thereon had been paid, may abate the amount of internal taxes accruing thereon, and may cancel any warehouse bond, or enter satisfaction thereon, in whole or in part, as the case may be. And if such taxes have been collected since the destruction of said spirits, the said Secretary shall refund the same to the owners thereof out of any moneys in the Treasury not otherwise appropriated.

SEC. 3222. The preceding section shall take effect in all cases of loss or destruction of distilled spirits as aforesaid which have occurred since January one, eighteen hundred and sixty-eight.

SEC. 3223. When the owners of distilled spirits in the cases provided for by the two preceding sections may be indemnified against such tax by a valid claim of insurance, the tax shall not be remitted to the extent of such insurance.

SEC. 3224. No suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court.

SEC. 3225. When a second assessment is made in case of any list, statement, or return, which in the opinion of the collector or deputy collector was false or fraudulent, or contained any understatement or undervaluation, no taxes collected under such assessment shall be recovered by any suit, unless it is proved that the said list, statement, or return was not false nor fraudulent, and did not contain any understatement or undervaluation.

SEC. 3226. No suit shall be maintained in any court for the recovery of any internal tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, until appeal shall have been duly made to the Commissioner of the Internal Revenue, according to the provisions of law in that regard, and the regulations of the Secretary of the Treasury established in pursuance thereof, and a decision of the Commissioner has been had therein: *Provided*, That if such decision is delayed more than six months from the date of such appeal, then the said suit may be brought, without first having a decision of the Commissioner, at any time within the period limited in the next section.

SEC. 3227. No suit or proceeding for the recovery of any internal tax alleged to have been erroneously or illegally assessed or collected, or of

any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, shall be maintained in any court, unless the same is brought within two years next after the cause of action accrued: *Provided*, That actions for such claims which accrued prior to June six, eighteen hundred and seventy-two, may be brought within one year from said date; and that where any such claim was pending before the Commissioner, as provided in the preceding section, an action thereon may be brought within one year after such decision and not after. But no right of action which was already barred by any statute on the said date shall be revived by this section.

SEC. 3228. All claims for the refunding of any internal tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, must be presented to the Commissioner of Internal Revenue within two years next after the cause of action accrued: *Provided*, That claims which accrued prior to June six, eighteen hundred and seventy-two, may be presented to the Commissioner at any time within one year from said date. But nothing in this section shall be construed to revive any right of action which was already barred by any statute on that date.

SEC. 3229. The Commissioner of Internal Revenue, with the advice and consent of the Secretary of the Treasury, may compromise any civil or criminal case arising under the internal-revenue laws instead of commencing suit thereon; and, with the advice and consent of the said Secretary and the recommendation of the Attorney-General, he may compromise any such case after a suit thereon has been commenced. Whenever a compromise is made in any case there shall be placed on file in the office of the Commissioner the opinion of the Solicitor of Internal Revenue, or of the officer acting as such, with his reasons therefor, with a statement of the amount of tax assessed, the amount of additional tax or penalty imposed by law in consequence of the neglect or delinquency of the person against whom the tax is assessed, and the amount actually paid in accordance with the terms of the compromise.

SEC. 3230. No discontinuance or nolle prosequi of any prosecution under section three thousand two hundred and fifty-seven shall be allowed without the permission in writing of the Secretary of the Treasury and the Attorney-General.

SEC. 3231. It shall be lawful for any court in which any suit or criminal proceeding arising under the internal-revenue laws may be pending, to continue the same at any stage thereof, for good cause shown on motion by the district attorney.

of taxes wrongfully collected.

6 June, 1872, c. 315, s. 44, v. 17, p. 257.

Claims for refundment, limitation.

6 June, 1872, c. 315, s. 44, v. 17, p. 257.

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20 July, 1866, c. 186, s. 102, v. 15, p. 166.

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31 March, 1868, c. 41, s. 7, v. 15, p. 60.

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20 July, 1866, c. 186, s. 102, v. 15, p. 166.

CHAPTER THREE.

SPECIAL TAXES.

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 3244. Wholesale dealers in malt liquors.
 3244. Dealers in leaf-tobacco.
 3244. Retail dealers in leaf-tobacco.
 3244. Dealers in tobacco.
 3244. Manufacturers of tobacco.

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 3244. Manufacturers of cigars.
 3244. Peddlers of tobacco.
 3245. Balance of distillers' special tax to be refunded.
 3246. Special tax not applied to vintners or apothecaries in certain cases.

Trade or business not to be carried on until tax paid.

SEC. 3232. No person shall be engaged in or carry on any trade or business hereinafter mentioned until he has paid a special tax therefor in the manner hereinafter provided.

13 July, 1866, c. 184, s. 9, v. 14, p. 113.—The License Tax Cases, 5 Wall., 462.

Trade or business to be registered.

SEC. 3233. Every person engaged in any trade or business on which a special tax is imposed by law shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and their places of residence, shall be so registered.

13 July, 1866, c. 184, s. 9, v. 14, p. 113.
 24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Persons in partnership at same place liable for only one tax.

SEC. 3234. Any number of persons doing business in copartnership at any one place shall be required to pay but one special tax.

13 July, 1866, c. 184, s. 9, v. 14, p. 115.

Payment of one special tax not to cover several places of business.

SEC. 3235. The payment of the special tax imposed shall not exempt from an additional special tax the person carrying on a trade or business in any other place than that stated in the collector's register; but nothing herein contained shall require a special tax for the storage of goods, wares, or merchandise in other places than the place of business, nor, except as hereinafter provided, for the sale by manufacturers or producers of their own goods, wares, and merchandise, at the place of production or manufacture, and at their principal office or place of business, provided no goods, wares, or merchandise shall be kept except as samples at said office or place of business.

13 July, 1866, c. 184, s. 9, v. 14, p. 113.

When more than one pursuit is carried on in same place by same person at same time.

SEC. 3236. Whenever more than one of the pursuits or occupations hereinafter described are carried on in the same place by the same person at the same time, except as hereinafter provided, the tax shall be paid for each according to the rates severally prescribed.

13 July, 1866, c. 184, s. 9, v. 14, p. 114.

When special tax to be due, how reckoned.

SEC. 3237. All special taxes shall become due on the first day of May, in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for one year; and in the latter case it shall be reckoned proportionately, from the first day of the month in which the liability to a special tax commenced to the first day of May following.

13 July, 1866, c. 184, s. 9, v. 14, p. 113.
 6 June, 1872, c. 315, s. 31, v. 17, p. 252.

Stamps for special taxes.

SEC. 3238. All special taxes imposed by law, including the tax on stills or worms, shall be paid by stamps denoting the tax, and the Commissioner of Internal Revenue is required to procure appropriate stamps for the payment of such taxes; and the provisions of sections thirty-three hundred and thirteen and thirty-four hundred and forty-six, and all other provisions of law relating to the preparation and issue of stamps for distilled spirits, fermented liquors, tobacco, and cigars, shall, so far as applicable, extend to and include such stamps for special taxes; and the Commissioner of Internal Revenue shall have authority to make all needful regulations relative thereto.

24 Dec., 1872, c. 13, s. 3, v. 17, p. 402.
 20 July, 1868, c. 126, ss. 26, 101, v. 15, pp. 137, 165.

Special-tax stamp to be exhibited in place of business.

SEC. 3239. Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, except tobacco-peddlers, shall place and keep conspicuously in his establishment or place of business all stamps denoting the payment of said special tax; and any person who shall, through negligence, fail to so place and keep said stamp, shall be liable to a penalty equal to the special tax for which his business rendered him liable, and the costs of prosecution; but in no case shall said penalty be less than ten dollars. And where the failure to comply with the foregoing provision of law shall be through willful neglect or refusal, then the penalty shall be double the

24 Dec., 1872, c. 13, s. 3, v. 17, p. 402.

amount above prescribed: *Provided*, That nothing in this section shall in any way affect the liability of any person for exercising or carrying on any trade, business, or profession, or doing any act for the exercising, carrying on, or doing of which a special tax is imposed by law, without the payment thereof.

SEC. 3240. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid.

SEC. 3241. When any person who has paid the special tax for any trade or business dies, his wife or child, or executors or administrators or other legal representatives, may occupy the house or premises, and in like manner carry on, for the residue of the term for which the tax is paid, the same trade or business as the deceased before carried on, in the same house and upon the same premises, without the payment of any additional tax. And when any person removes from the house or premises for which any trade or business was taxed to any other place, he may carry on the trade or business specified in the collector's register at the place to which he removes, without the payment of any additional tax: *Provided*, That all cases of death, change, or removal, as aforesaid, with the name of the successor to any person deceased, or of the person making such change or removal, shall be registered with the collector, under regulations to be prescribed by the Commissioner of Internal Revenue.

SEC. 3242. Every person who carries on the business of a rectifier, wholesale liquor-dealer, retail liquor-dealer, or manufacturer of stills, without having paid the special tax as required by law, shall, for every such offense, be fined not less than one thousand dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years. And all distilled spirits or wines, and all apparatus fit or intended to be used for the distillation or rectification of spirits or the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the rectifying establishment, or in any building, room, yard, or inclosure connected therewith, and used with or constituting a part of the premises, shall be forfeited to the United States. Every person who carries on the business of a manufacturer of tobacco, snuff, or cigars, dealer in manufactured tobacco, dealer in leaf-tobacco, or retail dealer in leaf-tobacco, without having paid a special tax therefor, as provided by law, shall, besides being liable to the payment of the tax, be fined not more than five hundred dollars or be imprisoned not more than one year, or both, at the discretion of the court. And every person who carries on the business of a brewer or wholesale or retail dealer in malt liquors, without having paid a special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than ten dollars nor more than five hundred dollars.

SEC. 3243. The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

McGuire vs. The Commonwealth, 3 Wall., 337; The License Tax Cases, 5 Wall., 462.

SEC. 3244. Special taxes are imposed as follows:

First. Brewers shall pay one hundred dollars. Every person who manufactures fermented liquors of any name or description for sale, from malt, wholly or in part, or from any substitute therefor, shall be deemed

List of special tax-payers to be exhibited in collector's office.

24 Dec., 1872, c. 13, s. 4, v. 17, p. 403.

Death or removal after paying tax; business carried on without additional tax.

13 July, 1866, c. 184, s. 9, v. 14, p. 114.

Carrying on business without payment of special tax; penalties.

20 July, 1868, c. 186, s. 44, v. 15, p. 142.

6 June, 1872, c. 315, ss. 12, 32, v. 17, pp. 240, 255.

2 March, 1867, c. 169, s. 9, v. 14, p. 473.

U. S. vs. Smith, 8 Wall., 587; U. S. vs. Thirty-five Barrels, 9 Int. Rev. Rec., 67.

Payment of special tax not to authorize violation of State laws, nor prohibit State taxation.

13 July, 1866, c. 184, s. 9, v. 14, p. 122.

20 July, 1868, c. 186, s. 59, v. 15, p. 151.

Special taxes imposed on whom.

Brewers.

13 July, 1866, c. 184, s. 9, v. 14, p. 117. a brewer: *Provided*, That any person who manufactures less than five hundred barrels a year shall pay the sum of fifty dollars.

14 July, 1870, c. 255, s. 1, v. 16, p. 256.

Manufacturers of stills.

20 July, 1868, c. 186, s. 59, v. 15, p. 151.

Rectifiers.

20 July, 1868, c. 186, ss. 11, 59, v. 15, pp. 130, 150.

10 April, 1869, c. 18, s. 1, v. 16, pp. 41, 42.

6 June, 1872, c. 315, ss. 12, 13, v. 17, pp. 239, 244.

24 Dec., 1872, c. 13, v. 17, pp. 401-403.

Second. Manufacturers of stills shall each pay fifty dollars, and twenty dollars for each still or worm for distilling made by him. Any person who manufactures any still or worm to be used in distilling shall be deemed a manufacturer of stills.

Third. Rectifiers of distilled spirits shall pay two hundred dollars. Every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, or wash, through continuous closed vessels and pipes, until the manufacture thereof is complete, and every wholesale or retail liquor-dealer who has in his possession any still or leach-tab, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, and every person who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any materials, manufacture any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier, and as being engaged in the business of rectifying: *Provided*, That nothing in this section shall be held to prohibit the purifying or refining of spirits in the course of original and continuous distillation through any material which will not remain incorporated with such spirits when the manufacture thereof is complete: *And provided further*, That no officer shall collect any special tax for rectifying distilled spirits on any premises distant less than six hundred feet in a direct line from any distillery. And every officer who collects any special tax in violation of this section shall be liable to a penalty of five thousand dollars for each offense.

Retail liquor-dealers.

10 April, 1869, c. 18, s. 1, v. 16, p. 42.

20 July, 1868, c. 186, ss. 1, 2, v. 15, p. 125.

Wholesale liquor-dealers.

20 July, 1868, c. 186, ss. 1, 2, v. 15, p. 125.

20 July, 1868, c. 186, s. 59, v. 15, p. 150.

6 June, 1872, c. 315, s. 13, v. 17, p. 239.

Fourth. Retail dealers in liquors shall pay twenty-five dollars. Every person who sells, or offers for sale foreign or domestic distilled spirits or wines, in less quantities than five wine gallons at the same time, shall be regarded as a retail dealer in liquors.

Wholesale liquor-dealers shall pay one hundred dollars. Every person who sells or offers for sale foreign or domestic distilled spirits or wines, in quantities of not less than five wine gallons at the same time, shall be regarded as a wholesale liquor-dealer. But no distiller who has given the required bond, and who sells only distilled spirits of his own production at the place of manufacture, in the original packages to which the tax-stamps are affixed, shall be required to pay the special tax of a wholesale liquor-dealer on account of such sales.

Pervear vs. The Commonwealth, 5 Wall., 475.

Retail dealers in malt liquors.

20 July, 1868, c. 186, s. 59, v. 15, p. 151.

10 April, 1869, c. 18, s. 1, v. 16, p. 42.

Wholesale dealers in malt liquors.

6 June, 1872, c. 315, ss. 13, 17, v. 17, pp. 244, 245.

Fifth. Retail dealers in malt liquors shall pay twenty dollars. Every person who sells or offers for sale malt liquors in quantities of five gallons or less at one time, but who does not deal in spirituous liquors, shall be regarded as a retail dealer in malt liquors.

Wholesale dealers in malt liquors shall pay fifty dollars. Every person who sells or offers for sale malt liquors in larger quantities than five gallons at one time, but who does not deal in spirituous liquors, shall be regarded as a wholesale dealer in malt liquors: *Provided*, That no brewer shall be required to pay a special tax as a wholesale dealer by reason of selling in the original stamped packages, whether at the place of manufacture or otherwise, malt liquors manufactured by him.

Dealers in leaf-tobacco.

6 June, 1872, c. 315, s. 31, v. 17, p. 250.

Sixth. Dealers in leaf-tobacco, except retail dealers in leaf-tobacco, as hereinafter defined, shall pay twenty-five dollars. Every person shall be regarded as a dealer in leaf-tobacco, whose business it is, for himself or on commission, to sell, or offer for sale, or consign for sale on commission, leaf-tobacco; and payment of a special tax as dealer in tobacco,

manufacturer of tobacco, manufacturer of cigars, or any other special tax, shall not exempt any person dealing in leaf-tobacco from the payment of the special tax therefor hereby required. But no farmer or planter shall be required to pay a special tax as a dealer in leaf-tobacco, for selling tobacco of his own production, or tobacco received by him as rent from tenants who have produced the same on his land: *Provided*, That nothing in this section shall be construed to exempt from a special tax any farmer or planter who, by peddling or otherwise, sells leaf-tobacco at retail directly to consumers, or who sells or assigns, consigns, transfers, or disposes of to persons other than those who have paid a special tax as leaf-dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf-tobacco for export.

Dealers in leaf-tobacco shall sell only to other dealers who have paid a special tax as such, and to manufacturers of tobacco, snuff, or cigars, and to such persons as are known to be purchasers of leaf-tobacco for export.

Seventh. Retail dealers in leaf-tobacco shall each pay five hundred dollars, and if their annual sales exceed one thousand dollars, shall each pay, in addition thereto, fifty cents for every dollar in excess of one thousand dollars of their sales. Every person shall be regarded as a retail dealer in leaf-tobacco whose business it is to sell leaf-tobacco in quantities less than an original hogshead, case, or bale; or who sells directly to consumers, or to persons other than dealers in leaf-tobacco, who have paid a special tax as such; or to manufacturers of tobacco, snuff, or cigars who have paid a special tax; or to persons who purchase in original packages for export. Retail dealers in leaf-tobacco shall also keep a book, and enter therein daily their purchases and sales, in a form and manner to be prescribed by the Commissioner of Internal Revenue, which book shall be open at all times for the inspection of any revenue officer.

Whenever it becomes necessary to ascertain the amount of annual sales made by any retail dealer in leaf-tobacco, or to ascertain the excess of such sales over one thousand dollars, such amount and excess shall be ascertained and returned under such regulations and in such form as may be prescribed by the Commissioner of Internal Revenue. And whenever the amount of sales or receipts is understated or underestimated by any retail dealer in leaf-tobacco, he shall be again assessed for such deficiency, and shall be required to pay the same, with any penalties that may by law have accrued or be chargeable thereon.

Eighth. Dealers in tobacco shall each pay five dollars. Every person whose business it is to sell, or offer for sale, manufactured tobacco, snuff, or cigars, shall be regarded as a dealer in tobacco, and the payment of a special tax as a wholesale or retail liquor-dealer, or the payment of any other special tax, shall not relieve any person who sells manufactured tobacco and cigars from the payment of this tax: *Provided*, That no manufacturer of tobacco, snuff, or cigars shall be required to pay a special tax as dealer in manufactured tobacco and cigars for selling his own products at the place of manufacture.

Ninth. Manufacturers of tobacco shall each pay ten dollars. Every person whose business it is to manufacture tobacco or snuff for himself, or who employs others to manufacture tobacco or snuff, whether such manufacture be by cutting, pressing, grinding, crushing, or rubbing of any raw or leaf-tobacco, or otherwise preparing raw or leaf-tobacco, or manufactured or partially manufactured tobacco or snuff, or the putting up for use or consumption of scraps, waste, clippings, stems, or deposits of tobacco resulting from any process of handling tobacco, or by the working or preparation of leaf-tobacco, tobacco-stems, scraps, clippings, or waste, by sifting, twisting, screening, or any other process, shall be regarded as a manufacturer of tobacco.

Tenth. Manufacturers of cigars shall each pay ten dollars. Every person whose business it is to make or manufacture cigars for himself, or who employs others to make or manufacture cigars, shall be regarded as a manufacturer of cigars. No special tax stamp shall be issued to

20 July, 1868, c. 186, s. 59, v. 15, p. 150.

Retail dealers in leaf-tobacco.

6 June, 1872, c. 315, s. 31, v. 17, p. 250.

20 July, 1868, c. 186, s. 60, v. 15, p. 152.

Dealers in tobacco.

6 June, 1872, c. 315, s. 31, v. 17, p. 250.

Manufacturers of tobacco.

6 June, 1872, c. 315, s. 31, v. 17, p. 251.

20 July, 1868, c. 186, ss. 59, 63, v. 15, pp. 150, 153.

Manufacturers of cigars.

6 June, 1872, c. 315, s. 31, v. 17, p. 251.

20 July, 1868, c. 186, s. 59, v. 15, p. 150.

any manufacturer of cigars until he has given the bond required by law. Every person whose business it is to make cigars for others, either for pay, upon commission, on shares, or otherwise, from material furnished by others, shall be regarded as a cigar-maker. Every cigar-maker shall cause his name and residence to be registered, without previous demand, with the collector of the district in which such cigar-maker shall be employed; and every manufacturer of cigars employing any cigar-maker who shall have neglected or refused to make such registry shall be fined five dollars for each day that such cigar-maker so offending, by neglect or refusal to register, shall be employed by him.

Peddlers of tobacco.

6 June, 1872, c. 315, s. 31, v. 17, p. 251.

Eleventh. Peddlers of tobacco shall be classified and rated as follows, to wit: When traveling with more than two horses, mules, or other animals, as of the first class, and shall pay fifty dollars; when traveling with two horses, mules, or other animals, as of the second class, and shall pay twenty-five dollars; when traveling with one horse, mule, or other animal, as of the third class, and shall pay fifteen dollars; when traveling on foot or by public conveyance, as of the fourth class, and shall pay ten dollars. Any person who sells or offers to sell and deliver manufactured tobacco, snuff, or cigars, traveling from place to place, in the town or through the country, shall be regarded as a peddler of tobacco.

Balance of distillers' special tax to be refunded.

6 June, 1872, c. 315, s. 12, v. 17, p. 233.

Special tax not applied to vintners or apothecaries in certain cases.

13 July 1866, c. 184, s. 9, v. 14, p. 122.

SEC. 3245. The special tax paid by distillers prior to August one, eighteen hundred and seventy-two, which has not been exhausted by the quantity of spirits distilled as provided by law, shall be refunded, upon proper application, out of any money arising from internal taxes, not otherwise appropriated.

SEC. 3246. Nothing in this chapter shall be construed to impose a special tax upon vintners who sell wine of their own growth at the place where the same is made; or upon apothecaries, as to wines or spirituous liquors which they use exclusively in the preparation or making up of medicines.

CHAPTER FOUR.

DISTILLED SPIRITS.

<p>Sec. 3247. Distiller, definition of. 3248. Distilled spirits, definition of. 3249. Standard of proof-spirits; prevention of frauds. 3250. Gallon as used in sales, definition of. 3251. Tax on distilled spirits. 3252. Adding substances to create fictitious proof; penalty. 3253. Tax on spirits removed without deposit in warehouse. 3254. Products of distillation containing spirits. 3255. Brandy made from apples, peaches, or grapes. 3256. Evading tax; penalty. 3257. Distiller defrauding or attempting to defraud United States of tax on spirits. 3258. Registry of stills, &c. 3259. Notice of intention to carry on business of distiller or rectifier. 3260. Distiller to give bond. 3261. Bond not to be approved until law complied with. 3262. Distiller must be owner in fee-simple, or have written consent of owner, &c. 3263. Plan of distillery.</p>	<p>Sec. 3264. Surveys of distilleries. 3265. Notice by manufacturer of a still. Penalty for setting up still without permit. 3266. Distilling on certain premises prohibited; penalty. 3267. Receiving-cisterns in distilleries. 3268. Breaking locks, gaining access to cistern, &c.; penalty. 3269. Furnaces, tubs, doublers, worm-tanks; penalty. 3270. Apparatus and fastenings. 3271. Distillery warehouse. 3272. When a warehouse becomes unsafe. 3273. Store-keepers have charge under direction of collector. 3274. Custody and management of warehouse. 3275. Distiller to keep distillery accessible. 3276. Power of revenue officers to enter and examine distilleries. Penalty for obstructing officer. 3277. Distillers and rectifiers to furnish facilities for examination; penalty for neglect. 3278. Officers to break up ground or walls in order to examine.</p>
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<p>Sec.</p> <p>3279. Signs to be put up by distillers and rectifiers; penalty for neglect. Penalty for using false signs, &c.</p> <p>3280. Distillers not to carry on business until the law is complied with.</p> <p>3281. Carrying on distilling without giving bond, &c.; penalty.</p> <p>3282. Mash, wort, and vinegar.</p> <p>3283. No process for distilling between 11 p. m. of Saturday and 1 a. m. of Monday.</p> <p>3284. Using material, or removing spirits in absence of store-keeper; penalty.</p> <p>3285. Emptying fermenting-tubs.</p> <p>3286. Drawing off, water, cleansing worn-tub, &c.</p> <p>3287. Drawing off gauging, &c., and removal of spirits to warehouse.</p> <p>3288. Tax-paid spirits not to remain on distillery premises.</p> <p>3289. Forfeiture of unstamped packages.</p> <p>3290. Gauger employing distiller, &c., to use brands or perform his duties; penalty.</p> <p>3291. Gauger's returns.</p> <p>3292. Fraudulent inspection, gauging, &c.; penalty.</p> <p>3293. Distiller's entry of deposit in warehouse. Bond for taxes.</p> <p>3294. Withdrawal from warehouse, entry for.</p> <p>3295. Gauging, stamping, and branding spirits removed from warehouse.</p> <p>3296. Removal, concealment, &c., of spirits contrary to law; penalty.</p> <p>3297. Alcohol withdrawn for scientific purposes.</p> <p>3298. Power of officers to detain packages on suspicion.</p> <p>3299. Forfeiture of spirits unlawfully removed from distillery.</p> <p>3300. Store-keeper unlawfully removing, or allowing to be removed, &c.</p> <p>3301. Store-keepers' warehouse-book and returns.</p> <p>3302. Store-keepers to have charge of distillery and keep account of materials, &c.</p> <p>3303. Distillers' books; entries to be made.</p> <p>3304. Books to be open to inspection and preserved two years.</p> <p>3305. False entries, or omitting to keep or produce books; penalty.</p> <p>3306. Using false weights in ascertaining materials; penalty.</p>	<p>Sec.</p> <p>Using unregistered materials; penalty.</p> <p>3307. Distillers' returns of production to collector.</p> <p>3308. Distillers' returns of the number of barrels distilled.</p> <p>3309. Monthly examination of distiller's return, &c.</p> <p>3310. When distilling deemed commenced. Suspension of work; penalties.</p> <p>3311. Reduction of capacity; penalty.</p> <p>3312. Stamps, how prepared and issued.</p> <p>3313. Stamps, form of, how used.</p> <p>3314. Accountability for stamp-books.</p> <p>3315. Restamping tax-paid spirits, when stamps are lost or destroyed.</p> <p>3316. Officer using or issuing, or permitting use of stamps, contrary to law; penalty.</p> <p>3317. Rectifiers' returns.</p> <p>3318. Books to be kept by rectifiers and wholesale dealers; penalty.</p> <p>3319. Purchase of quantities greater than 20 gallons from one person, &c.</p> <p>3320. Gauging, inspection, and stamping of rectified spirits.</p> <p>3321. Gauging, inspecting, and stamping spirits on premises of wholesale dealer.</p> <p>3322. Filling blanks, and affixing and protecting stamps.</p> <p>3323. Spirits drawn into new packages to be gauged and branded; forfeiture.</p> <p>3324. Stamps and brands to be effaced from empty casks. Penalty for omitting to efface, and for transporting in violation of law.</p> <p>3325. Buying or selling spirit-casks having inspection-marks.</p> <p>3326. Changing stamps, shifting spirits, &c., penalty.</p> <p>3327. Removal within certain hours from distillery or rectifier's premises.</p> <p>3328. Imitations of wines.</p> <p>3329. Drawback on distilled spirits.</p> <p>3330. Exportation of distilled spirits withdrawn from bonded warehouses.</p> <p>3331. Release of distillery before judgment, in what cases.</p> <p>3332. Distillery to be destroyed in certain cases of forfeiture.</p> <p>3333. When burden of proof is on claimant of spirits seized.</p> <p>3334. Spirits sold under judicial process subject to tax.</p>
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SEC. 3247. Every person who produces distilled spirits, or who brews or makes mash, wort, or wash, fit for distillation or for the production of spirits, or who, by any process of evaporation, separates alcoholic spirit from any fermented substance, or who, making or keeping mash, wort, or wash, has also in his possession or use a still, shall be regarded as a distiller.

Distiller, definition of.

20 July, 1868, c. 186, s. 59, v. 15, p. 150.

SEC. 3248. Distilled spirits, spirits, alcohol, and alcoholic spirit, within the true intent and meaning of this act, is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance; and the tax shall attach to this substance as soon as it is in existence as such, whether it be subsequently separated as pure or impure spirit, or be immediately, or at any subsequent time, transferred into any other substance, either in the process of original production or by any subsequent process.

Distilled spirits, definition of.

20 July, 1868, c. 186, s. 4, v. 15, p. 126.

Standard of proof spirits; prevention of frauds.

20 July, 1868, c. 186, s. 2, v. 15, p. 125.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

Gallon as used in sales, definition of.

20 July, 1868, c. 186, s. 2, v. 15, p. 125.

Tax on distilled spirits.

20 July, 1868, c. 186, ss. 1, 4, v. 15, pp. 125, 126.

6 June, 1872, c. 315, s. 12, v. 17, p. 238.

Adding substances to create fictitious proof; penalty.

20 July, 1868, c. 186, s. 38, v. 15, p. 141.

Tax on spirits removed without deposit in warehouse.

2 March, 1867, c. 169, s. 14, v. 14, p. 481.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

Products of distillation containing spirits.

5 Feb., 1867, Res. 11, s. 1, v. 14, p. 565.

Brandy made from apples, peaches, or grapes.

SEC. 3249. Proof-spirit shall be held to be that alcoholic liquor which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit. And for the prevention and detection of frauds by distillers of spirits, the Commissioner of Internal Revenue may prescribe for use such hydrometers, saccharometers, weighing and gauging instruments, or other means for ascertaining the quantity, gravity, and producing-capacity of any mash, wort, or beer used, or to be used, in the production of distilled spirits, and the strength and quantity of spirits subject to tax, as he may deem necessary; and he may prescribe rules and regulations to secure a uniform and correct system of inspection, weighing, marking, and gauging of spirits.

SEC. 3250. In all sales of spirits a gallon shall be held to be a gallon of proof-spirit, according to the standard prescribed in the preceding section, set forth and declared for the inspection and gauging of spirits throughout the United States.

SEC. 3251. There shall be levied and collected on all distilled spirits on which the tax prescribed by law has not been paid, a tax of seventy cents on each proof-gallon, to be paid by the distiller, owner, or person having possession thereof before removal from the distillery warehouse: *Provided*, That distilled spirits lawfully deposited in a distillery bonded warehouse prior to the first day of August, eighteen hundred and seventy-two, may be withdrawn on payment of the taxes thereon at the rate, within the time, and in the manner provided by law at the time of such deposit. The tax on such spirits shall be collected on the whole number of gauge or wine gallons when below proof, and shall be increased in proportion for any greater strength than the strength of proof spirit, as defined in this Title; and any fractional part of a gallon amounting to one-half gallon or over in a cask or package shall be taxed as a gallon, and any fractional part of a gallon less than one-half gallon in any cask or package shall be exempt from tax. Every proprietor or possessor of, and every person in any manner interested in the use of, any still, distillery, or distilling apparatus, shall be jointly and severally liable for the taxes imposed by law on the distilled spirits produced therefrom, and the tax shall be a first lien on the spirits distilled, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the lot or tract of land whereon the said distillery is situated, and on any building thereon from the time said spirits are in existence as such until the said tax is paid.

SEC. 3252. Every person who adds or causes to be added any ingredient or substance to any distilled spirits before the tax is paid thereon, for the purpose of creating a fictitious proof, shall be fined not less than one hundred dollars nor more than one thousand dollars for each cask or package so adulterated, and imprisoned not less than three months nor more than two years; and every such cask or package, with its contents, shall be forfeited to the United States.

SEC. 3253. The tax upon any distilled spirits, removed from the place where they were distilled and not deposited in bonded warehouse as required by law, shall, at any time, when knowledge of such fact is obtained by the Commissioner of Internal Revenue, be assessed by him upon the distiller of the same, and returned to the collector, who shall immediately demand payment of such tax, and, upon the neglect or refusal of payment by the distiller, shall proceed to collect the same by distraint. But this provision shall not exclude any other remedy or proceeding provided by law.

SEC. 3254. All products of distillation, by whatever name known, which contain distilled spirits or alcohol, on which the tax imposed by law has not been paid, shall be considered and taxed as distilled spirits.

SEC. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, or grapes, from any provision of this

Title, relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so.

20 July, 1868, c. 186, s. 2, v. 15, p. 125.
11 Int. Rev. Rec., 125.

SEC. 3256. Whenever any person evades, or attempts to evade, the payment of the tax on any distilled spirits, in any manner whatever, he shall forfeit and pay double the amount of the tax so evaded or attempted to be evaded.

Evading tax; penalty.

SEC. 3257. Whenever any person engaged in carrying on the business of a distiller defrauds or attempts to defraud the United States of the tax on the spirits distilled by him, or of any part thereof, he shall forfeit the distillery and distilling-apparatus used by him, and all distilled spirits and all raw materials for the production of distilled spirits found in the distillery and on the distillery premises, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than three years.

20 July, 1868, c. 186, s. 39, v. 15, p. 141.

Distiller defrauding or attempting to defraud United States of tax on spirits.

SEC. 3258. Every person having in his possession or custody, or under his control, any still or distilling-apparatus set up, shall register the same with the collector of the district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling-apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling-apparatus has been or is intended to be used; one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner of Internal Revenue. Stills and distilling-apparatus shall be registered immediately upon their being set up. Every still or distilling-apparatus not so registered, together with all personal property in the possession or custody, or under the control of such person, and found in the building, or in any yard or inclosure connected with the building in which the same may be set up, shall be forfeited. And every person having in his possession or custody, or under his control, any still or distilling-apparatus set up which is not so registered, shall pay a penalty of five hundred dollars, and shall be fined not less than one hundred dollars, nor more than one thousand dollars, and imprisoned for not less than one month, nor more than two years.

31 March, 1868, c. 41, s. 5, v. 15, p. 59.

Registry of stills, &c.

SEC. 3259. Every person engaged in, or intending to be engaged in, the business of a distiller or rectifier, shall give notice in writing, subscribed by him, to the collector of the district wherein such business is to be carried on, stating his name and residence, and if a company or firm, the name and residence of each member thereof, the name and residence of every person interested or to be interested in the business, the precise place where said business is to be carried on, and whether of distilling or rectifying; and if such business is carried on in a city, the residence and place of business shall be indicated by the name of the street and number of the building. In case of a distiller, the notice shall also state the kind of stills and the cubic contents thereof, the number and kind of boilers, the number of wash-tubs and fermenting-tubs, the cubic contents of each tub, the number of receiving-cisterns, the cubic contents of each cistern, the number of hours in which the distillery will ferment each tub of mash or beer, the estimated quantity of distilled spirits which the apparatus is capable of distilling every twenty-four hours, a particular description of the lot or tract of land on which the distillery is situated, and of the buildings thereon, including their size, material, and construction; and that said distillery premises are not within six hundred feet, in a direct line, of any premises authorized to be used for rectifying or refining distilled spirits by any process. In case of a rectifier, the notice shall state the precise place where such business is to be carried on, the name and residence of every person interested or to be interested in the business, the process by which the applicant intends to rectify, purify, or refine distilled spirits, the kind and cubic contents of any still used or to be used for such purpose, the estimated quantity of

30 July, 1868, c. 186, s. 5, v. 15, p. 126.

24 Dec., 1872, c. 13, ss. 1, 2, v. 17, pp. 401, 402.

Notice of intention to carry on business of distiller or rectifier.

20 July, 1868, c. 186, s. 6, v. 15, pp. 126, 127.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

spirits which can be rectified, purified, or refined every twenty-four hours in such establishment, and that said rectifying-establishment is not within six hundred feet, in a direct line, of the premises of any distillery registered for the distillation of spirits. In case of any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of such distillery or rectifying-establishment, or in the time of fermenting the mash or beer, notice thereof, in writing, shall be given to the said collector or proper deputy collector, of the district within twenty-four hours after such change; and any deputy collector receiving such notice shall immediately transmit the same to the collector of the district. Every notice required by this section shall be in such form, and shall contain such additional particulars, as the Commissioner of Internal Revenue may, from time to time, prescribe. Every person who fails or refuses to give such notice shall pay a penalty of one thousand dollars, and shall be fined not less than one hundred dollars nor more than two thousand dollars; and every person who gives a false or fraudulent notice shall, in addition to such penalty or fine, be imprisoned not less than six months nor more than two years.

Distiller to give bond.

20 July, 1868, c. 186, s. 7, v. 15, p. 127.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

U. S. vs. Hodson, 10 Wall., 395; *U. S. vs. Powell*, 14 Wall., 493; *U. S. vs. Thirty-five Barrels*, 9 Int. Rev. Rec., 67.

Bond not to be approved until law complied with.

20 July, 1868, c. 186, s. 17, v. 15, p. 131.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.—*U. S. vs. Thirty-five Barrels*, 9 Int. Rev. Rec., 67.

Distiller must be owner in fee-simple, or have written consent of owner, &c.

20 July, 1868, c. 186, s. 8, v. 15, p. 127.

SEC. 3260. Every person intending to commence or to continue the business of a distiller shall, on filing with the collector his notice of such intention, and before proceeding with such business, and on the first day of May of each succeeding year, execute a bond in the form prescribed by the Commissioner of Internal Revenue, conditioned that he shall faithfully comply with all the provisions of law relating to the duties and business of distillers, and shall pay all penalties incurred or fines imposed on him for a violation of any of the said provisions; and that he shall not suffer the lot or tract of land on which the distillery stands, or any part thereof, or any of the distilling-apparatus, to be incumbered by mortgage, judgment, or other lien, during the time in which he shall carry on said business. Said bond shall be with at least two sureties, approved by the collector of the district, and for a penal sum not less than double the amount of tax on the spirits that can be distilled in his distillery during a period of fifteen days. The collector may refuse to approve said bond when, in his judgment, the situation of the distillery is such as would enable the distiller to defraud the United States; and in case of such refusal the distiller may appeal to the Commissioner of Internal Revenue, whose decision in the matter shall be final. A new bond shall be required in case of the death, insolvency, or removal of either of the sureties, and may be required in any other contingency at the discretion of the collector or Commissioner of Internal Revenue. Every person who fails or refuses to give the bond hereinbefore required, or to renew the same, or who gives any false, forged, or fraudulent bond, shall forfeit the distillery, distilling-apparatus, and all real estate and premises connected therewith, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than two years.

SEC. 3261. No collector shall approve the bond of any distiller until all the requirements of the law and all regulations made by the Commissioner of Internal Revenue in relation to distilleries, in pursuance thereof, have been complied with. Every collector who violates this provision shall forfeit and pay two thousand dollars, and be dismissed from office.

SEC. 3262. No bond of a distiller shall be approved, unless he is the owner in fee, unincumbered by any mortgage, judgment, or other lien, of the lot or tract of land on which the distillery is situated, or unless he files with the collector, in connection with his notice, the written consent of the owner of the fee, and of any mortgagee, judgment-creditor, or other person having a lien thereon, duly acknowledged, that the premises may be used for the purpose of distilling spirits, subject to the

provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority of such mortgage, judgment, or other incumbrance, and that in case of the forfeiture of the distillery premises, or of any part thereof, the title of the same shall vest in the United States, discharged from such mortgage, judgment, or other incumbrance. In any case where the owner of a distillery or distilling-apparatus, erected prior to the twentieth day of July, eighteen hundred and sixty-eight, has only an estate for a term of years or other estate less than fee-simple in the lot or tract of land on which the distillery is situated, the evidence of title to which shall have been duly recorded prior to that date; or in like case, where the lease or other evidence of title is held but was not required by the laws of the State to be recorded in order to be valid at the time of its execution; or in any case of such prior erection where the title was then, and has continued to be, in litigation; or in any case of such prior erection where such owner is possessed of the fee, but incumbered with a mortgage executed and duly recorded prior to said twentieth of July, eighteen hundred and sixty-eight, and not due, or in any case of such prior erection where the fee is held by a feme-covert, minor, person of unsound mind, or other person incapable of giving consent, as hereinbefore required, the value of such lot or tract of land, together with the building and distilling-apparatus, shall be appraised in the manner to be prescribed by the Commissioner of Internal Revenue; and the collector may, at the discretion of the Commissioner, be authorized to accept, in lieu of the said written consent of the owner of the fee, the bond of such distiller, in such form as the Commissioner may prescribe, with not less than two sureties, conditioned that in case the distillery, distilling-apparatus, or any part thereof, shall by final judgment be forfeited for the violation of any of the provisions of law, the obligors shall pay the amount stated in said bond. Said sureties shall be residents of the collection-district or county, or of an adjoining county in the same State in which the distillery is situated, and owners of unincumbered real estate in said district or county, or adjoining county, equal to such appraised value, and the penal sum of said bond shall be equal to the appraised value of said lot or tract of land together with the buildings and distilling-apparatus: *Provided*, That, in case of any distillery sold at judicial or other sale in favor of the United States, a bond may be taken at the discretion of the Commissioner of Internal Revenue, in lieu of the written consent required by this section, and the person giving such bond may be allowed to operate such distillery during the existence of the right of redemption from such sale, on complying with all the other provisions of law.

SEC. 3263. Every distiller and person intending to engage in the business of a distiller shall, previous to the approval of his bond, cause to be made, under the direction of the collector of the district, an accurate plan and description, in triplicate, of the distillery and distilling-apparatus, distinctly showing the location of every still, boiler, doubler, worm-tub, and receiving-cistern, the course and construction of all fixed pipes used or to be used in the distillery, and of every branch and every cock or joint thereof, and of every valve therein, together with every place, vessel, tub, or utensil from and to which any such pipe leads, or with which it communicates; also the number and location and cubic contents of every still, mash-tub, and fermenting-tub, the cubic contents of every receiving-cistern, and the color of each fixed pipe, as required in this Title. One copy of said plan and description shall be kept displayed in some conspicuous place in the distillery, and two copies shall be furnished to the collector of the district, one of which shall be kept by him, and the other transmitted to the Commissioner of Internal Revenue. The accuracy of every such plan and description shall be verified by the collector, the draughtsman, and the distiller; and no alteration shall be made in such distillery without the consent, in writing, of the collector. Any alteration so made shall be shown on the original, or by

10 April, 1869, c.

18, s. 1, v. 16, p. 41.

6 June, 1872, c.

315, s. 13, v. 17, p.

243.

24 Dec., 1872, c.

13, s. 1, v. 17, p. 401.

Plan of distillery.

20 July, 1868, c.

186, s. 9, v. 15, p.

128.

24 Dec., 1872, c.

13, s. 1, v. 17, p. 401.

a supplemental plan and description, and a reference thereto noted on the original, as the collector may direct; and any supplemental plan and description shall be executed and preserved in the same manner as the original.

Surveys of distilleries.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

SEC. 3264. On receipt of notice that any person wishes to commence the business of distilling, the collector shall proceed, at the expense of the United States, with the aid of an assistant designated for the purpose by the Commissioner of Internal Revenue, to make a survey of such distillery, for the purpose of estimating and determining its true spirit-producing capacity for a day of twenty-four hours. In all surveys forty-five gallons of mash or beer brewed or fermented from grain shall represent not less than one bushel of grain, and seven gallons of mash or beer brewed or fermented from molasses shall represent not less than one gallon of molasses, except in distilleries operating on the sour-mash principle, in which distilleries sixty gallons of beer brewed or fermented from grain shall represent not less than one bushel of grain. A written report of such survey shall be made in triplicate, of which one copy shall be delivered to the distiller, one copy shall be retained by the collector, and one copy shall be transmitted to the Commissioner of Internal Revenue, and the survey shall take effect upon the delivery of such copy to the distiller. Whenever the Commissioner is satisfied that any report of the capacity of a distillery is incorrect or needs revision, he shall direct the collector to make, in like manner, another survey of said distillery, and the report thereof shall be made and deposited as hereinbefore provided.

Notice by manufacturer of a still.

20 July, 1868, c. 186, s. 14, v. 15, p. 130.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Penalty for setting up still without permit.

SEC. 3265. Any person who manufactures any still, boiler, or other vessel to be used for the purpose of distilling, shall, before the same is removed from the place of manufacture, notify in writing the collector of the district in which such still, boiler, or other vessel is to be used or set up, by whom it is to be used, its capacity, and the time when the same is to be removed from the place of manufacture; and no such still, boiler, or other vessel shall be set up without the permit in writing of the said collector for that purpose; and any person who sets up any such still, boiler, or other vessel, without first obtaining a permit from the said collector of the district in which such still, boiler, or other vessel is intended to be used, or who fails to give such notice, shall pay in either case the sum of five hundred dollars, and shall forfeit the distilling-apparatus thus removed or set up in violation of law.

Distilling on certain premises prohibited; penalty.

20 July, 1868, c. 186, s. 12, v. 15, p. 130.

13 July, 1866, c. 184, s. 25, v. 14, p. 154.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

SEC. 3266. No person shall use any still, boiler, or other vessel, for the purpose of distilling, in any dwelling-house, or in any shed, yard, or inclosure connected with any dwelling-house, or on board of any vessel or boat, or in any building, or on any premises where beer, lager-beer, ale, porter, or other fermented liquors, vinegar, or ether, are manufactured or produced, or where sugars or sirups are refined, or where liquors of any description are retailed, or where any other business is carried on; or within six hundred feet in a direct line of any premises authorized to be used for rectifying; and every person who does any of the acts prohibited by this section, or aids or assists therein, or causes or procures the same to be done, shall be fined one thousand dollars and imprisoned for not less than six months nor more than two years, in the discretion of the court, for each such offense: *Provided*, That saleratus may be manufactured, or meal or flour ground from grain, in any building or on any premises where spirits are distilled; but such meal or flour shall be used only for distillation on the premises: *Provided further*, That any boiler used in generating steam or heating water to be used in any distillery, may be located in any other building or on any other premises to be connected with such still or boiling-tubs, by suitable pipes or other apparatus, or the steam from such boiler in the distillery may be conveyed to other premises to be used for manufacturing or other purposes.

Receiving-cisterns in distilleries.

SEC. 3267. The owner, agent, or superintendent of any distillery established as hereinbefore provided, shall erect, in a room or building to

be provided and used for that purpose, and for no other, and to be constructed in the manner to be prescribed by the Commissioner of Internal Revenue, two or more receiving-cisterns, each to be at least of sufficient capacity to hold all the spirits distilled during the day of twenty-four hours, into which shall be conveyed all the spirits produced in said distillery; and each of said cisterns shall be so constructed as to leave an open space of at least three feet between the top thereof and the floor or roof above, and of not less than eighteen inches between the bottom thereof and the floor below, and shall be so situated that the officer can pass around the same, and shall be connected with the outlet of the worm or condenser by suitable pipes or other apparatus, so constructed as always to be exposed to the view of the officer, and so connected and constructed as to prevent the abstraction of spirits while passing from the outlet of the worm or condenser back to the still or doubler, or forward to the receiving-cistern. Such cisterns and the room in which they are contained shall be in charge and under the lock and seal of the internal-revenue gauger designated for that duty; and all locks and seals required by law shall be provided by the Commissioner of Internal Revenue, at the expense of the United States; and the keys shall be in charge of the collector or such gauger as he may designate. On the third day after the spirits are conveyed into such cistern they shall be drawn off into casks, under the supervision of such gauger, in the presence of the store-keeper, and be removed directly to the distillery warehouse; but on special application to the collector by the owner, agent, or superintendent of any distillery, the spirits may be drawn off from the said cisterns, under the supervision of the gauger, at any time previous to the third day.

SEC. 3268. Every person who destroys, breaks, injures, or tampers with any lock or seal which may be placed on any cistern-room or building by the duly authorized officers of the revenue, or opens said lock or seal, or the door to said cistern-room or building, or in any manner gains access to the contents therein, in the absence of the proper officer, shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than one year nor more than three years.

SEC. 3269. The door of the furnace of every still or boiler used in any distillery shall be so constructed that it may be securely fastened and locked. The fermenting-tubs shall be so placed as to be easily accessible to any revenue officer, and each tub shall have distinctly painted thereon in oil-colors its cubic contents in gallons and the number of the tub. There shall be a clear space of not less than one foot around every wood-still, and not less than two feet around every doubler and worm-tank. The doubler and worm-tanks shall be elevated not less than one foot from the floor; and every fixed pipe to be used by the distiller, except for conveyance of water, or of spent mash or beer only, shall be so fixed and placed as to be capable of being examined by the officer for the whole of its length or course, and shall be painted, and kept painted, as follows, that is to say: Every pipe for the conveyance of mash or beer shall be painted of a red color; every pipe for the conveyance of low-wines back into the still or doubler shall be painted blue; every pipe for the conveyance of spirits shall be painted black, and every pipe for the conveyance of water shall be painted white. Whenever any fixed pipe is used by any distiller which is not painted or kept painted as herein directed, or which is painted otherwise than as herein directed, he shall forfeit the sum of one thousand dollars.

SEC. 3270. The Commissioner of Internal Revenue is authorized to order and require such changes of or additions to distilling apparatus, connecting-pipes, pumps, or cisterns, or any machinery connected with or used in or on the distillery premises, or may require to be put on any of the stills, tubs, cisterns, pipes, or other vessels, such fastenings, locks, or seals as he may deem necessary.

SEC. 3271. Every distiller shall provide, at his own expense, a warehouse, to be situated on and to constitute a part of his distillery premises,

20 July, 1868, c. 186, s. 16, v. 15, p. 131.
6 June, 1872, c. 315, s. 12, v. 17, p. 239.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Breaking locks, gaining access to cistern, &c.; penalty.

20 July, 1868, c. 186, s. 40, v. 15, p. 141.

Furnaces, tubs, doublers, worm-tanks; penalty.

20 July, 1868, c. 186, s. 17, v. 15, p. 131.

Apparatus and fastenings.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

Distillery warehouse.

20 July, 1868, c. 186, s. 15, v. 15, p. 130.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

U. S. *vs.* Powell, 14 Wall., 493.

When a warehouse becomes unsafe.

20 July, 1868, c. 186, s. 56, v. 15, p. 149.

Store-keepers have charge under direction of collector.

20 July, 1868, c. 186, ss. 21, 52, v. 15, pp. 134, 146.

Custody and management of warehouse.

20 July, 1868, c. 186, s. 52, v. 15, p. 146.

Distiller to keep distillery accessible.

20 July, 1868, c. 186, s. 15, v. 15, p. 132.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Power of revenue officers to enter and examine distilleries.

20 July, 1868, c. 186, s. 32, v. 15, p. 139.

and to be used only for the storage of distilled spirits of his own manufacture until the tax thereon shall have been paid; but no dwelling-house shall be used for such purpose, and no door, window, or other opening shall be made or permitted in the walls of such warehouse leading into the distillery or into any other room or building; and such warehouse, when approved by the Commissioner of Internal Revenue, on report of the collector, is hereby declared to be a bonded warehouse of the United States, to be known as a distillery warehouse, and shall be under the direction and control of the collector of the district, and in charge of an internal-revenue store-keeper, assigned thereto by the Commissioner.

SEC. 3272. Whenever in the opinion of the Commissioner of Internal Revenue any distillery or other warehouse is unsafe or unfit for use, or the merchandise therein is for any reason liable to loss or great wastage, he may discontinue such warehouse, and require the merchandise therein to be transferred to such other warehouse as he may designate and within such time as he may prescribe. Such transfer shall be made under the supervision of the collector, or of such other officer as may be designated by the Commissioner, and the expense thereof shall be paid by the owner of the merchandise. Whenever the owner of such merchandise fails to make such transfer within the time prescribed, or to pay the just and proper expense of such transfer, as ascertained and determined by the Commissioner, such merchandise may be seized and sold by the collector in the same manner as goods are sold upon distraint for taxes, and the proceeds of such sale shall be applied to the payment of the taxes due thereon and the costs and expenses of such sale and removal, and the balance paid over to the owner of such merchandise.

SEC. 3273. The store-keeper assigned to any distillery warehouse shall also have charge of the distillery connected therewith; and every store-keeper shall have charge of the warehouse to which he is assigned, and of such distillery, under the direction of the collector controlling the same.

SEC. 3274. Every distillery warehouse shall be in the joint custody of the store-keeper and the proprietor thereof. It shall be kept securely locked, and shall at no time be unlocked, or opened, or remain open, unless in the presence of such store-keeper, or other person who may be designated to act for him, as provided by law; and no articles shall be received in or delivered from such warehouse except on an order or permit addressed to the store-keeper and signed by the collector having control of the warehouse.

SEC. 3275. No fence or wall of a height greater than five feet shall be erected or maintained around the premises of any distillery, so as to prevent easy and immediate access to such distillery. And every distiller shall furnish to the collector of the district as many keys of the gates and doors of the distillery as may be required by the collector, from time to time, for any revenue officer or other person who may be authorized to make survey or inspection of the premises, or of the contents thereof; and said distillery shall be kept always accessible to any officer or other person having any such key. Every person who violates any of the foregoing provisions of this section by negligence or refusal, or otherwise, shall pay a penalty of five hundred dollars.

SEC. 3276. It shall be lawful for any revenue officer at all times, as well by night as by day, to enter into any distillery or building or place used for the business of distilling, or used in connection therewith for storage or other purposes, and to examine, gauge, measure, and take an account of every still or other vessel or utensil of any kind, and of all low-wines, and of the quantity and gravity of all mash, wort, or beer, and of all yeast, or other compositions for exciting or producing fermentation in any mash or beer, of all spirits and of all materials for making or distilling spirits, which may be in any such distillery or premises, or in possession of the distiller. And whenever any internal-

revenue officer, or any person called by him to his aid, is hindered, obstructed, or prevented by any distiller or by any workman, or other person acting for such distiller, or in his employ, from entering into any such distillery or building or place as aforesaid; or any such officer is by the distiller, or his workman, or any person in his employ, prevented or hindered from, or opposed, or obstructed, or molested in the performance of his duty under the internal-revenue laws, in any respect, the distiller shall forfeit the sum of one thousand dollars. And whenever any officer, having demanded admittance into a distillery or distillery premises, and having declared his name and office, is not admitted into such distillery or premises by the distiller or other person having charge thereof, it shall be lawful for such officer at all times, as well by night as by day, to break open by force any of the doors or windows, or to break through any of the walls of such distillery or premises necessary to be broken open or through, to enable him to enter the said distillery or premises; and the distiller shall forfeit the sum of one thousand dollars.

Penalty for obstructing officer.

SEC. 3277. On the demand of any internal-revenue officer, every distiller or rectifier shall furnish strong, safe, and convenient ladders of sufficient length to enable the officer to examine and gauge any vessel or utensil in such distillery or premises; and shall, at all times when required, supply all assistance, lights, ladders, tools, staging, or other things necessary for inspecting the premises, stock, tools, and apparatus belonging to such person, and shall open all doors, and open for examination all boxes, packages, and all casks, barrels, and other vessels not under the control of the revenue officer in charge, under a penalty of five hundred dollars for every refusal or neglect so to do.

Distillers and rectifiers to furnish facilities for examination; penalty for neglect.

20 July, 1868, c. 186, s. 33, v. 15, p. 139.

SEC. 3278. It shall be lawful for any revenue officer, and any person acting in his aid, to break up the ground on any part of a distillery, or premises of a distiller or rectifier, or any ground adjoining or near to such distillery or premises, or any wall or partition thereof, or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil; and, upon finding any such pipe or conveyance leading therefrom or thereto, to break up any ground, house, wall, or other place through or into which such pipe or other conveyance leads, and to break or cut away such pipe or other conveyance, and turn any cock, or to examine whether such pipe or other conveyance conveys or conceals any mash, wort, or beer, or other liquor, which may be used for the distillation of low-wines or spirits, from the sight or view of the officer, so as to prevent or hinder him from taking a true account thereof.

Officers to break up ground or walls in order to examine.

20 July, 1868, c. 186, s. 34, v. 15, p. 140.

SEC. 3279. Every person engaged in distilling or rectifying spirits, and every wholesale liquor-dealer, shall place and keep conspicuously on the outside of the place of such business a sign, exhibiting in plain and legible letters, not less than three inches in length, painted in oil-colors or gilded, and of a proper and proportionate width, the name or firm of the distiller, rectifier, or wholesale dealer, with the words: "Registered distillery," "rectifier of spirits," or "wholesale liquor-dealer," as the case may be. Every person who violates the foregoing provision by negligence or refusal, or otherwise, shall pay a penalty of five hundred dollars. And every person, other than a rectifier or wholesale liquor-dealer who has paid the special tax, or a distiller who has given bond as required by law, who puts up or keeps up the sign required by this section, or any sign indicating that he may lawfully carry on the business of a distiller, rectifier, or wholesale liquor-dealer, shall forfeit and pay one thousand dollars, and shall be imprisoned not less than one month nor more than six months. And every person who works in any distillery, rectifying establishment, or wholesale liquor-store, on which no sign is placed and kept, as hereinbefore provided; and every person who knowingly receives at, carries or conveys any distilled spirits to or from, any such distillery, rectifying establishment, warehouse, or store, or who knowingly carries and delivers any grain, molasses, or other raw material to any distillery on which such sign is not placed

Signs to be put up by distillers and rectifiers; penalty for neglect.

20 July, 1868, c. 186, s. 18, v. 15, p. 132.

Penalty for using false signs, &c.

and kept, shall forfeit all horses, carts, drays, wagons, or other vehicle or animal used in carrying or conveying such property aforesaid, and shall be fined not less than one hundred dollars nor more than one thousand dollars, or be imprisoned not less than one month nor more than six months.

Distillers not to carry on business until the law is complied with.

20 July, 1868, c. 186, s. 11, v. 15, p. 129.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

Carrying on distillery without giving bond, &c.; penalty.

20 July, 1868, c. 186, s. 44, v. 15, p. 142.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

U. S. vs. A Distillery, 2 Abb. U. S., 192.

Mash, wort, and vinegar.

20 July, 1868, c. 186, s. 4, v. 15, p. 126.

3 Mar., 1871, Res. 53, v. 16, p. 601.

No process for distilling between 11 p. m. of Saturday and 1 a. m. of Monday.

SEC. 3280. It shall not be lawful for any distiller to commence or to continue the business of distilling, until he has given the bond required by law, and complied with the provisions of law relating to the registration and survey of distilleries, and the arrangement and construction of distilleries and the premises connected therewith; nor shall it be lawful for any person to engage in the business of distilling on any premises distant less than six hundred feet in a direct line from any premises used for rectifying; nor shall the processes of distillation and rectification both be carried on within the distance of six hundred feet in a direct line.

SEC. 3281. Every person who carries on the business of a distiller without having given bond as required by law, or who engages in or carries on the business of a distiller with intent to defraud the United States of the tax on the spirits distilled by him, or of any part thereof, shall, for every such offense, be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than two years. And all distilled spirits or wines, and all stills or other apparatus fit or intended to be used for the distillation or rectification of spirits, or for the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the distillery or in any building, room, yard, or inclosure connected therewith, and used with or constituting a part of the premises, and all the right, title, and interest of such person in the lot or tract of land on which such distillery is situated, and all right, title, and interest therein of every person, who knowingly has suffered or permitted the business of a distiller to be there carried on, or has connived at the same; and all personal property owned by or in possession of any person who has permitted or suffered any building, yard, or inclosure, or any part thereof, to be used for purposes of ingress or egress to or from such distillery, which shall be found in any such building, yard, or inclosure, and all the right, title, and interest of every person in any premises used for ingress or egress to or from such distillery, who has knowingly suffered or permitted such premises to be used for such ingress or egress, shall be forfeited to the United States.

SEC. 3282. No mash, wort, or wash, fit for distillation or for the production of spirits or alcohol, shall be made or fermented in any building or on any premises other than a distillery duly authorized according to law; and no mash, wort, or wash so made and fermented shall be sold or removed from any distillery before being distilled; and no person, other than an authorized distiller, shall, by distillation, or by any other process, separate the alcoholic spirits from any fermented mash, wort, or wash; and no person shall use spirits or alcohol, or any vapor of alcoholic spirits, in manufacturing vinegar or any other article, or in any process of manufacture whatever, unless the spirits or alcohol so used shall have been produced in an authorized distillery and the tax thereon paid. Every person who violates any provision of this section shall be fined for each offense not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years: *Provided further*, That nothing in this section shall be construed to apply to fermented liquors, or to fermented liquids used for the manufacture of vinegar exclusively. But nothing herein contained shall be construed to authorize the distillation of such fermented liquids, except in an authorized distillery.

SEC. 3283. No malt, corn, grain, or other material shall be mashed, nor any mash, wort, or beer brewed or made, nor any still used by a distiller, at any time between the hour of eleven in the afternoon of any Saturday and the hour of one in the forenoon of the next succeeding

Monday; and every person who violates the provisions of this section shall be liable to a penalty of one thousand dollars.

20 July, 1863, c. 186, s. 35, v. 15, p. 140.

SEC. 3284. Every distiller or person employed in any distillery who, in the absence of the store-keeper, or person designated to act as store-keeper, uses, or causes or permits to be used, any material for the purpose of making mash, wort, or beer, or for the production of spirits, or removes any spirits, shall forfeit and pay double the amount of taxes on the spirits so produced, distilled, or removed, and in addition thereto be liable to a penalty of one thousand dollars.

Using material, or removing spirits in absence of store-keeper; penalty.

20 July, 1868, c. 186, s. 21, v. 15, p. 134.

SEC. 3285. Every fermenting-tub shall be emptied at the end of the fermenting period, and shall remain empty for twenty-four hours.

Emptying fermenting tubs.

20 July, 1868, c. 186, s. 19, v. 15, p. 133.

SEC. 3286. Whenever any officer requires the water contained in any worm-tub in a distillery, at any time when the still is not at work, to be drawn off, and the tub and worm cleansed, the water shall forthwith be drawn off, and the tub and worm cleansed by the distiller, or his workmen, accordingly; and the water shall be kept and continued out of such worm-tub for the period of two hours, or until the officer has finished his examination thereof. For any refusal or neglect to comply with any provision of this section, the distiller shall forfeit the sum of one thousand dollars; and it shall be lawful for the officer to draw off such water, or any portion of it, and to keep the same drawn off for so long a time as he shall think necessary.

Drawing off water, cleansing worm-tub, &c.

20 July, 1868, c. 186, s. 31, v. 15, p. 139.

SEC. 3287. All distilled spirits shall be drawn from the receiving-cisterns into casks, each of not less capacity than twenty gallons wine-measure, and shall thereupon be gauged, proved, and marked by an internal-revenue gauger, by cutting on the cask containing such spirits, in a manner to be prescribed by the Commissioner of Internal Revenue, the quantity in wine-gallons and in proof-gallons of the contents of such casks, and shall be immediately removed into the distillery warehouse, and the gauger shall, in presence of the store-keeper of the warehouse, place upon the head of the cask an engraved stamp, which shall be signed by the collector of the district and the store-keeper and gauger, and shall have written thereon the number of proof-gallons contained therein, the name of the distiller, the date of the receipt in the warehouse, and the serial number of each cask, in progressive order, as the same are received from the distillery. Such serial number for every distillery shall be in regular sequence of the serial number thereof, beginning with number one (No. 1) with the first cask deposited therein after July twenty, eighteen hundred and sixty-eight, and no two or more casks warehoused at the same distillery shall be marked with the same number. The said stamp shall be as follows:

Drawing off, gauging, &c., and removal of spirits to warehouse.

20 July, 1868, c. 186, s. 23, v. 15, p. 135.

Distillery-warehouse stamp No. —. Issued by —, collector, — district, State of —, distillery warehouse of — —, 18—. Cask No. —; contents — gallons proof-spirits.

_____,
United States Store-keeper.

Attest:

_____,
United States Gauger.

SEC. 3288. No distilled spirits on which the tax has been paid shall be stored or allowed to remain on any distillery premises, under the penalty of a forfeiture of all spirits so found.

Tax-paid spirits not to remain on distillery premises.

13 July, 1866, c. 184, s. 43, v. 14, p. 162.

SEC. 3289. All distilled spirits found in any cask or package containing five gallons or more, without having thereon each mark and stamp required therefor by law, shall be forfeited to the United States.

Forfeiture of un-stamped packages.

20 July, 1868, c. 186, s. 57, v. 15, p. 150. 6 June, 1872, c. 315, s. 12, v. 17, p. 243.—14 Int. Rev. Rec., 6.

Gauger employ-
ing distiller, &c.,
to use brands or
perform his duties;
penalty.

13 July, 1866, c.
184, s. 38, v. 14, p.
160.

Gauger's returns.

20 July, 1868, c.
186, s. 53, v. 15, p.
147.

24 Dec., 1872, c.
13, s. 1, v. 17, p. 401.

Fraudulent in-
spection, gauging,
&c.; penalty.

20 July, 1868, c.
186, s. 53, v. 15, p.
147.

Distiller's entry
of deposit in ware-
house.

20 July, 1868, c.
186, s. 23, v. 15, p.
135.

6 June, 1872, c.
315, s. 12, v. 17, p.
240.

SEC. 3200. Whenever any gauger employs any owner, agent, or super-
intendent of any distillery or distillery warehouse, or any person in the
service of such owner, agent, or superintendent, or any rectifier or
wholesale liquor-dealer, or any person in the service of such rectifier or
wholesale liquor-dealer, to use his brands, or to discharge any of the
duties imposed upon him by law, he shall, for each offense so committed,
pay a fine not exceeding one thousand dollars, in the discretion of the
court.

SEC. 3291. Every gauger shall, under such regulations as may be
prescribed by the Commissioner of Internal Revenue, make a daily
return to the collector of his district, giving a true account, in detail, of
all articles gauged and proved or inspected by him, and for whom, and
the number and kind of stamps used by him.

SEC. 3292. Every gauger who makes any false or fraudulent inspec-
tion, gauging, or proof shall pay a penalty of one thousand dollars, and
be fined not less than five hundred dollars nor more than five thousand
dollars, and imprisoned not less than three months nor more than three
years.

SEC. 3293. The distiller or owner of all spirits removed as aforesaid
to the distillery warehouse shall, on the first day of each month, or
within five days thereafter, enter the same for deposit in such ware-
house, under such regulations as the Commissioner of Internal Revenue
may prescribe. Said entry shall be in triplicate, and shall contain the
name of the person making the entry, the designation of the warehouse
in which the deposit is made, and the date thereof, and shall be in the
following form :

Entry for deposit in distillery warehouse.

Entry of distilled spirits deposited by _____, in distillery
warehouse _____, in the _____ district, State of _____, on the _____ day
of _____, anno Domini _____.

And the entry shall specify the kind of spirits, the whole number of
casks, the marks and serial numbers thereon, the number of gauge or
wine gallons and proof-gallons, and the amount of the tax on the spirits
contained in them; all of which shall be verified by the oath of the
distiller or owner of the same attached to the entry. The said distiller
or owner shall give his bond in duplicate, with one or more sureties,
satisfactory to the collector of the district, conditioned that the princi-
pal named in said bond shall pay the tax on the spirits as specified in
the entry, or cause the same to be paid, before removal from said dis-
tillery warehouse, and within one year from the date of said bond; and
the penal sum of such bond shall not be less than double the amount of
the tax on such distilled spirits. One of said entries shall be retained
in the office of the collector of the district, one sent to the store-keeper
in charge of the warehouse, to be retained and filed in the warehouse,
and one sent with duplicate of the bond to the Commissioner of Internal
Revenue, to be filed in his office.

SEC. 3294. Any distilled spirits may, on payment of the tax thereon,
be withdrawn from warehouse on application to the collector of the
district in charge of such warehouse, on making a withdrawal entry in
duplicate and in the following form :

ENTRY FOR WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE.

Tax paid.

Entry of distilled spirits to be withdrawn, on payment of the tax,
from _____ warehouse, by _____, deposited on the _____ day of _____,
anno Domini _____, by _____, in said warehouse.

And the entry shall specify the whole number of casks, with the

Withdrawal
from warehouse,
entry for.

20 July, 1868, c.
186, s. 24, v. 15, p.
136.

Bond for taxes.

marks and serial numbers thereon, the number of gauge or wine gallons, and of proof-gallons, and the amount of the tax on the distilled spirits contained in them, all of which shall be verified by the oath of the person making such entry; and on payment of the tax the collector shall issue his order to the store-keeper in charge of the warehouse for the delivery. One of said entries shall be filed in the office of the collector, and the other transmitted by him to the Commissioner of Internal Revenue.

SEC. 3295. Whenever an order is received from the collector for the removal from any distillery warehouse of any cask of distilled spirits on which tax has been paid, the gauger by whom the same is gauged and inspected shall, in presence of the store-keeper and before such cask has left the warehouse, place upon the head thereof, in such manner as to cover no portion of any brand or mark prescribed by law already placed thereon, a stamp, on which shall be engraved the number of proof-gallons contained in said cask on which the tax has been paid, and which shall state the serial number of the cask, the name of the person by whom the tax was paid, and the person to whom and the place where it is to be delivered. Said stamp shall be signed by the collector of the district, the store-keeper, and gauger, and shall be as follows:

Gauging, stamping, and branding spirits removed from warehouse.

20 July, 1868, c. 186, s. 25, v. 15, p. 136.

Tax-paid stamp, No. —.

Received _____, 18—, from _____ tax on _____ gallons proof-spirit, cask No. _____, _____ warehouse at _____, for delivery to _____, at _____.

Collector — District, State of _____.

Attest:

_____,
United States Store-keeper.

_____,
United States Gauger.

And at the time of affixing the tax-paid stamp the gauger shall, in the presence of the store-keeper, cut or burn upon each cask the name of the distiller, the district, the date of the payment of the tax, the number of proof-gallons, and the number of the stamp, which cutting or burning shall be erased when such cask is emptied, by cutting or burning a canceling-line across such marks or brands.

SEC. 3296. Whenever any person removes, or aids or abets in the removal of any distilled spirits on which the tax has not been paid, to a place other than the distillery warehouse provided by law, or conceals or aids in the concealment of any spirits so removed, or removes, or aids or abets in the removal of any distilled spirits from any distillery warehouse, or other warehouse for distilled spirits authorized by law, in any manner other than is provided by law, or conceals or aids in the concealment of any spirits so removed he shall be liable to a penalty of double the tax imposed on such distilled spirits so removed or concealed, and shall be fined not less than two hundred dollars nor more than five thousand dollars, and imprisoned not less than three months nor more than three years.

Removal, concealment, &c., of spirits contrary to law; penalty.

20 July, 1868, c. 186, s. 36, v. 15, p. 140.

SEC. 3297. The Secretary of the Treasury is authorized to grant permits to any incorporated or chartered scientific institution or college of learning to withdraw alcohol in specified quantities from bond without payment of the internal-revenue tax on the same, or on the spirits from which the alcohol has been distilled, for the sole purpose of preserving specimens of anatomy, physiology, or natural history belonging to such institution, or for use in its chemical laboratory: *Provided*, That application for permits shall be made by the president or curator of such institution, who shall file a bond for double the amount of the tax on the alcohol to be withdrawn, with two good and sufficient sureties, to be

Alcohol withdrawn for scientific purposes.

21 Feb., 1873, c. 173, v. 17, p. 468.

approved by the Commissioner of Internal Revenue, and conditioned that the whole quantity of alcohol so withdrawn from bond shall be used for the purposes above specified, and for no other, and that the said president or curator shall comply with such other requirements and regulations as the Secretary of the Treasury may prescribe. And if any alcohol so obtained is used by any officer, as aforesaid, of such institution for any purposes other than that above specified, then the said officer or sureties shall pay the tax on the whole amount of alcohol withdrawn from bond, together with a like amount as a penalty in addition thereto.

Power of officers to detain packages on suspicion.

20 July, 1868, c. 186, s. 41, v. 15, p. 141.

SEC. 3298. It shall be lawful for any internal-revenue officer to detain any cask or package containing, or supposed to contain, distilled spirits, when he has reason to believe that the tax imposed by law upon the same has not been paid, or that the same is being removed in violation of law; and every such cask or package may be held by him at a safe place until it shall be determined whether the property so detained is liable by law to be proceeded against for forfeiture; but such summary detention shall not continue in any case longer than forty-eight hours without process of law or intervention of the officer to whom such detention is to be reported.

Forfeiture of spirits unlawfully removed from distillery.

20 July, 1868, c. 186, s. 36, v. 15, p. 140.—The Distilled Spirits, 11 Wall., 356; U. S. vs. Blaisdell, 9 Int. Rev. Rec., 62.

SEC. 3299. All distilled spirits found elsewhere than in a distillery or distilling warehouse, not having been removed therefrom according to law, shall be forfeited to the United States.

Store-keeper unlawfully removing or allowing to be removed, &c.

20 July, 1868, c. 186, s. 52, v. 15, p. 147.

SEC. 3300. Whenever any store-keeper or other person in the employment of the United States, having charge of a bonded warehouse, removes or allows to be removed therefrom any cask or other package, without an order or permit of the collector, or which has not been marked or stamped in the manner required by law; or removes or allows to be removed any part of the contents of any cask or package deposited therein, he shall be immediately dismissed from office or employment, and be fined not less than five hundred dollars nor more than two thousand dollars, and imprisoned not less than three months nor more than two years.

Store-keepers' warehouse-books and returns.

Ibid.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

SEC. 3301. Every store-keeper shall keep a warehouse-book, which shall at all times be open to the examination of any revenue officer, and shall enter therein an account of all articles deposited in the warehouse to which he is assigned, indicating in each case the date of deposit, by whom manufactured or produced, the number and description of the packages and contents, the quantities therein, the marks and serial numbers thereon, and by whom gauged, inspected, or weighed, and if distilled spirits, the number of gauge or wine gallons and of proof-gallons; and before delivering any article from the warehouse he shall enter in said book the date of the permit or order of the collector for the delivery of such articles, the number and description of the packages, the marks and serial numbers thereon, the date of delivery, to whom delivered, and for what purpose, which purpose shall be specified in the permit or order for delivery; and in case of delivery of any distilled spirits the number of gauge or wine gallons, and of proof-gallons, shall also be stated; and such further particulars shall be entered in the warehouse-books as may be prescribed or found necessary for the identification of the packages, to insure the correct delivery thereof and proper accountability therefor. And every store-keeper shall furnish daily to the collector of the district a return of all articles received in and delivered from the warehouse during the day preceding that on which the return is made, and mail at the same time a copy thereof to the Commissioner of Internal Revenue, and shall, on the first Monday of every month, make a report in duplicate of the number of packages of all articles, with the respective descriptions thereof, as above provided, which remained in the warehouse at the date of his last report, of all articles received therein and delivered therefrom during the preceding month, and of articles remaining therein

at the end of said month. He shall deliver one of these reports to the collector having control of the warehouse, to be recorded and filed in his office, and transmit one to the Commissioner of Internal Revenue, to be recorded and filed in his office.

SEC. 3302. The store-keeper assigned to any distillery warehouse shall, in addition to the duties required of him as store-keeper in charge of a warehouse, keep in a book to be provided for that purpose, and in the manner prescribed by the Commissioner of Internal Revenue, a daily account of all the meal and vegetable productions or other substances brought into said distillery, or on said premises, to be used for the purpose of producing spirits, from whom purchased, and when delivered at said distillery; of the kind and quantity of all fuel used, and from whom purchased; of all repairs made on said distillery, and by whom and when made; of the names and places of residence of all persons employed in or about the distillery; of the materials put into the mash-tub or otherwise used for the production of spirits; of the time when any fermenting-tub is emptied of ripe mash or beer, recording the same by the number painted on said tub; and of all spirits drawn off from the receiving-cistern, and the time when the same were drawn off.

SEC. 3303. Every person who makes or distills spirits, or owns any still, boiler, or other vessel used for the purpose of distilling spirits, or who has such still, boiler, or other vessel so used under his superintendence, either as agent or owner, or who uses any such still, boiler, or other vessel, shall from day to day make, or cause to be made, in a book or books, to be kept by him in such form as the Commissioner of Internal Revenue may prescribe, a true and exact entry of the kind of materials, and the quantity in pounds, bushels, or gallons purchased by him for the production of spirits, from whom and when purchased, and by what conveyance delivered at said distillery, the amount paid therefor, the kind and quantity of fuel purchased for use in the distillery, and from whom purchased, the amount paid for ice or water for use in the distillery, the repairs placed on said distillery or distilling-apparatus, the cost thereof, and by whom and when made, and of the name and residence of each person employed in or about the distillery, and in what capacity employed. And in another book he shall make like entry of the quantity of grain or other material used for the production of spirits, the time of day when any yeast or other composition is put into any mash or beer for the purpose of exciting fermentation, the quantity of mash in each tub, designating the same by the number of the tub, the number of dry inches, that is to say, the number of inches between the top of each tub and the surface of the mash or beer therein at the time of yeasting, the gravity and temperature of the beer at the time of yeasting, and on every day thereafter its quantity, gravity, and temperature at the hour of twelve meridian; also, of the time when any fermenting-tub is emptied of ripe mash or beer, the number of gallons of spirits distilled, the number of gallons placed in the warehouse, and the proof thereof, the number of gallons sold or removed, with the proof thereof, and the name, place of business, and residence of the person to whom sold.

SEC. 3304. The books of every distiller hereinbefore required shall always be kept at the distillery and be always open to the inspection of any revenue officer, and, when filled up, shall be preserved by the distiller for a period of not less than two years thereafter, and whenever required shall be produced for the inspection of any revenue officer.

SEC. 3305. Whenever any false entry is made in, or any entry required to be made is omitted from, either of the said books mentioned in the two preceding sections, with intent to defraud or to conceal from the revenue officers any fact or particular required to be stated and entered in either of said books, or to mislead in reference thereto; or any distiller as aforesaid omits or refuses to provide either of said books, or cancels, obliterates, or destroys any part of either of such books, or any entry therein, with intent to defraud, or permits the same to be done, or

Store-keepers to have charge of distillery and keep account of materials used, &c.

Ibid., s. 21, p. 134.

Distillers' books, entries to be made.

Ibid., s. 19, p. 132.

Books to be open to inspection and preserved two years.

Ibid., s. 19, p. 133.

False entries, omitting to keep or produce books; penalty.

Ibid.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

such books, or either of them, are not produced when required by any revenue officer, the distillery, distilling-apparatus, and the lot or tract of land on which it stands, and all personal property on said premises used in the business there carried on, shall be forfeited to the United States. And every person who makes such false entry, or omits to make any entry hereinbefore required to be made, with the intent aforesaid, or who causes or procures the same to be done, or fraudulently cancels, obliterates, or destroys any part of said books, or any entry therein, or willfully fails to produce such books, or either of them, shall be fined not less than five hundred dollars, nor more than five thousand dollars, and imprisoned not less than six months, nor more than two years.

Using false weights or measures; penalty.

20 July, 1868, c. 186, s. 40, v. 15, p. 141.

Using unregistered materials; penalty.

Ibid.

Distillers' returns of production to collector.

Ibid., s. 19, p. 133.
6 June, 1872, c. 315, s. 12, v. 17, p. 240.

24 Dec., 1872, c. 13, s. 6, v. 17, p. 403.

Distillers' returns of the number of barrels distilled.

20 July, 1868, c. 186, s. 59, v. 15, p. 150.

6 June, 1872, c.

Monthly examination of distiller's return, &c.

6 June, 1872, c. 315, s. 13, v. 17, p. 243.

20 July, 1868, c. 186, s. 20, v. 15, p. 133.

10 April, 1869, c. 18, s. 1, v. 16, p. 42.

The Collector vs. Beggs, 17 Wall., 182; Dandelest vs. Smith, 18 Wall., 642; U. S. vs. Nissley, 1 Dill., 586.

SEC. 3306. Every person who knowingly uses any false weights or measures in ascertaining, weighing, or measuring the quantities of grain, meal, or vegetable materials, molasses, beer, or other substances to be used for distillation, shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than one year nor more than three years. Any person who uses any molasses, beer, or other substance, whether fermented on the premises or elsewhere, for the purpose of producing spirits, before an account of the same is registered in the proper book provided for that purpose, shall forfeit and pay the sum of one thousand dollars for each offense so committed.

SEC. 3307. On the first day of each month, or within five days thereafter, every distiller shall render to the collector of the district an account in duplicate, taken from his books, stating the quantity and kind of materials used for the production of spirits each day, and the number of wine-gallons and of proof-gallons of spirits produced and placed in warehouse. And the distiller or the principal manager of the distillery shall make and subscribe the following oath, to be attached to said return: "I, _____, distiller (or principal manager, as the case may be) of the distillery at _____, do solemnly swear that, since the date of the last return of the business of said distillery, dated _____ day of _____ to _____ day of _____, both inclusive, there was produced in said distillery, and withdrawn and placed in warehouse, the number of wine-gallons and proof-gallons of spirits; and there were actually mashed and used in said distillery, and consumed in the production of spirits therein, the several quantities of grain, sugar, molasses, and other materials respectively hereinbefore specified, and no more." One of the said duplicate returns shall be transmitted by the collector to the Commissioner of Internal Revenue.

SEC. 3308. Every distiller shall make a return of the number of barrels of spirits distilled by him, counting forty gallons of proof-spirits to the barrel, whenever such return is demanded by the collector of the district.

315, s. 13, v. 17, p. 244.

SEC. 3309. On the receipt of the distiller's return in each month, the Commissioner of Internal Revenue shall inquire and determine whether the distiller has accounted for all the grain or molasses used, and all the spirits produced by him in the preceding month. If he is satisfied that the distiller has reported all the spirits produced by him, and the quantity so reported is found to be less than eighty per centum of the producing-capacity of the distillery as estimated according to law, he shall make an assessment for such deficiency at the rate of seventy cents for every proof-gallon. In determining the quantity of grain used, fifty-six pounds shall be accounted as a bushel; and if the Commissioner finds that the distiller has used any grain or molasses in excess of the capacity of his distillery as estimated according to law, he shall make an assessment against the distiller at the rate of seventy cents for every proof-gallon of spirits that should have been produced from the grain or molasses so used in excess, which assessment shall be made whether the quantity of spirits reported is equal to or exceeds eighty per centum of the producing-capacity of the distillery. If the Commissioner finds that the distiller has not accounted for all the spirits produced by him, he

shall, from all the evidence he can obtain, determine what quantity of spirits was actually produced by such distiller, and an assessment shall be made for the difference between the quantity reported and the quantity shown to have been actually produced, at the rate of seventy cents for every proof-gallon: *Provided*, That the actual product shall be assumed to be in no case less than eighty per centum of the producing-capacity of the distillery as estimated according to law. All assessments made under this section shall be a lien on all distilled spirits on the distillery premises, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the tract of land whereon the said distillery is located, and any building thereon, from the time such assessment is made until the same shall have been paid.

SEC. 3310. Every distiller, at the hour of twelve meridian, on the third day after that on which his bond is approved, shall be deemed to have commenced, and thereafter to be continuously engaged in, the production of distilled spirits in his distillery, except in the intervals when he shall suspend work as hereinafter provided. Any distiller desiring to suspend work in his distillery may give notice in writing to the collector of the district, stating when he will suspend work; and on the day mentioned in said notice said collector or one of his deputies shall, at the expense of the distiller, proceed to fasten securely the door of every furnace of every still or boiler in said distillery, by locks and otherwise, and shall adopt such other means as the Commissioner of Internal Revenue may prescribe to prevent the lighting of any fire in such furnace or under such stills or boilers. The locks and seals, and other materials required for such purpose, shall be furnished to the collector by the Commissioner of Internal Revenue, to be duly accounted for by said collector. Such notice by any distiller, and the action taken by the collector in pursuance thereof, shall be immediately transmitted to the Commissioner of Internal Revenue. No distiller, after having given such notice, shall, after the time stated therein, carry on the business of a distiller on said premises until he gives another notice in writing to said collector, stating the time when he will resume work; and at the time so stated for resuming work the collector or one of his deputies shall attend at the distillery to remove said locks and other fastenings; and thereupon, and not before, work may be resumed in said distillery, which fact shall be immediately reported to the collector of the district, and by him transmitted to the Commissioner of Internal Revenue. Every distiller who, after the time fixed in said notice declaring his intention to suspend work, carries on the business of a distiller on said premises, or has mash, wort, or beer in his distillery, or on any premises connected therewith, or has in his possession or under his control any mash, wort, or beer, with intent to distill the same on said premises, shall incur the forfeitures and be subject to the same punishment as provided for persons who carry on the business of a distiller without having given the bonds required by law. But nothing in this section shall be held to apply to suspensions caused by unavoidable accident; and the Commissioner of Internal Revenue shall prescribe regulations to govern such cases of involuntary suspension.

SEC. 3311. Whenever any distiller desires to reduce the producing-capacity of his distillery, he shall give notice of such intention, in writing, to the collector, stating the quantity of spirits which he desires thereafter to manufacture or produce every twenty-four hours, and thereupon said collector shall proceed, at the expense of the distiller, to reduce and limit the producing-capacity of the distillery to the quantity stated in said notice, by placing upon a sufficient number of the fermenting-tubs close-fitting covers, which shall be securely fastened by nails, seals, and otherwise, and in such manner as to prevent the use of such tubs without removing said covers or breaking said seals, and shall adopt such other precautions as may be prescribed by the Commissioner of Internal Revenue to reduce the capacity of said distillery. And every person who breaks, injures, or in any manner tampers with

When distilling deemed commenced; suspension of work; penalties.

20 July, 1868, c. 186, s. 22, v. 15, p. 134.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Reduction of capacity; penalty.

20 July, 1868, c. 186, s. 30, v. 15, p. 138.

24 Dec., 1872, c. 13, v. 17, p. 401.

any lock, seal, or other fastening applied to any furnace, still, or fermenting-tub, or other vessel, in pursuance of the provisions of law, or who opens or attempts to open any door, tub, or other vessel, which is locked or sealed, or otherwise closed or fastened as herein provided, or who uses any furnace, still, or fermenting-tub, or other vessel, which is so locked, sealed, or fastened, shall be deemed guilty of a felony, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned for not less than one year nor more than three years.

Stamps, how prepared and issued.

20 July, 1868, c. 186, s. 26, v. 15, p. 137.
24 Dec., 1872, c. 13, s. 3, v. 17, p. 402.

SEC. 3312. All stamps required for distilled spirits shall be engraved in their several kinds in book-form, and shall be issued by the Commissioner of Internal Revenue to any collector, upon his requisition, in such numbers as may be necessary in the several districts. Each stamp shall have an engraved stub attached thereto, with a number thereon corresponding with an engraved number on the stamp, and the stub shall not be removed from the book. And there shall be entered on each stub such memoranda of the contents of its corresponding stamp as shall be necessary to preserve a perfect record of the use of such stamp when detached.

Stamps, form of, how used.

20 July, 1868, c. 186, s. 27, v. 15, p. 137.
6 June, 1872, c. 315, s. 12, v. 17, p. 240.

SEC. 3313. On every stamp for the payment of tax on distilled spirits there shall be engraved words and figures representing a decimal number of gallons, and on the stub corresponding to such stamp there shall be engraved a similar number of gallons, and between the stamp and the stub, and connecting them, shall be engraved nine coupons, which, beginning next to the stamp, shall indicate in succession the several numbers of gallons between the number named in the stamp and the decimal number next above. And whenever any collector receives the tax on the distilled spirits contained in any cask, he shall detach from the book a stamp representing the denominate quantity nearest to the quantity of proof-spirits in such cask, as shown by the gauger's return, with such number of the coupons attached thereto as shall be necessary to make up the whole number of proof-gallons in said cask; and any fractional part of a gallon amounting to one-half gallon or over in addition to the number of full gallons shall be regarded as a full gallon, and any fractional part of a gallon less than one-half gallon in any cask or package shall be exempt from tax. All unused coupons shall remain attached to the marginal stub, and no coupon shall have any value or significance when detached from the stamp and stub. And the tax-paid stamps with the coupons may denote such number of gallons, not less than twenty, as the Commissioner of Internal Revenue may deem advisable.

Accountability for stamp-books.

20 July, 1868, c. 186, s. 28, v. 15, p. 138.
6 June, 1872, c. 315, s. 12, v. 17, p. 240.
24 Dec., 1872, c. 13, s. 6, v. 17, p. 403.

SEC. 3314. The books of tax-paid stamps issued to any collector shall be charged to his account at the full value of the tax on the number of gallons represented on the stamps and coupons contained in said books; and every collector shall make a monthly return to the Commissioner of Internal Revenue of all tax-paid stamps issued by him to be affixed to any cask or package containing distilled spirits on which the tax has been paid, and account for the amount of the tax collected; and when the said collector returns to the Commissioner of Internal Revenue any book of marginal stubs, which it shall be his duty to do as soon as all the stamps contained in the book when issued to him have been used, and accounts for the tax on the number of gallons represented on the stamps and coupons that were contained in said book, there shall be allowed to the collector a commission of one-half of one per centum on the amount of such tax, in addition to any other commission by law allowed: *Provided*, That the total net compensation of collectors, as fixed by this Title, shall not be thereby increased. All stamps relating to distilled spirits, other than the tax-paid stamps, shall be charged to collectors as representing the value of ten cents for each stamp; and the books containing such stamps may be intrusted by any collector to the gauger of the district, who shall make a daily report to the collector of all such stamps used by him and for whom used, and from

these reports the Commissioner of Internal Revenue shall assess the person for whom they were used; and the collector shall thereupon collect the amount due for such stamps, at the rate of ten cents for each stamp issued during the month; and when all the stamps contained in any such book have been issued, the gauger of the district shall return the book to the collector, with all the marginal stubs therein.

SEC. 3315. The Commissioner of Internal Revenue may, under regulations prescribed by him with the approval of the Secretary of the Treasury, issue tax-paid stamps for restamping distilled spirits upon which the tax shall have been paid, but from which the stamps have been lost or destroyed by unavoidable accident.

SEC. 3316. Whenever any revenue officer affixes or cancels, or causes or permits to be affixed or canceled, any stamp relating to distilled spirits provided for by law, in any other manner or in any other place, or issues the same to any other person than as provided by law, or by regulation made in pursuance thereof, or knowingly affixes, or permits to be affixed, any such stamp to any cask or package of spirits of which the whole or any part has been distilled, rectified, compounded, removed, or sold, in violation of law, or which has in any manner escaped payment of tax due thereon, he shall, for every such offense, be fined not less than five hundred dollars nor more than three thousand dollars, and be imprisoned for not less than six months nor more than three years.

SEC. 3317. Every rectifier of distilled spirits shall make a return of the quantity and proof of all the spirits purchased, and of the number of barrels of spirits, counting forty gallons of proof-spirits to the barrel, rectified, purified, or refined by him, whenever such return is demanded by the collector of his district.

6 June, 1872, c. 315, s. 13, v. 17, p. 244. 30 June, 1864, c. 173, s. 17, v. 1872, c. 13, s. 1, v. 17, p. 401.

SEC. 3318. Every rectifier and wholesale liquor-dealer shall provide a book, to be prepared and kept in such form as may be prescribed by the Commissioner of Internal Revenue, and shall, on the same day on which he receives any foreign or domestic spirits, and before he draws off any part thereof, or adds water or anything thereto, or in any respect alters the same, enter in such book, and in the proper columns respectively prepared for the purpose, the date when, the name of the person or firm from whom, and the place whence the spirits were received, by whom distilled, rectified, or compounded, and when and by whom inspected, and, if in the original package, the serial number of each package, the number of wine-gallons and proof-gallons, the kind of spirit, and the number and kind of adhesive stamps thereon. And every such rectifier and wholesale dealer shall, at the time of sending out of his stock or possession any spirits, and before the same are removed from his premises, enter in like manner in the said book the day when and the name and place of business of the person or firm to whom such spirits are to be sent, the quantity and kind or quality of such spirits, the number of gallons and fractions of a gallon at proof, and, if in the original packages in which they were received, the name of the distiller and the serial number of the package. Every such book shall be at all times kept in some public or open place on the premises of such rectifier or wholesale dealer for inspection, and any revenue officer may examine it and take an abstract therefrom; and when it has been filled up as aforesaid, it shall be preserved by such rectifier or wholesale liquor-dealer for a period not less than two years; and during such time it shall be produced by him to every revenue officer demanding it. And whenever any rectifier or wholesale liquor-dealer refuses or neglects to provide such book, or to make entries therein as aforesaid, or cancels, alters, obliterates, or destroys any part of such book, or any entry therein, or makes any false entry therein, or hinders or obstructs any revenue officer from examining such book, or making any entry therein, or taking

Restamping tax-paid spirits when stamps lost or destroyed.

6 June, 1872, c. 315, s. 15, v. 17, p. 245.

Officer using, or issuing, or permitting use of stamps, contrary to law; penalty.

20 July, 1868, c. 186, s. 29, v. 15, p. 138.

Rectifier's returns.

20 July, 1868, c. 186, s. 59, v. 15, p. 151.

13, p. 228. 24 Dec.,

Books to be kept by rectifiers and wholesale dealers; penalty.

20 July, 1868, c. 186, s. 45, v. 15, p. 143.

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any abstract therefrom; or whenever such book is not preserved or is not produced by any rectifier or wholesale liquor-dealer as hereinbefore directed, he shall pay a penalty of one hundred dollars, and shall be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned not less than three months nor more than three years.

Purchase of quantities greater than twenty gallons from one person, &c.

Ibid., s. 46, p. 144.
14 July, 1870, c. 255, s. 1, v. 16, p. 256.

Gauging, inspection, and stamping of rectified spirits.

20 July, 1868, c. 166, ss. 25, 57, v. 15, pp. 136, 149.
6 June, 1872, c. 315, s. 12, v. 17, p. 243.

SEC. 3319. It shall not be lawful for any rectifier of distilled spirits, or wholesale or retail liquor-dealer, to purchase or receive any distilled spirits in quantities greater than twenty gallons from any person other than an authorized rectifier of distilled spirits, distiller, or wholesale liquor-dealer. Every person who violates this section shall forfeit and pay one thousand dollars: *Provided*, That this provision shall not be held to apply to judicial sales, or to sales at public auction made by an auctioneer.

SEC. 3320. Whenever any cask or package of rectified spirits containing five wine-gallons or more is filled for shipment, sale, or delivery, on the premises of any rectifier who has paid the special tax required by law, it shall be the duty of the United States gauger to gauge and inspect the same, and to place thereon an engraved stamp, signed by the collector of the district and the said gauger, which shall state the date when affixed, and the number of proof-gallons, and shall be as follows:

Stamp for rectified spirits, No. —.

Issued by _____, collector _____ district, State of _____,
_____, rectifier in the _____ district, State of _____,
_____, 18—, _____ proof-gallons.

_____,
United States Gauger.

Gauging, inspecting, and stamping spirits on premises of wholesale dealer.

20 July, 1868, c. 166, ss. 25, 57, v. 15, pp. 137, 149.
6 June, 1872, c. 315, s. 12, v. 17, p. 243.

SEC. 3321. Whenever any cask or package of distilled spirits of not less than five wine-gallons is filled for shipment, sale, or delivery, on the premises of any wholesale liquor-dealer, it shall be the duty of a United States gauger to gauge and inspect the same, and place thereon an engraved stamp signed by the collector of the district and the said gauger, stating the name of the dealer, the date when affixed, and the number of proof-gallons; which stamp shall be as follows:

Wholesale liquor-dealer's stamp, No. —.

Issued by _____, collector _____ district, State of _____,
_____, wholesale liquor-dealer, of _____, _____ district, State
of _____, _____, 18—, _____ proof-gallons.

_____,
United States Gauger, _____ District, State of _____.

Filling blanks and affixing and protecting stamps.

20 July, 1868, c. 166, s. 25, v. 15, p. 137.

SEC. 3322. All blanks in any of the forms prescribed in the preceding sections shall be duly filled in accordance with the facts in each case. And the stamps therein designated shall in every case be affixed to a smooth surface of the cask or other package, which surface shall not have been previously painted or covered with any substance, and so as to fasten the same securely to the cask or package, and shall be duly canceled, and shall then be immediately covered with a coating of transparent varnish or other substance, so as to protect them from removal or damage by exposure; and such affixing, cancellation, and covering shall be done in such manner as the Commissioner of Internal Revenue may by regulation prescribe.

Spirits drawn into new packages to be gauged and branded. Forfeiture.

Ibid., s. 47, p. 144.

SEC. 3323. All distilled spirits drawn from any cask or package and placed in any other cask or package containing not less than ten gallons, and intended for sale, shall be again inspected and gauged; and the cask or package into which it is so transferred shall be marked or branded, and such marking or branding shall distinctly indicate the name of the gauger, the time and place of inspection, the proof of the spirits, the par-

ticular name of such spirits as known to the trade, and the name and place of business of the dealer or rectifier, as the case may be; and, except where such spirits have been rectified or compounded, the name also of the distiller and the distillery where such spirits were produced, and the serial number of the original cask or package; and where such spirits have been rectified, the name of the rectifier, and the serial number of the rectifier's stamp; and the absence of such mark or brand shall be held as sufficient cause and evidence for the forfeiture of such unmarked packages of spirits.

SEC. 3324. Every person who empties or draws off, or causes to be emptied or drawn off, any distilled spirits from a cask or package bearing any mark, brand, or stamp required by law, shall, at the time of emptying such cask or package, efface and obliterate said mark, stamp, or brand. Every such cask or package from which said mark, brand, or stamp is not effaced and obliterated as herein required, shall be forfeited to the United States, and may be seized by any officer of internal revenue wherever found. And every railroad company or other transportation company, or person who receives or transports, or has in possession with intent to transport, or with intent to cause or procure to be transported, any such empty cask or package, or any part thereof, having thereon any brand, mark, or stamp, required by law to be placed on any cask or package containing distilled spirits, shall forfeit three hundred dollars for each such cask or package, or any part thereof, so received or transported, or had in possession with the intent aforesaid; and every boat, railroad-car, cart, dray, wagon, or other vehicle, and all horses and other animals used in carrying or transporting the same, shall be forfeited to the United States. Every person who fails to efface and obliterate said mark, stamp, or brand, at the time of emptying such cask or package, or who receives any such cask or package, or any part thereof, with the intent aforesaid, or who transports the same, or knowingly aids or assists therein, or who removes any stamp provided by law from any cask or package containing, or which had contained, distilled spirits, without defacing and destroying the same at the time of such removal, or who aids or assists therein, or who has in his possession any such stamp so removed as aforesaid, or has in his possession any canceled stamp, or any stamp which has been used, or which purports to have been used, upon any cask or package of distilled spirits, shall be deemed guilty of a felony, and shall be fined not less than five hundred dollars nor more than ten thousand dollars, and imprisoned not less than one year nor more than five years.

SEC. 3325. Whenever any person knowingly purchases or sells, with inspection-marks thereon, any cask or package, after the same has been used for distilled spirits, he shall forfeit and pay the sum of two hundred dollars for every such cask so purchased or sold.

SEC. 3326. Whenever any person changes or alters any stamp, mark, or brand on any cask or package containing distilled spirits, or puts into any cask or package spirits of greater strength than is indicated by the inspection-mark thereon, or fraudulently uses any cask or package having any inspection-mark or stamp thereon, for the purpose of selling other spirits, or spirits of quantity or quality different from the spirits previously inspected therein, he shall forfeit and pay the sum of two hundred dollars for every cask or package on which the stamp or mark is so changed or altered, or which is so fraudulently used, and shall be fined for each such offense not less than one hundred dollars nor more than one thousand dollars, and imprisoned not less than one month nor more than one year.

SEC. 3327. No person shall remove any distilled spirits at any other time than after sun-rising and before sun-setting in any cask or package containing more than ten gallons from any premises or building in which the same may have been distilled, redistilled, rectified, compounded, manufactured, or stored; and every person who violates this provision

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

Stamps and brands to be effaced from empty casks.

20 July, 1868, c. 186, s. 43, v. 15, p. 142.

Penalties for omitting to efface, and for transportation in violation of law.

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Buying or selling spirit casks having inspection-marks.

13 July, 1866, c. 184, s. 38, v. 14, p. 160.

Changing stamps, shifting spirits, &c.; penalty.

20 July, 1868, c. 186, s. 39, v. 15, p. 141.

Removal within certain hours from distillery or rectifier's premises.

Ibid., s. 37, p. 141.

shall be liable to a penalty of one hundred dollars for each cask, barrel, or package of spirits so removed; and said spirits, together with any vessel containing the same, and any horse, cart, boat, or other conveyance used in the removal thereof, shall be forfeited to the United States.

**Tax on imitations
of wines; how paid.**

6 June, 1872, c.
315, s. 12, v. 17, p.
240.

20 July, 1868, c.
186, s. 46, v. 15, p.
144.

SEC. 3328. On all wines, liquors, or compounds known or denominated as wine, and made in imitation of sparkling wine or champagne, but not made from grapes grown in the United States, and on all liquors, not made from grapes, currants, rhubarb, or berries grown in the United States, but produced by being rectified or mixed with distilled spirits or by the infusion of any matter in spirits, to be sold as wine, or as a substitute for wine, there shall be levied and collected a tax of ten cents per bottle or package containing not more than one pint, or of twenty cents per bottle or package containing more than one pint and not more than one quart, and at the same rate for any larger quantity of such merchandise, however the same may be put up, or whatever may be the package. The Commissioner of Internal Revenue shall cause to be prepared suitable and special stamps denoting the tax herein imposed, to be affixed to each bottle or package containing such merchandise, by the person manufacturing, compounding, or putting up the same, before removal from the place of manufacture, compounding, or putting up; and said stamps shall be affixed and canceled in such manner as the Commissioner may prescribe; and the absence of such stamp from any bottle or package containing such merchandise shall be prima-facie evidence that the tax thereon has not been paid, and such merchandise shall be forfeited to the United States. Any person counterfeiting, altering, or reusing said stamps shall be subject to the same penalties as are imposed for the same offenses in relation to proprietary stamps.

**Drawback on
distilled spirits.**

6 June, 1872, c.
315, s. 12, v. 17, p.
241.

20 July, 1868, c.
186, s. 54, v. 15, p.
147.

SEC. 3329. Distilled spirits upon which all taxes have been paid may be exported, with the privilege of drawback, in quantities of not less than one thousand gallons, and in distillers' original casks, containing not less than twenty wine-gallons each, on application of the owner thereof to the collector of customs at any port of entry, and under such rules and regulations, and after making such entry as may be prescribed by law and by the Secretary of the Treasury. The entry for such exportation shall be in triplicate, and shall contain the name of the person applying to export, the name of the distiller, the name of the district in which the spirits were distilled, the name of the vessel by which, and the name of the port to which, they are to be exported; and the form of the entry shall be as follows:

Export entry of distilled spirits entitled to drawback.

Entry of spirits distilled by _____, in _____ district, State of _____, to be exported by _____, in the _____, whereof _____ is master, bound to _____.

And the entry shall specify the whole number of casks or packages, the marks and serial numbers thereon, the quality or kind of spirits as known in commerce, the number of gauge or wine gallons and of proof-gallons; and the amount of the tax on such spirits shall be verified by the oath of the owner of the spirits, and that the tax has been paid thereon, and that they are truly intended to be exported to the port of _____, and not to be relanded within the limits of the United States. One bill of lading, duly signed by the master of the vessel, shall be deposited with said collector, to be filed at his office with the entry retained by him. One of said entries shall be, when the shipment is completed, transmitted to the Secretary of the Treasury, to be recorded and filed in his office. The lading on board said vessel shall be only after the receipt of an order or permit signed by the collector of customs and directed to a customs gauger, and after each cask or package shall have been distinctly marked or branded by said gauger as follows: "For export from U. S. A.," and the tax-paid stamps thereon obliterated.

The casks or packages shall be inspected and gauged alongside of or on the vessel by the gauger designated by said collector, under such rules and regulations as the Secretary of the Treasury may prescribe; and on application of the said collector it shall be the duty of the surveyor of the port to designate and direct one of the custom-house inspectors to superintend such shipment. And the gauger aforesaid shall make a full return of such inspection and gauging in such form as may be prescribed by the Secretary of the Treasury, showing by whom each cask of such spirits was distilled, the serial number of the cask, and of the tax-paid stamp attached thereto, the proof and quantity of such spirits as per the original gauge-mark on each cask, and the quantity in proof and wine gallons as per the gauge then made by him. And said gauger shall certify on such return that the shipment has been made, in his presence, on board the vessel named in the entry for export, which return shall be indorsed by said custom-house inspector certifying that the casks or packages have been shipped under his supervision on board said vessel, and the tax-paid stamps obliterated; and the said inspector shall make a similar certificate to the surveyor of the port, indorsed on or to be attached to the entry in possession of the custom-house. A drawback shall be allowed upon distilled spirits on which the tax has been paid and exported to foreign countries, under the provisions of this act, when exported as herein provided for. The drawback allowed shall include the taxes levied and paid upon the distilled spirits exported, at the rate of seventy cents per proof-gallon, as per last gauge of said spirits prior to exportation, and shall be due and payable only after the proper entries have been made and filed, and all other conditions complied with as hereinbefore required, and on filing with the Secretary of the Treasury the proper claim, accompanied by the certificate of the collector of customs at the port of entry where the spirits are entered for export, that such spirits have been received into his custody and the tax-paid stamps thereon obliterated; and the Secretary of the Treasury shall prescribe such rules and regulations in relation thereto as may be necessary to secure the Treasury of the United States against frauds: *Provided*, That the drawback on spirits distilled prior to August one, eighteen hundred and seventy-two, shall not exceed sixty cents per proof-gallon. (See "Drawback," Title xxxiv, Chapter 9.)

SEC. 3330. Distilled spirits may be withdrawn from distillery bonded warehouses, at the instance of the owner of the spirits, for exportation in the original casks, in quantities of not less than one thousand gallons, without the payment of tax, under such regulations, and after making such entries and executing and filing with the collector of the district from which the removal is to be made such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury: *Provided*, That bonds given under this section shall be canceled under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the bonds required to be given for the exportation of distilled spirits shall be canceled upon the presentation of satisfactory proof and certificates that said distilled spirits have been landed at the port of destination named in the bill of lading, or upon satisfactory proof that after shipment the same were lost at sea without fault or neglect of the owner or shipper thereof.

All distilled spirits intended for export, as aforesaid, before being removed from the distillery warehouse, shall be marked as the Commissioner of Internal Revenue may prescribe, and shall have affixed to each cask an engraved stamp indicative of such intention, to be provided and furnished by the several collectors as in the case of other stamps, and to be charged to them and accounted for in the same manner, and for the expense attending the providing and affixing such stamps twenty-five cents for each package so stamped shall be paid to the collector on making the entry for such transportation. When the owner of the spirits shall have made the proper entries, filed the bonds, and otherwise

Exportation of distilled spirits withdrawn from bonded warehouses.

6 June, 1872, c. 315, s. 12, v. 17, p. 242.

20 July, 1868, c. 186, s. 55, v. 15, p. 148.

3 March, 1873, c. 232, s. 5, v. 17, pp. 559-560.

complied with all the requirements of the law and regulations as herein provided, the collector shall issue to him a permit for the removal and transportation of said spirits to the collector of the port from which the same are to be exported, accurately describing the spirits to be shipped, the amount of tax thereon, the State and district from which the same is to be shipped, the name of the distiller by whom distilled, the port to which the same are to be transported, the name of the collector of the port to whom the spirits are to be consigned, and the routes over which they are to be sent to the port of shipment. Such shipment shall be made over bonded routes whenever practicable. The collector of the port shall receive such spirits, and permit the exportation thereof, under the same rules and regulations as are prescribed for the exportation of spirits upon which the tax has been paid. And every person who fraudulently claims, or seeks, or obtains an allowance of drawback on any distilled spirits, or fraudulently claims any greater allowance or drawback than the tax actually paid thereon, shall forfeit and pay to the Government of the United States triple the amount wrongfully and fraudulently sought to be obtained, and shall be imprisoned not more than ten years; and every owner, agent, or master of any vessel or other person who knowingly aids or abets in the fraudulent collection or fraudulent attempts to collect any drawback upon, or knowingly aids or permits any fraudulent change in the spirits so shipped, shall be fined not exceeding five thousand dollars and imprisoned not more than one year, and the ship or vessel on board of which such shipment was made or pretended to be made shall be forfeited to the United States, whether a conviction of the master or owner be had or otherwise, and proceedings may be had in admiralty by libel for such forfeiture.

Every person who intentionally relands within the jurisdiction of the United States any distilled spirits which have been shipped for exportation under the provisions of this act, or who receives such relanded distilled spirits, and every person who aids or abets in such relanding or receiving of such spirits, shall be fined not exceeding five thousand dollars, and imprisoned not more than three years; and all distilled spirits so relanded, together with the vessel from which the same were relanded within the jurisdiction of the United States, and all boats, vehicles, horses, or other animals used in relanding and removing such distilled spirits, shall be forfeited to the United States.

Release of distillery before judgment, in what cases.

20 July, 1868, c. 186, s. 42, v. 15, p. 142.

Distillery to be destroyed in certain cases of forfeiture.

Ibid.
6 June, 1872, c. 315, s. 12, v. 17, p. 240.

When burden of proof is on claimant of spirits seized.

SEC. 3331. No distillery nor distilling-apparatus seized for any violation of law shall be released to the claimant or to any intervening party before judgment, except in case of a distillery for which bond has been given and which has a registered producing capacity of one hundred and fifty proof-gallons or more per day, on showing, by sufficient affidavits, that there are hogs or other live stock, not less than fifty head in number, depending for their feed on the products of said distillery, which would suffer injury if the business of such distillery is stopped. Such distillery, in that case, may be released to the claimant, or to any other intervening party, at the discretion of the court, on a bond to be given and approved in open court, with two or more sureties, for the full appraised value of all the property seized, to be ascertained by three competent appraisers designated and appointed by the court.

SEC. 3332. When a judgment of forfeiture, in any case of seizure, is recovered against any distillery used or fit for use in the production of distilled spirits, because no bond has been given, or against any distillery used or fit for use in the production of spirits, having a registered producing capacity of less than one hundred and fifty gallons a day, for any violation of law, of whatever nature, every still, doubler, worm, worm-tub, mash-tub, and fermenting-tub therein shall be so destroyed as to prevent the use of the same or of any part thereof for the purpose of distilling; and the materials shall be sold as in case of other forfeited property.

SEC. 3333. Whenever seizure is made of any distilled spirits found elsewhere than in a distillery or distillery warehouse, or other warehouse for distilled spirits authorized by law, or than in the store or place of

business of a rectifier, or of a wholesale liquor-dealer, or than in transit from any one of said places; or of any distilled spirits found in any one of the places aforesaid, or in transit therefrom, which have not been received into or sent out therefrom in conformity to law, or in regard to which any of the entries required by law to be made in the books of the owner of such spirits, or of the store-keeper, wholesale dealer, or rectifier, have not been made at the time or in the manner required, or in respect to which the owner or person having possession, control, or charge of said spirits, has omitted to do any act required to be done, or has done or committed any act prohibited in regard to said spirits, the burden of proof shall be upon the claimant of said spirits to show that no fraud has been committed, and that all the requirements of the law in relation to the payment of the tax have been complied with.

SEC. 3334. All distilled spirits forfeited to the United States, sold by order of court, or under process of distraint, shall be sold subject to tax; and the purchaser shall immediately, and before he takes possession of said spirits, pay the tax thereon. And any distilled spirits heretofore condemned, and now in the possession of the United States, shall be sold as herein provided. If any tax-paid stamps are affixed to any cask or package so condemned, such stamps shall be obliterated and destroyed by the collector or marshal after forfeiture, and before such sale.

20 July, 1868, c. 186, s. 36, v. 15, p. 140.

U. S. vs. Distilled Spirits, 5 Blatch., 407.

U. S. vs. Distilled Spirits, 5 id., 542.

Spirits sold under judicial process subject to tax.

Ibid., s. 58, p. 150.

CHAPTER FIVE.

FERMENTED LIQUORS.

Sec.

3335. Brewer's notice of business.
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 3351. Unfermented worts sold to other brewers, how taxed.
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 3353. Removal or defacement of stamps by others than the owner; penalty.
 3354. Withdrawing liquor, from unstamped packages for bottling, or bottling on brewing premises; penalty.

SEC. 3335. Every brewer shall, before commencing or continuing business, file with the collector, or proper deputy collector, of the district in which he designs to carry it on a notice in writing, stating the name of the person, company, corporation, or firm, the names of the members of any such company or firm, the places of residence of such persons, a description of the premises on which the brewery is situated, and of his or their title thereto, and the name of the owner thereof.

SEC. 3336. Every brewer, on filing notice, as aforesaid, of his intention to commence or continue business, and on the first day of May in each succeeding year thereafter, shall execute a bond to the United

Brewer's notice of business.

6 June, 1872, c. 315, s. 16, v. 17, p. 245.

13 July, 1866, c. 184, s. 46, v. 14, p. 163.

Brewer's bond.

13 July, 1866, c. 184, s. 47, v. 14, p. 164.

6 June, 1872, c. 315, s. 17, v. 17, p. 245.

States, to be approved by the collector of the district, in a sum equal to twice the amount of the tax which, in the opinion of the collector, said brewer will be liable to pay during any one month, and conditioned that he shall pay, or cause to be paid, as herein provided, the tax required by law on all beer, lager-beer, ale, porter, and other fermented liquors made by or for him before the same is sold or removed for consumption or sale, except as hereinafter provided; and that he shall keep, or cause to be kept, a book, in the manner and for the purposes hereinafter specified, which shall be open to inspection by the proper officers, as by law required; and that he shall in all respects faithfully comply, without fraud or evasion, with all requirements of law relating to the manufacture and sale of any malt liquors aforesaid.

Brewer's books and monthly statement.

6 June, 1872, c. 315, s. 19, v. 17, p. 245.

13 July, 1866, c. 184, s. 49, v. 14, p. 164.

SEC. 3337. Every person who owns or occupies any brewery, or premises used or intended to be used for the purpose of brewing or making such fermented liquors, or who has such premises under his control or superintendence, as agent for the owner or occupant, or has in his possession or custody any brewing materials, utensils, or apparatus, used or intended to be used on said premises in the manufacture of beer, lager-beer, ale, porter, or other similar fermented liquors, either as owner, agent, or superintendent, shall, from day to day, enter, or cause to be entered, in a book to be kept by him for that purpose, the kind of such malt liquors, the estimated quantity produced in barrels, and the actual quantity sold or removed for consumption or sale in barrels or fractional parts of barrels. He shall also, from day to day, enter, or cause to be entered, in a separate book to be kept by him for that purpose, an account of all materials by him purchased for the purpose of producing such fermented liquors, including grain and malt. And he shall render to the collector, or the proper deputy collector, on or before the tenth day of each month, a true statement, in writing, in duplicate, taken from his books, of the estimated quantity in barrels of such malt liquors brewed, and the actual quantity sold or removed for consumption or sale during the preceding month; and shall verify, or cause to be verified, the said statement, and the facts therein set forth, by oath, to be taken before the collector of the district, or proper deputy collector, according to the form required by law. Said books shall be open at all times for the inspection of any collector, deputy collector, inspector, or revenue agent, who may take memorandums and transcripts therefrom.

Monthly verification of entries in books.

6 June, 1872, c. 315, s. 20, v. 17, p. 246.

13 July, 1866, c. 184, s. 50, v. 14, p. 165.

SEC. 3338. The entries made in such books shall, on or before the tenth day of each month, be verified by the oath of the person by whom they are made. The said oath shall be written in the book at the end of such entries, and be certified by the officer administering the same, and shall be in form as follows: "I do swear (or affirm) that the foregoing entries were made by me; and that they state truly, according to the best of my knowledge and belief, the estimated quantity of the whole amount of such malt liquors brewed, and the actual quantity sold, and the actual quantity removed, from the brewery owned by _____, in the county of _____; and, further, that I have no knowledge of any matter or thing required by law to be stated in said entries which has been omitted therefrom." And the owner, agent, or superintendent aforesaid shall also, in case the original entries made in his book were not made by himself, subjoin thereto the following oath, to be taken in manner as aforesaid: "I do swear (or affirm) that, to the best of my knowledge and belief, the foregoing entries fully set forth all the matters therein required by law; and that the same are just and true; and that I have taken all the means in my power to make them so."

Tax on fermented liquors.

6 June, 1872, c. 315, s. 18, v. 17, p. 245.

13 July, 1866, c. 184, s. 48, v. 14, p. 164.

SEC. 3339. There shall be paid on all beer, lager-beer, ale, porter, and other similar fermented liquors, brewed or manufactured and sold, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, a tax of one dollar for every barrel containing not more than thirty-one gallons; and at a like rate for any other quantity or for any fractional part of a barrel. In estimating

and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and any fractional part of a barrel containing less than one-eighth shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; and more than one barrel, and not more than sixty-three gallons, shall be accounted two barrels, or a hogshead. The said tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors are made, and in the manner and at the time hereinafter specified.

SEC. 3340. Every owner, agent, or superintendent of any brewery, vessels, or utensils used in making fermented liquors, who evades, or attempts to evade, the payment of the tax thereon, or fraudulently neglects or refuses to make true and exact entry and report of the same in the manner required by law, or to do, or cause to be done, any of the things by law required to be done by him as aforesaid, or who intentionally makes false entry in said book or in said statement, or knowingly allows or procures the same to be done, shall forfeit, for every such offense, all the liquors made by him or for him, and all the vessels, utensils, and apparatus used in making the same, and be liable to a penalty of not less than five hundred nor more than one thousand dollars, to be recovered with costs of suit, and shall be deemed guilty of a misdemeanor, and be imprisoned for a term not exceeding one year. And every brewer who neglects to keep books, or refuses to furnish the account and duplicate thereof as provided by law, or refuses to permit the proper officer to examine the books in the manner provided, shall, for every such refusal or neglect, forfeit and pay the sum of three hundred dollars.

SEC. 3341. The Commissioner of Internal Revenue shall cause to be prepared, for the payment of such tax, suitable stamps denoting the amount of tax required to be paid on the hogsheads, barrels, and halves, thirds, quarters, sixths, and eighths of a barrel of such fermented liquors, (and shall also cause to be prepared suitable permits for the purpose hereinafter mentioned,) and shall furnish the same to the collectors of internal revenue, who shall each be required to keep on hand at all times a sufficient supply of permits, and a supply of stamps equal in amount to two months' sale thereof, if there be any brewery or brewery warehouse in his district; and such stamps shall be sold, and permits granted and delivered by such collectors, only to the brewers of their district respectively. Such collectors shall keep an account of the number of permits delivered and of the number and value of the stamps sold by them to each brewer; and the Commissioner of Internal Revenue shall allow upon all sales of such stamps to any brewer, and by him used in his business, a deduction of seven and a half per centum. And the amount paid into the Treasury by any collector on account of the sale of such stamps to brewers shall be included in estimating the commissions of such collector.

SEC. 3342. Every brewer shall obtain, from the collector of the district in which his brewery or brewery warehouse is situated, and not otherwise, unless such collector shall fail to furnish the same upon application to him, the proper stamps, and shall affix upon the spigot-hole or tap (of which there shall be but one) of every hogshead, barrel, keg, or other receptacle, in which any fermented liquor is contained, when sold or removed from such brewery or warehouse, (except in case of removal under permit as hereinafter provided,) a stamp denoting the amount of the tax required upon such fermented liquor, in such a way that the said stamp will be destroyed upon the withdrawal of the liquor from such hogshead, barrel, keg, or other vessel, or upon the introduc-

Fractional parts of a barrel, how estimated.

2 March, 1867, c. 169, s. 10, v. 14, p. 475.

3 March, 1873, c. 254, v. 17, p. 686.

Evading tax, making or procuring false entries, &c.; penalty.

6 June, 1872, c. 315, s. 21, v. 17, p. 246.

13 July, 1866, c. 184, s. 51, v. 14, p. 165.

Stamps, how supplied and sold.

6 June, 1872, c. 315, s. 22, v. 17, p. 246.

13 July, 1866, c. 184, s. 52, v. 14, p. 165.

Stamps, how procured, affixed, and canceled.

6 June, 1872, c. 315, s. 23, v. 17, p. 247.

13 July, 1866, c. 184, s. 53, v. 14, p. 166.

Penalty for fraud or neglect.

Selling, removing, or buying fermented liquor in packages without stamp, or false stamp, or with twice-used stamp; penalty.

6 June, 1872, c. 315, s. 24, v. 17, p. 247.
13 July, 1866, c. 184, s. 54, v. 14, p. 166.

Drawing fermented liquor from package without stamp, or with false stamp, or without defacing stamp; penalty.

6 June, 1872, c. 315, s. 24, v. 17, p. 247.

13 July, 1866, c. 184, s. 54, v. 14, p. 166.

Removal for storage without stamps.

6 June, 1872, c. 315, s. 24, v. 17, p. 248.

13 July, 1866, c. 184, s. 54, v. 14, p. 166.

Making, selling, or using false stamps or dies; penalty.

6 June, 1872, c. 315, s. 24, v. 17, p. 247.

13 July, 1866, c. 184, s. 54, v. 14, p. 166.

tion of a faucet or other instrument for that purpose; and shall also, at the time of affixing such stamp, cancel the same by writing or imprinting thereon the name of the person, firm, or corporation by whom such liquor was made, or the initial letters thereof, and the date when canceled. Every brewer who refuses or neglects to affix and cancel the stamps required by law in the manner aforesaid, or who affixes a false or fraudulent stamp thereto, or knowingly permits the same to be done, shall pay a penalty of one hundred dollars for each barrel or package on which such omission or fraud occurs, and be imprisoned not more than one year.

SEC. 3343. Whenever any brewer, cartman, agent for transportation, or other person, sells, removes, receives, or purchases, or in any way aids in the sale, removal, receipt, or purchase, of any fermented liquor contained in any hogshead, barrel, keg, or other vessel from any brewery or brewery warehouse, upon which the stamp, or permit, in case of removal, required by law, has not been affixed, or on which a false or fraudulent stamp, or permit, in case of removal, is affixed, with knowledge that it is such, or on which a stamp, or permit, in case of removal, once canceled, is used a second time, he shall be fined one hundred dollars and imprisoned for not more than one year.

SEC. 3344. Whenever any retail dealer, or other person, withdraws or aids in the withdrawal of any fermented liquor from any hogshead, barrel, keg, or other vessel containing the same, without destroying or defacing the stamp affixed thereon, or withdraws or aids in the withdrawal of any fermented liquor from any hogshead, barrel, keg, or other vessel, upon which the proper stamp has not been affixed or on which a false or fraudulent stamp is affixed, he shall be fined one hundred dollars and imprisoned not more than one year.

SEC. 3345. Any brewer may remove or transport, or cause to be removed or transported, from his brewery or other place of manufacture to a depot, warehouse, or other place used exclusively for storage or sale in bulk, and occupied by him, in another part of the same collection-district, or in another collection-district, but to no other place, malt liquor of his own manufacture, known as lager-beer, in quantities of not less than six barrels in one vessel, and malt liquor of his own manufacture, known as ale or porter, or any other malt liquor of his own manufacture not heretofore mentioned, in quantities not less than fifty barrels at a time, without affixing the proper stamps on said vessels of lager-beer, ale, porter, or other malt liquor, at the brewery or place of manufacture, under a permit, which shall be granted, upon application, by the collector of the district in which said malt liquor is manufactured, and under such regulations as the Commissioner of Internal Revenue may prescribe; and thereafter the manufacturer of said malt liquor shall stamp the same, when it leaves such depot or warehouse, in the same manner and under the same penalties and liabilities as when stamped at the brewery as herein provided. And the collector of the district in which such depot or warehouse is situated shall furnish the manufacturer with the stamps for stamping the same, as if the said malt liquor had been manufactured in his district. And said permit must be affixed to every such vessel or cask so removed, and canceled or destroyed in such manner as the Commissioner of Internal Revenue may prescribe, and under the same penalties and liabilities as provided herein as to stamps.

SEC. 3346. Every person who makes, sells, or uses any false or counterfeit stamp or permit, or die for printing or making stamps or permits, which is in imitation of or purports to be a lawful stamp, permit, or die of the kind before mentioned in this chapter, or who procures the same to be done, shall be imprisoned for not less than one nor more than five years.

SEC. 3347. When fermented liquor has become sour or damaged, so as to be incapable of use as such, brewers may sell the same for manufacturing purposes, and may remove the same to places where it may be used for such purposes, in casks, or other vessels, unlike those ordinarily used for fermented liquors, containing respectively not less than one barrel each, and having the nature of their contents marked upon them, without affixing thereon the permit, stamp or stamps required.

Sour malt liquors, removable in peculiar packages, without stamps.

6 June, 1872, c. 315, s. 24, v. 17, p. 247.

13 July, 1866, c. 184, s. 54, v. 14, p. 167.

Brewers selling at retail at brewery, to affix stamps and keep account.

6 June, 1872, c. 315, s. 24, v. 17, p. 248.

13 July, 1866, c. 184, s. 54, v. 14, p. 166.

Name of manufacturer, &c., to be marked on packages; penalty for removing marks, &c.

6 June, 1872, c. 315, s. 25, v. 17, p. 248.

13 July, 1866, c. 184, s. 55, v. 14, p. 167.

SEC. 3348. Every brewer who sells fermented liquor at retail at the brewery or other place where the same is made, shall affix and cancel the proper stamps upon the hogsheads, barrels, kegs, or other vessels in which the same is contained, and shall keep an account of the quantity so sold by him, and of the number and size of the hogsheads, barrels, kegs, or other vessels in which the same has been contained, and shall make a report thereof, verified by oath, monthly to the collector.

SEC. 3349. Every brewer shall, by branding, mark or cause to be marked upon every hogshead, barrel, keg, or other vessel containing the fermented liquor made by him, before it is sold or removed from the brewery or brewery warehouse, or other place of manufacture, the name of the person, firm, or corporation by whom such liquor was manufactured, and the place of manufacture; and every person other than the owner thereof, or his agent authorized so to do, who intentionally removes or defaces such marks therefrom, shall be liable to a penalty of fifty dollars for each cask or other vessel from which the mark is so removed or defaced: *Provided*, That when a brewer purchases fermented liquor finished and ready for sale from another brewer, in order to supply the customers of such purchaser, the purchaser may, upon written notice to the collector of his intention so to do, and under such regulations as the Commissioner of Internal Revenue may prescribe, furnish his own vessels, branded with his name and the place where his brewery is situated, to be filled with the fermented liquor so purchased, and to be so removed; the proper stamps to be affixed and canceled, as aforesaid, by the manufacturer before removal.

Permit to carry on business at another place on account of accident.

6 June, 1872, c. 315, s. 26, v. 17, p. 249.

SEC. 3350. Whenever, in the opinion of the collector of any district, it becomes requisite or proper, by reason of an accident to any brewery therein by fire or flood, or of such brewery undergoing repairs, or of other circumstances, that the brewer carrying on the same shall be permitted to conduct his business wholly or in part at some other place within such district or an adjoining district for a temporary period, it shall be lawful for such collector, under such regulations and subject to such limitation of time as the Commissioner of Internal Revenue may prescribe, to issue a permit to such brewer, authorizing him to conduct his business wholly or in part, according to the circumstances, at such other place, for a period to be stated in such permit; and such brewer shall not be required to pay another special tax for the purpose.

Unfermented worts sold to other brewers, how taxed.

6 June, 1872, c. 315, s. 27, v. 17, p. 249.

SEC. 3351. When malt liquor or tun liquor, in the first stages of fermentation, known as unfermented worts, of whatever kind, is sold by one brewer to another for the purpose of producing fermentation or enlivening old or stale ale, porter, lager-beer, or other fermented liquors, it shall not be liable to a tax to be paid by the seller thereof, but the tax on the same shall be paid by the purchaser thereof, when the same, having been mixed with the old or stale beer, is sold by him as provided by law, and such sale or transfer shall be subject to such restrictions and regulations as the Commissioner of Internal Revenue may prescribe.

Possession of fermented liquor after removal from warehouse when tax not paid, cause of forfeiture.

6 June, 1872, c. 315, s. 28, v. 17, p. 249.

SEC. 3352. The ownership or possession by any person of any fermented liquor after its sale or removal from the brewery or warehouse, or other place where it was made, upon which the tax required has not been paid, shall render such liquor liable to seizure wherever found, and to forfeiture, removal under said permits excepted. And the absence of the proper stamps from any hogshead, barrel, keg, or other vessel

13 July, 1866, c. 184, a. 57, v. 14, p. 167.

Absence of stamps to be notice and evidence.

Removal or defacement of stamps by others than the owner; penalty.

6 June, 1872, c. 315, a. 29, v. 17, p. 249.

13 July, 1866, c. 184, a. 56, v. 14, p. 167.

Withdrawing liquor from unstamped packages for bottling, or bottling on brewery premises; penalty.

6 June, 1872, c. 315, a. 30, v. 17, p. 249.

13 July, 1866, c. 184, a. 58, v. 14, p. 167.

containing fermented liquor, after its sale or removal from the brewery where it was made, or warehouse as aforesaid, shall be notice to all persons that the tax has not been paid thereon, and shall be prima-facie evidence of the non-payment thereof.

SEC. 3353. Every person, other than the purchaser or owner of any fermented liquor, or person acting on his behalf, or as his agent, who intentionally removes or defaces the stamp or permit affixed upon the hogshead, barrel, keg, or other vessel, in which the same is contained, shall be liable to a fine of fifty dollars for each such vessel from which the stamp or permit is so removed or defaced, and to render compensation to such purchaser or owner for all damages sustained by him therefrom.

SEC. 3354. Every person who withdraws any fermented liquor from any hogshead, barrel, keg, or other vessel upon which the proper stamp has not been affixed, for the purpose of bottling the same, or who carries on, or attempts to carry on, the business of bottling fermented liquor in any brewery or other place in which fermented liquor is made, or upon any premises having communication with such brewery, or any warehouse, shall be liable to a fine of five hundred dollars, and the property used in such bottling or business shall be liable to forfeiture.

CHAPTER SIX.

TOBACCO AND SNUFF.

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|--|---|
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| 3371. Estimated tax on tobacco sold without stamps. | |

Manufacturer's statement of business.

SEC. 3355. Every person, before commencing, or, if he has already commenced, before continuing, the manufacture of tobacco or snuff, shall furnish, without previous demand therefor, to the collector of the

district where the manufacture is to be carried on, a statement in duplicate, subscribed under oath, setting forth the place, and if in a city, the street and number of the street, where the manufacture is to be carried on; the number of cutting-machines, presses, snuff-mills, hand-mills, or other machines; the name, kind, and quality of the article manufactured or proposed to be manufactured; and when the same is manufactured by him as agent for any other person, or to be sold and delivered to any other person under a special contract, the name and residence and business or occupation of the person for whom the said article is to be manufactured, or to whom it is to be delivered; and he shall give a bond, to be approved by the collector of the district, in the sum of two thousand dollars, with an addition to said sum of three thousand dollars for each cutting-machine kept for use, of one thousand dollars for each screw-press kept for use, in making plug or pressed tobacco, of five thousand dollars for each hydraulic press kept for use, of one thousand dollars for each snuff-mill kept for use, and of one thousand dollars for each hand-mill or other mill or machine kept for the grinding, cutting, or crushing of tobacco; conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on his manufactures; that he shall render truly and completely all the returns, statements, and inventories, prescribed by law or regulations; that whenever he adds to the number of cutting-machines, presses, snuff-mills, hand-mills, or other mills or machines as aforesaid, he shall immediately give notice thereof to the collector of the district; that he shall stamp in accordance with law all tobacco and snuff manufactured by him before he removes any part thereof from the place of manufacture; that he shall not knowingly sell, purchase, expose, or receive for sale any manufactured tobacco or snuff which has not been stamped as required by law; and that he shall comply with all the requirements of law relating to the manufacture of tobacco or snuff. Additional sureties may be required by the collector, from time to time, but the penal sum of said bond shall not be computed by him in excess of the sum of twenty thousand dollars, except under special instructions of the Commissioner of Internal Revenue. And every manufacturer shall obtain a certificate from the collector of the district, who is hereby directed to issue the same, setting forth the kind and number of machines, presses, snuff-mills, hand-mills, or other mills and machines as aforesaid, for which the bond has been given, which certificate shall be posted in a conspicuous place within the manufactory. And every tobacco-manufacturer who neglects or refuses to obtain such certificate, or to keep the same posted as hereinbefore provided, shall be fined not less than one hundred dollars or more than five hundred dollars. And every person who manufactures tobacco or snuff of any description without first giving bond, as herein required, shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned for not less than one or more than five years.

SEC. 3356. Every manufacturer of tobacco and snuff shall place and keep on the side or end of the building wherein his business is carried on, so that it can be distinctly seen, a sign, with letters thereon not less than three inches in length, painted in oil-colors or gilded, giving his full name and business. And every person who neglects to comply with the requirements of this section shall be fined not less than one hundred dollars or more than five hundred dollars.

SEC. 3357. Every collector shall keep a record, in a book or books provided for the purpose, to be open to the inspection of any person, of the name and residence of every person engaged in the manufacture of tobacco or snuff in his district, the place where such manufacture is carried on, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer, a copy of every inventory required by law to be made by such manufacturer, and an abstract of his monthly returns. And he shall cause the several manufactories of tobacco or snuff in his district to be numbered consecutively, which numbers shall not thereafter be changed.

20 July, 1868, c. 186, s. 63, v. 15, p. 153.

6 June, 1872, c. 315, s. 31, v. 17, p. 253.

Bond and certificate.

Penalties.

Sign to be put up by manufacturer; penalty for omission.

20 July, 1868, c. 186, s. 64, v. 15, p. 154.

Record of manufacturers to be kept by collector.

20 July, 1868, c. 186, s. 65, v. 15, p. 154.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Annual inventory
of manufacturer.

20 July, 1868, c.
126, s. 66, v. 15, p.
155.

Books and
monthly abstracts.

Penalty.

Dealers in leaf-
tobacco to render
statement of sales
when demanded.

20 July, 1868, c.
126, s. 66, v. 15, p.
155.

Books of dealer
in leaf-tobacco.

20 July, 1868, c.
126, s. 76, v. 15, p.
155.

Planters of tobac-
co to render state-
ment of sales on
demand.

6 June, 1872, c.
315, s. 31, v. 17, p.
250.

SEC. 3358. Every person now or hereafter engaged in the manufacture of tobacco or snuff shall make and deliver to the collector of the district a true inventory, in such form as may be prescribed by the Commissioner of Internal Revenue, and verified by his own oath, of the quantity of each of the different kinds of tobacco, snuff-flour, snuff, stems, scraps, clippings, waste, tin-foil, licorice, sugar, gum, and other materials held or owned by him on the first day of January of each year, or at the time of commencing and at the time of concluding business, if before or after the first of January; setting forth what portion of said goods and materials, and what kinds were manufactured and produced by him, and what was purchased from others. The collector shall make personal examination of the stock sufficient to satisfy himself as to the correctness of the inventory, and shall verify the fact of such examination by oath, to be indorsed on or affixed to the inventory. And every such person shall keep a book or books, the forms of which shall be prescribed by the Commissioner of Internal Revenue, and enter therein daily an accurate account of all the articles aforesaid purchased by him, the quantity of tobacco, snuff, and snuff-flour, stems, scraps, clippings, waste, tin-foil, licorice, sugar, gum, and other materials, of whatever description, manufactured, sold, consumed, or removed for consumption or sale, or removed from the place of manufacture in bond, and to what district removed; also the number of net pounds of lumps of plug tobacco made in the lump-room, and the number of packages and pounds thereof produced in the press room each day. And he shall, on or before the tenth day of each month, furnish to the collector a true and complete abstract from such book, verifying the same by his oath, of all such purchases, sales, and removals made during the month next preceding. And whenever any such person refuses or willfully neglects to deliver the inventory, or keep the account, or furnish the abstract aforesaid, he shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years.

SEC. 3359. It shall be the duty of any dealer in leaf-tobacco, or in any material used in manufacturing tobacco or snuff, on demand of any officer of internal revenue, to render a true and complete statement, under oath, of the quantity and amount of such leaf-tobacco or materials sold or delivered to any person named in such demand; and in case of refusal or neglect to render such statement, or if there is cause to believe such statement to be incorrect or fraudulent, the collector shall make an examination of persons, books, and papers, in the manner provided in relation to frauds and evasions.

SEC. 3360. Every dealer in leaf-tobacco shall enter daily in a book kept for that purpose, under such regulations as the Commissioner of Internal Revenue may prescribe, the number of hogsheads, cases, and pounds of leaf-tobacco purchased by him, and of whom purchased, and the number of hogsheads, cases, or pounds sold by him, with the name and residence, in each instance, of the person to whom sold, and if shipped, to whom shipped, and to what district. Such book shall be kept at his place of business, and shall be open at all hours to the inspection of any revenue officer; and every dealer in leaf-tobacco who neglects or refuses to keep such book shall be liable to a penalty of not less than five hundred dollars, and shall be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than two years.

SEC. 3361. It shall be the duty of every farmer or planter producing and selling leaf-tobacco, on demand of any internal-revenue officer, or other authorized agent of the Treasury Department, to furnish said officer or agent a true and complete statement, verified by oath, of all his sales of leaf-tobacco, the number of hogsheads, cases, or pounds, with the name and residence, in each instance, of the person to whom sold, and the place to which it is shipped. And every such farmer or planter who willfully refuses to furnish such information, or who knowingly

makes false statements as to any of the facts aforesaid, shall be liable to a penalty not exceeding five hundred dollars.

SEC. 3362. All manufactured tobacco shall be put up and prepared by the manufacturer for sale, or removal for sale or consumption, in packages of the following description, and in no other manner:

All snuff in packages containing one, two, four, six, eight, and sixteen ounces, or in bladders and in jars containing not exceeding twenty pounds.

All fine-cut chewing-tobacco, and all other kinds of tobacco not otherwise provided for, in packages containing one, two, four, eight, and sixteen ounces, except that fine-cut chewing-tobacco may, at the option of the manufacturer, be put up in wooden packages containing ten, twenty, forty, and sixty pounds each.

All smoking-tobacco, and all cut and granulated tobacco other than fine-cut chewing, all shorts, the refuse of fine-cut chewing, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, clippings, cuttings, and sweeping of tobacco, in packages containing two, four, eight, and sixteen ounces each.

All cavendish, plug, and twist tobacco in wooden packages not exceeding two hundred pounds net weight.

And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package: *Provided*, That these limitations and descriptions of packages shall not apply to tobacco and snuff transported in bond for exportation and actually exported: *And provided further*, That fine-cut shorts, the refuse of fine-cut chewing-tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco, may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe: *And provided further*, That wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars, under such regulations as the Commissioner of Internal Revenue may establish.

SEC. 3363. No manufactured tobacco shall be sold or offered for sale unless put up in packages and stamped as prescribed in this chapter, except at retail by retail dealers from wooden packages stamped as provided in this chapter; and every person who sells or offers for sale any snuff, or any kind of manufactured tobacco, not so put up in packages and stamped, shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than two years.

SEC. 3364. Every manufacturer of tobacco or snuff shall, in addition to all other requirements of this Title relating to tobacco, print on each package, or securely affix, by pasting, on each package containing tobacco or snuff manufactured by or for him, a label, on which shall be printed the proprietor's or manufacturer's name, the number of the manufactory, the district and State in which it is situated, and these words:

"NOTICE.—The manufacturer of this tobacco has complied with all requirements of law. Every person is cautioned, under the penalties of law, not to use this package for tobacco again."

Every manufacturer of tobacco who neglects to print on or affix such label to any package containing tobacco made by or for him, or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined fifty dollars for each package in respect to which such offense shall be committed.

Tobacco and snuff, how put up.

20 July, 1868, c. 186, s. 62, v. 15, p. 153.

6 June, 1872, c. 315, s. 31, v. 17, p. 252.

Tobacco and snuff to be sold only in prescribed packages; penalty.

20 July, 1868, c. 186, s. 78, v. 15, p. 159.

Label and notice on packages of tobacco and snuff.

20 July, 1868, c. 186, s. 68, v. 15, p. 156.

Snuff and smoking tobacco manufactured before July 30, 1868, may be sold in original packages.

SEC. 3365. The Commissioner of Internal Revenue may, in any case, allow snuff and smoking-tobacco manufactured before July twenty, eighteen hundred and sixty-eight, not in wooden packages, to be stamped and sold in the original packages.

10 April, 1869, c. 18, s. 3, v. 16, p. 44.

Purchasing tobacco not branded or marked; penalty.

SEC. 3366. Every person who purchases, or receives for sale, any manufactured tobacco or snuff which has not been branded or stamped according to law, shall be liable to a penalty of fifty dollars for each offense.

13 July, 1868, c. 184, s. 9, v. 14, p. 126. 30 June, 1864, c. 173, s. 92, v. 13, p. 263. 20 July, 1868, c. 186, s. 71, v. 15, p. 156.

Buying tobacco from a manufacturer who has not paid special tax.

SEC. 3367. Every person who purchases, or receives for sale, any manufactured tobacco or snuff from any manufacturer who has not paid the special tax, shall be liable for each offense to a penalty of one hundred dollars, and to a forfeiture of all the articles aforesaid so purchased or received, or of the full value thereof.

13 July, 1868, c. 184, s. 9, v. 14, p. 126.

30 June, 1864, c. 173, s. 92, v. 13, p. 263.

Tax on tobacco and snuff.

SEC. 3368. Upon tobacco and snuff manufactured and sold, or removed for consumption or use, there shall be levied and collected the following taxes:

20 July, 1868, c. 186, s. 61, v. 15, p. 152.

6 June, 1872, c. 315, s. 31, v. 17, p. 250.

On snuff, manufactured of tobacco or any substitute for tobacco, ground, dry, damp, pickled, scented, or otherwise, of all descriptions, when prepared for use, a tax of thirty-two cents per pound. And snuff-flour, when sold, or removed for use or consumption, shall be taxed as snuff, and shall be put up in packages and stamped in the same manner as snuff.

On all chewing and smoking tobacco, fine-cut, cavendish, plug, or twist, cut or granulated, of every description; on tobacco twisted by hand or reduced into a condition to be consumed, or in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument, and without being pressed or sweetened; and on all fine-cut shorts and refuse scraps, clippings, cuttings, and sweepings of tobacco, a tax of twenty cents a pound.

Stamps, how prepared, furnished, and sold.

20 July, 1868, c. 186, s. 67, v. 15, p. 155.

6 June, 1872, c. 315, s. 31, v. 17, p. 253.

SEC. 3369. The Commissioner of Internal Revenue shall cause to be prepared suitable and special stamps for the payment of the tax on tobacco and snuff, which shall indicate the weight and class of the article on which payment is to be made, and shall be affixed and canceled in the mode prescribed by the Commissioner of Internal Revenue, and stamps when used on any wooden package shall be canceled by sinking a portion of the same into the wood with a steel die, and also such export-stamps as are required by law. Such stamps shall be furnished to the collectors requiring them, and each collector shall keep at all times a supply equal in amount to three months' sale thereof, and shall sell the same only to the manufacturers of tobacco and snuff in their respective districts who have given bonds as required by law, and to owners or consignees of tobacco or snuff, upon the requisition of the proper custom-house officer having the custody of such tobacco or snuff; and to persons required by law to affix the same to tobacco or snuff on hand on the first day of January, eighteen hundred and sixty-nine. And every collector shall keep an account of the number, amount, and denominate values of stamps sold by him to each manufacturer or other person aforesaid: *Provided*, That such stamps as may be required to stamp tobacco, snuff, or cigars, sold under distraint by any collector of internal revenue, or for stamping any tobacco, snuff, or cigars which may have been abandoned, condemned, or forfeited, and sold by order of court or of any Government officer for the benefit of the United States, may, under such rules and regulations as the Commissioner of Internal Revenue shall prescribe, be used by the collector making such sale, or furnished by a collector to a United States marshal, or to any other

Government officer making such sale for the benefit of the United States, without making payment for said stamps so used or delivered; and any revenue-collector using or furnishing stamps in manner as aforesaid, on presenting vouchers satisfactory to the Commissioner of Internal Revenue, shall be allowed credit for the same in settling his stamp-account with the Department: *And provided further*, That in case it shall appear that any abandoned, condemned, or forfeited tobacco, snuff, or cigars, when offered for sale, will not bring a price equal to the tax due and payable thereon, such goods shall not be sold for consumption in the United States; and upon application made to the Commissioner of Internal Revenue, he is authorized and directed to order the destruction of such tobacco, snuff, or cigars by the officer in whose custody and control the same may be at the time, and in such manner and under such regulations, as the Commissioner of Internal Revenue may prescribe.

SEC. 3370. Whenever tobacco or snuff of any description is manufactured, in whole or in part, upon commission or shares, or the material from which any such articles are made, or are to be made, is furnished by one person and made or manufactured by another, or the material is furnished or sold by one person with an understanding or agreement with another that the manufactured article is to be received in payment therefor or for any part thereof, the stamps required by law shall be affixed by the actual maker or manufacturer before the article passes from the place of making or manufacturing. And in case of fraud on the part of either of said persons in respect to said manufacture, or of any collusion on their part with intent to defraud the revenue, such material and manufactured articles shall be forfeited to the United States; and each party to such fraud or collusion shall be deemed guilty of a misdemeanor, and be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned for not less than six months nor more than three years.

SEC. 3371. Whenever any manufacturer of tobacco, snuff, or cigars, sells, or removes for sale or consumption, any tobacco, snuff, or cigars upon which a tax is required to be paid by stamps, without the use of the proper stamps, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon such information as he can obtain, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor, and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

SEC. 3372. Every manufacturer of tobacco or snuff who removes, otherwise than as provided by law, or sells, without the proper stamps denoting the tax thereon, or without having paid the special tax, or given bond as required by law, any tobacco or snuff, or who makes false and fraudulent entries of manufactures or sales of tobacco or snuff, or makes false or fraudulent entries of the purchase or sales of leaf-tobacco, tobacco-stems, or other material, or who affixes any false, forged fraudulent, spurious, or counterfeit stamp, or imitation of any stamp, required by law, or any stamp required by law which has been previously used, to any box or package containing any tobacco or snuff, shall, in addition to the penalties elsewhere provided by law for such offenses, forfeit to the United States all the raw material and manufactured or partly manufactured tobacco and snuff, and all machinery, tools, implements, apparatus, fixtures, boxes, and barrels, and all other materials which may be found in his possession, in his manufactory, or elsewhere.

SEC. 3373. The absence of the proper stamp on any package of manufactured tobacco or snuff shall be notice to all persons that the tax has not been paid thereon, and shall be prima-facie evidence of the non-payment thereof. And such tobacco or snuff shall be forfeited to the United States.

Tobacco manufactured by one person for another, or on shares; stamps, by whom affixed; fraud in such cases.

20 July, 1868, c. 186, s. 75, v. 15, p. 158.

Estimated tax on tobacco sold without stamps.

6 June, 1872, c. 315, s. 31, v. 17, p. 252.

20 July, 1868, c. 156, s. 60, v. 15, p. 152.

Removing unlawfully, selling without stamps, or payment of tax, or giving bond, making false entries, &c.

20 July, 1868, c. 186, s. 69, v. 15, p. 156.

6 June, 1872, c. 315, s. 31, v. 17, p. 253.

Absence of stamp to be evidence of non-payment.

20 July, 1868, c. 186, s. 70, v. 15, p. 156.

Removing except
in proper packages,
or without stamp;
selling unlawfully,
&c.

20 July, 1868, c.
186, s. 71, v. 15, p.
154.

6 June, 1872, c.
315, s. 31, v. 17, p.
253.

Affixing false
stamps or stamps
twice used.

20 July, 1868, c.
186, s. 71, v. 15, p.
156.

Stamped portion
of emptied pack-
ages to be de-
stroyed; buying,
selling, or using
same.

Ibid., s. 72, p. 156.
6 June, 1872, c.
315, s. 31, v. 17, p.
253.

Imported tobacco
and snuff.

20 July, 1868, c.
186, s. 77, v. 15, p.
158.

SEC. 3374. Every person who removes from any manufactory, or from any place where tobacco or snuff is made, any manufactured tobacco or snuff without the same being put up in proper packages, or without the proper stamp for the amount of tax thereon being affixed and canceled, as required by law; or, if the same be intended for export, without the proper export-stamp being affixed; or who uses, sells, or offers for sale, or has in possession, except in the manufactory, or while in transfer under bond or a collector's permit, from any manufactory, store, or warehouse, to a vessel for exportation to a foreign country, any manufactured tobacco or snuff, without proper stamps for the amount of tax thereon being affixed and canceled; or who sells, or offers for sale, for consumption in the United States, or uses, or has in possession, except in the manufactory, or while in transfer under bond or a collector's permit, from any manufactory, store, or warehouse, to a vessel for exportation to a foreign country, any manufactured tobacco or snuff on which only the stamp marking the same for export has been affixed, shall for each such offense, respectively, be fined not less than one thousand dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years.

SEC. 3375. Every person who affixes to any package containing tobacco or snuff, any false, forged, fraudulent, spurious, or counterfeit stamp, or a stamp which has been before used, shall be deemed guilty of a felony, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than two years nor more than five years.

SEC. 3376. Whenever any stamped box, bag, vessel, wrapper, or envelope of any kind, containing tobacco or snuff, is emptied, the stamp or stamps thereon shall be destroyed by the person in whose hands the same may be. And every person who willfully neglects or refuses to do shall, for each such offense, be fined fifty dollars, and imprisoned not less than ten days nor more than six months. And every person who sells or gives away, or who buys or accepts from another any such empty stamped box, bag, vessel, wrapper, or envelope of any kind, or the stamp or stamps taken from any such empty box, bag, vessel, wrapper, or envelope of any kind, shall, for each such offense, be fined one hundred dollars and imprisoned for not less than twenty days, and not more than one year. And every manufacturer or other person who puts tobacco or snuff into any such box, bag, vessel, wrapper, or envelope, the same having been either emptied or partially emptied, or who has in his possession, or affixes to any box or other package, any stamp which has been previously used, or who sells, or offers for sale, any box or other package of tobacco, snuff, or cigars, having affixed thereto any fraudulent, spurious, imitation, or counterfeit stamp, or stamp that has been previously used, or sells from any such fraudulently stamped box or package, or has in his possession any box or package as aforesaid, knowing the same to be fraudulently stamped, shall, for each such offense, be fined not less than one hundred dollars nor more than five hundred dollars, and imprisoned for not less than one year nor more than three years.

SEC. 3377. All manufactured tobacco and snuff (not including cigars) imported from foreign countries shall, in addition to the import duties imposed on the same, pay the tax imposed by law on like kinds of tobacco and snuff manufactured in the United States, and have the same stamps respectively affixed. Such stamps shall be affixed and canceled on all such articles so imported by the owner or importer thereof, while they are in the custody of the proper custom-house officers, and such articles shall not pass out of the custody of said officers until the stamps have been affixed and canceled. Such tobacco and snuff shall be put up in packages, as prescribed by law for like articles manufactured in the United States before the stamps are affixed; and the owner or importer shall be liable to all the penal provisions prescribed for manufactures of tobacco and snuff manufactured in the United States. Whenever it is necessary to take any such articles, so imported, to any place for the pur-

pose of repacking, affixing, and canceling such stamps, other than the public stores of the United States, the collector of customs of the port where they are entered shall designate a bonded warehouse to which they shall be taken, under the control of such customs officer as he may direct. And every officer of customs who permits any such articles to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto, shall be deemed guilty of a misdemeanor, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years.

SEC. 3378. Every dealer in manufactured tobacco who had on hand more than twenty pounds of such tobacco, and every dealer in snuff who had on hand more than ten pounds of snuff, on the twentieth day of July, eighteen hundred and sixty-eight, whether manufactured in the United States or imported prior to that date, shall make, and shall deposit with the collector of the district, on the first day of every month, a true and complete inventory, under oath, of any such tobacco and snuff, respectively, then remaining on hand and not stamped. The collector shall make, and shall transmit to the Commissioner of Internal Revenue, an abstract of the several inventories so filed in his office. All manufactured tobacco of every description shall be taken and deemed as having been manufactured after July twentieth, eighteen hundred and sixty-eight.

SEC. 3379. Any person having in his possession any tobacco, snuff, or cigars manufactured and sold, or removed from the manufactory or place where they were made, since July twenty, eighteen hundred and sixty eight, and prior to November twenty-three, eighteen hundred and sixty-eight, or having in his possession cigars imported from foreign countries, or withdrawn from a United States bonded warehouse, at any time between the said dates, who shall, before selling or offering for sale such tobacco, snuff, or cigars, affix and cancel proper internal-revenue stamps, shall be entitled to have refunded to him an amount of tax previously paid thereon equal to the value of the stamps so affixed before sale or offering for sale: *Provided*, That, prior to said twenty-third of November, eighteen hundred and sixty-eight, such tobacco, snuff, or cigars, were put up in packages, and all other requirements of law relating to tobacco, snuff, and cigars were complied with, in the manner prescribed by the act of July twenty, eighteen hundred and sixty-eight. And the Commissioner of Internal Revenue, on appeal made to him, may pay back a sum of money equal to the value of the stamps so affixed, upon satisfactory evidence submitted to him that such tobacco or snuff was actually manufactured and removed from the place of manufacture, and that such cigars were so manufactured and removed, or imported and withdrawn from a bonded warehouse, and the several rates of tax imposed on such goods by the act of July twenty, eighteen hundred and sixty-eight, were assessed and paid, and that the claimant had in all respects complied with the internal-revenue laws as far as they were applicable to such articles. And the Commissioner of Internal Revenue may prescribe such regulations, for carrying into effect the provisions of this section, as he may deem proper and necessary.

SEC. 3380. Any person who sells or offers for sale any manufactured tobacco or snuff, representing the same to have been manufactured and the tax paid thereon prior to July twenty, eighteen hundred and sixty-eight, when the same was not so manufactured, and the tax not so paid, shall be liable to a penalty of five hundred dollars for each offense, and shall be deemed guilty of a misdemeanor, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years.

SEC. 3381. Every peddler of tobacco, before commencing, or, if he has already commenced, before continuing to peddle tobacco, shall furnish to the collector of his district a statement accurately setting forth the place of his residence, and, if in a city, the street and

Tobacco and snuff on hand before 20 July, 1868, monthly inventories.

Ibid., s. 78, p. 150.

Tobacco, snuff, and cigars manufactured between 20 July, 1868, and 10 April, 1869.

10 April, 1869, c. 18, s. 3, v. 16, p. 43.

Selling tobacco as made and tax paid before 20 July, 1868; penalty.

20 July, 1868, c. 186, s. 79, v. 15, p. 159.

Peddlers of tobacco, notice of business and bond.

6 June, 1872, c. 315, s. 31, v. 17, p. 251.

number of the street where he resides; the State or States through which he proposes to travel; the mode of travel, whether on foot, with one, two, or more horses, mules, or other animals, or by public conveyance; also whether he proposes to sell his own manufactures or the manufactures of others, and, if he sells for other parties, the person for whom he sells. He shall also give a bond in the sum of two thousand dollars, to be approved by the collector of the district, conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on tobacco, snuff, or cigars; that he shall neither sell, nor offer for sale, any tobacco, snuff, or cigars, except in original and full packages, as the law requires the same to be put up and prepared by the manufacturer for sale, or for removal for sale or consumption, and except such packages of tobacco, snuff, and cigars as bear the manufacturer's label or caution-notice, and his legal marks and brands, and genuine internal-revenue stamps which have never before been used.

Peddlers of tobacco traveling with wagon.

6 June, 1872, c. 315, s. 31, v. 17, p. 251.

SEC. 3382. Every peddler of tobacco, snuff, or cigars, traveling with a wagon, shall affix and keep on the same, in a conspicuous place, a sign painted in oil-colors, or gilded, giving his full name, business, and collection-district.

Peddler to obtain and exhibit certificate, &c.

6 June, 1872, c. 315, s. 31, v. 17, p. 252.

24 Dec., 1872, c. 13, ss. 1, 6, v. 17, pp. 401, 403.

SEC. 3383. Every peddler of tobacco shall obtain a certificate from the collector of his collection-district, who is hereby authorized and directed to issue the same, giving the name of the peddler, his residence, the class of his special-tax stamp, and the fact of his having filed the required bond; and shall, on demand of any officer of internal revenue, produce and exhibit said certificate, and, unless he shall do so, may be deemed not to have paid the special tax, nor otherwise to have complied with the law. And whenever any peddler refuses to exhibit his special stamp as aforesaid, on demand of any officer of internal revenue, said officer may seize the horse, or mule, wagon and contents, or pack, bundle, or basket of any person so refusing; and the collector of the district in which the seizure occurs may, on ten days' notice, published in any newspaper in the district, or served personally on the peddler, or at his dwelling-house, require such peddler to show cause, if any he has, why the horses or mules, wagon and contents, pack, bundle, or basket so seized shall not be forfeited. In case no sufficient cause is shown, proceedings for the forfeiture of the property seized shall be taken under the general provisions of the internal-revenue laws relating to forfeitures.

Peddling tobacco unlawfully; penalty.

6 June, 1872, c. 315, s. 31, v. 17, p. 252.

SEC. 3384. Every person who is found peddling tobacco, snuff, or cigars, without having given the bond, or without having previously obtained the collector's certificate as herein provided, or who sells tobacco, snuff, or cigars otherwise than in original and full packages as put up by the manufacturer; or who has in his possession any internal-revenue stamp which has been removed from any box or other package of tobacco, snuff, or cigars, or any empty or partially emptied box or other package which has been used for tobacco, snuff, or cigars, the stamp or stamps on which have not been destroyed; or who fails to have affixed to his wagon, in a conspicuous place, a sign, painted in oil-colors, or gilded, giving his full name, business, and collection-district, shall, for each such offense, be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not less than six months nor more than one year, or both, at the discretion of the court.

Exportation of manufactured tobacco, &c.

6 June, 1872, c. 315, s. 31, v. 17, p. 254.
20 July, 1868, c. 186, s. 73, v. 15, p. 157.

SEC. 3385. Manufactured tobacco, snuff, and cigars intended for immediate exportation, may, after being properly inspected, marked, and branded, be removed from the manufactory in bond without having affixed thereto the stamps indicating the payment of the tax thereon. The removal of such tobacco, snuff, and cigars from the manufactory shall be made under such regulations, and after making such entries and executing and filing, with the collector of the district from which

the removal is to be made, such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. There shall be affixed to each package of tobacco, snuff, and cigars intended for immediate export, before it is removed from the manufactory, an engraved stamp, indicative of such intention. Such stamp shall be provided and furnished to the several collectors as in the case of other stamps, and be charged to them and accounted for in the same manner; and for the expense attending the providing and affixing thereof, ten cents for each package so stamped shall be paid to the collector on making the entry for such transportation. When the manufacturer has made the proper entries, filed the bonds, and otherwise complied with all the requirements of the law and regulations as herein provided, the collector shall issue to him a permit for the removal, accurately describing the tobacco, snuff, and cigars to be shipped, the number and kind of packages, the number of pounds, the amount of tax, the marks and brands, the State and collection-district from which the same are shipped, the number of the manufactory and the manufacturer's name, the port from which the said tobacco, snuff, and cigars are to be exported, the route or routes over which the same are to be sent to the port of shipment, and the name of the vessel or line by which they are to be conveyed to the foreign port. The bonds required to be given for the exportation of the tobacco, snuff, and cigars shall be canceled upon the presentation of the proper certificates that said tobacco, snuff, and cigars have been landed at any port without the jurisdiction of the United States, or upon satisfactory proof that after shipment the same were lost at sea.

SEC. 3386. There shall be an allowance of drawback on tobacco, snuff, and cigars on which the tax has been paid by suitable stamps affixed thereto before removal from the place of manufacture, when the same are exported, equal in amount to the value of the stamps found to have been so affixed, the evidence that the stamps were so affixed, and the amount of tax so paid, and of the subsequent exportation of the said tobacco, snuff, and cigars, to be ascertained under such regulations as shall be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. Any sums found to be due under the provisions of this section shall be paid by the warrant of the Secretary of the Treasury on the Treasurer of the United States, out of any money arising from internal duties not otherwise appropriated: *Provided*, That no claim for an allowance of drawback shall be entertained or allowed for a sum less than fifty dollars, nor except upon evidence satisfactory to the Commissioner of Internal Revenue that the stamps affixed to the tobacco, snuff, or cigars alleged to have been exported were totally destroyed before the shipment thereof, and that the same have been landed in a foreign country or lost at sea, and have not been relanded within the limits of the United States.

Drawback on exported tobacco, &c.

6 June, 1872, c. 315, s. 31, v. 17, p. 254.
20 July, 1868, c. 186, s. 74, v. 15, p. 157.

CHAPTER SEVEN.

CIGARS.

Sec.	Sec.
3387. Manufacturer's statement and bond.	3399. Cigars manufactured on shares, commission, or contract; how stamped; frauds.
3388. Manufacturer's sign.	3400. Forfeiture of property for selling, &c., contrary to law, using false stamps, &c.
3389. Record of manufacturers and makers.	3401. Falsely representing cigars to have been made prior to 20 July, 1868.
3390. Annual inventory, book entries, and monthly abstracts of manufacturer.	3402. Imported cigars to pay tax; stamps, when and by whom affixed.
3391. Dealers in material for cigars to make sworn statement, when demanded.	3403. Selling imported cigars not packed as required by law.
3392. How cigars are to be packed.	3404. Purchasing cigars not branded or stamped.
3393. Label and notice on cigars.	3405. Buying cigars from a manufacturer who has not paid a special tax.
3394. Tax on cigars and cigarettes.	3406. Stamps on emptied cigar-boxes to be destroyed; penalty for neglect, &c.
3395. Stamps, how prepared, furnished, and accounted for.	
3396. Inspection of cigars, &c.	
3397. Removal without properly boxing, stamping, or branding; using false stamps, &c.	
3398. Absence of stamp evidence of non-payment of tax.	

Manufacturer's statement and bond.

20 July, 1868, c. 186, s. 82, v. 15, p. 160.

SEC. 3387. Every person before commencing, or, if he has already commenced, before continuing, the manufacture of cigars, shall furnish, without previous demand therefor, to the collector of the district a statement in duplicate, under oath, setting forth the place, and, if in a city, the street and number of the street, where the manufacture is to be carried on; and when the same are to be manufactured for, or to be sold and delivered to, any other person, the name and residence and business or occupation of the person for whom they are to be manufactured, or to whom they are to be delivered; and shall give a bond, in conformity with the provisions of this Title, in such penal sum as the collector may require, not less than five hundred dollars, with an addition of one hundred dollars for each person proposed to be employed by him in making cigars, and the sum of said bond may be increased from time to time and additional sureties required, at the discretion of the collector, or under the instructions of the Commissioner of Internal Revenue. Said bond shall be conditioned that he shall not employ any person to manufacture cigars who has not been duly registered as a cigar-maker; that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on his manufactures; that he shall render correctly all the returns, statements, and inventories prescribed; that whenever he shall add to the number of cigar-makers employed by him he shall immediately give notice thereof to the collector of the district; that he shall stamp, in accordance with law, all cigars manufactured by him before he offers the same or any part thereof for sale, and before he removes any part thereof from the place of manufacture; that he shall not knowingly sell, purchase, expose, or receive for sale, any cigars which have not been stamped as required by law; and that he shall comply with all the requirements of law relating to the manufacture of cigars. Every cigar-manufacturer shall obtain from the collector of the district, who is hereby required to issue the same, a certificate setting forth the number of cigar-makers for which the bond has been given, and shall keep the same posted in a conspicuous place within the manufactory; and every cigar-manufacturer who neglects or refuses to obtain such certificate, or to keep the same posted as hereinbefore provided, shall be fined one hundred dollars. And every person who manufactures cigars of any description, without first giving bond as herein required, shall be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned not less than three months nor more than five years. Cigarettes and cheroots shall be held to be cigars under the meaning of this chapter.

SEC. 3388. Every cigar-manufacturer shall place and keep on the side or end of the building within which his business is carried on, so that it can be distinctly seen, a sign, with letters thereon not less than three inches in length, painted in oil-colors or gilded, giving his full name and business. Any person neglecting to comply with the requirements of this section shall, on conviction, be fined not less than one hundred dollars nor more than five hundred dollars.

Manufacturer's sign.

20 July, 1868, c. 186, s. 83, v. 15, p. 160.

SEC. 3389. Every collector shall keep a record, in a book provided for that purpose, to be open to the inspection of any person, of the name and residence of every person engaged in the manufacture of cigars in his district, the place where such manufacture is carried on, the number of the manufactory, and the names and residences of every cigar-maker employed in his district; and he shall enter in said record, under the name of each manufacturer, an abstract of his inventories and monthly returns. And he shall cause the several manufactories of cigars in the district to be numbered consecutively, which number shall not thereafter be changed.

Record of manufacturers and makers.

20 July, 1868, c. 186, s. 84, v. 15, p. 161.

SEC. 3390. Every person now or hereafter engaged in the manufacture of cigars shall make and deliver to the collector of the district a true inventory, in such form as may be prescribed by the Commissioner of Internal Revenue, of the quantity of leaf tobacco, cigars, stems, scraps, clippings, and waste, and of the number of cigar-boxes and the capacity of each box, held or owned by him on the first day of January of each year, or at the time of commencing and at the time of concluding business, if before or after the first of January; setting forth what portion and kinds of said goods were manufactured or produced by him, and what were purchased from others, and shall verify said inventory by his oath indorsed thereon. The collector shall make personal examination of the stock sufficient to satisfy himself as to the correctness of the inventory; and shall verify the fact of such examination by oath to be indorsed on the inventory. Every such person shall also enter daily in a book, the form of which shall be prescribed by the Commissioner of Internal Revenue, an accurate account of all the articles aforesaid purchased by him, the quantity of leaf-tobacco, cigars, stems, or cigar-boxes, of whatever description, manufactured, sold, consumed, or removed for consumption or sale, or removed from the place of manufacture; and shall, on or before the tenth day of each and every month, furnish to the collector of the district a true and accurate abstract from such book, verified by his oath, of all such purchases, sales, and removals made during the month next preceding. In case of refusal or willful neglect to deliver the inventory or keep the account, or furnish the abstract aforesaid, he shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years.

Annual inventory, book entries and monthly abstracts of manufacturer.

Ibid., s. 86, p. 161.

SEC. 3391. It shall be the duty of every dealer in leaf-tobacco or material used in manufacturing cigars, on demand of any officer of internal revenue, to render to such officer a true and correct statement, under oath, of the quantity and amount of such leaf-tobacco or materials sold or delivered to any person named in such demand; and in case of refusal or neglect to render such statement, or if there is cause to believe such statement to be incorrect or fraudulent, the collector shall make an examination of persons, books, and papers in the manner provided in this Title in relation to frauds and evasions.

Dealers in material for cigars to make sworn statement, when demanded.

Ibid., s. 86, p. 162.

SEC. 3392. All cigars shall be packed in boxes not before used for that purpose, containing, respectively, twenty-five, fifty, one hundred, two hundred and fifty, or five hundred cigars each; and every person who sells or offers for sale, or delivers or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of the number provided by law to be put in each box respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each such offense not less than one hundred dollars nor

How cigars are to be packed.

Ibid., s. 85, p. 161.

more than one thousand dollars, and be imprisoned not less than six months nor more than two years: *Provided*, That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers who have paid the special tax as such from boxes packed, stamped, and branded in the manner prescribed by law.

Label and notice on cigars.

Ibid., s. 88, p. 162.
10 April, 1869, c. 18, s. 1, v. 16, p. 43.

SEC. 3393. Every manufacturer of cigars shall securely affix, by pasting on each box containing cigars manufactured by or for him, a label, on which shall be printed, together with the proprietor's or manufacturer's name, the number of the manufactory, and the district and State in which it is situated, these words:

"NOTICE.—The manufacturer of the cigars herein contained has complied with all the requirements of law. Every person is cautioned under the penalties of law not to use this box for cigars again."

Every manufacturer of cigars who neglects to affix such label to any box containing cigars made by or for him, or sold or offered for sale by or for him, and every person who removes any such label, so affixed, from any such box, shall be fined fifty dollars for each box in respect to which such offense is committed.

Tax on cigars and cigarettes.

20 July, 1868, c. 186, s. 81, v. 15, p. 160.

SEC. 3394. Upon cigars which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected the following taxes, to be paid by the manufacturer thereof:

On cigars of all descriptions, made of tobacco or any substitute therefor, five dollars per thousand; on cigarettes weighing not more than three pounds per thousand, one dollar and fifty cents per thousand; on cigarettes weighing more than three pounds per thousand, five dollars per thousand.

Stamps, how prepared, furnished and accounted for.

Ibid., s. 87, p. 162.

SEC. 3395. The Commissioner of Internal Revenue shall cause to be prepared, for payment of the tax upon cigars, suitable stamps denoting the tax thereon. Such stamps shall be furnished to collectors requiring them, and collectors shall, if there be any cigar-manufacturers within their respective districts, keep on hand at all times a supply equal in amount to two months' sales thereof, and shall sell the same only to the cigar-manufacturers who have given bonds and paid the special tax, as required by law, in their districts, respectively, and to importers of cigars, who are required to affix the same to imported cigars in the custody of customs officers, and to persons required by law to affix the same to cigars on hand after the first day of April, eighteen hundred and sixty-nine. Every collector shall keep an account of the number, amount, and denominate values of the stamps sold by him to each cigar-manufacturer, and to other persons above described.

Inspection of cigars, &c.

Ibid., s. 81, p. 160.

SEC. 3396. The Commissioner of Internal Revenue may prescribe such regulations for the inspection of cigars, cheroots, and cigarettes, and the collection of the tax thereon, as he may deem most effective for the prevention of frauds in the payment of such tax.

Removal without properly boxing, stamping, or branding; using false stamps, &c.

Ibid., s. 89, p. 162.
6 June, 1872, c. 315, s. 31, v. 17, p. 255.

SEC. 3397. Whenever any cigars are removed from any manufactory, or place where cigars are made, without being packed in boxes as required by the provisions of this chapter, or without the proper stamp thereon denoting the tax, or without burning into each box with a branding-iron the number of the cigars contained therein, the name of the manufacturer, and the number of the district and the State, or without properly affixing thereon and canceling the stamp denoting the tax on the same, or are sold or offered for sale not properly boxed and stamped, they shall be forfeited to the United States. And every person who commits any of the above-described offenses shall be fined for each such offense not less than one hundred dollars nor more than one thousand dollars, and imprisoned not less than six months nor more than two years. And every person who packs cigars in any box bearing a false or fraudulent or counterfeit stamp, or who affixes to any box containing cigars a stamp in the similitude or likeness of any stamp required to be used by the laws of the United States, whether the same be a customs or internal-revenue stamp; or who buys, receives, or has in his possession any cigars on which the tax to which they are liable

has not been paid, or who removes or causes to be removed from any box any stamp denoting the tax on cigars, with intent to use the same, or who uses or permits any other person to use any stamp so removed, or who receives, buys, sells, gives away, or has in his possession any stamp so removed, or who makes any other fraudulent use of any stamp intended for cigars, or who removes from the place of manufacture any cigars not properly boxed and stamped as required by law, shall be deemed guilty of a felony, and shall be fined not less than one hundred dollars nor more than one thousand dollars, and imprisoned not less than six months nor more than three years.

SEC. 3398. The absence of the proper revenue-stamp on any box of cigars sold, or offered for sale, or kept for sale, shall be notice to all persons that the tax has not been paid thereon, and shall be prima-facie evidence of the non-payment thereof, and such cigars shall be forfeited to the United States.

Absence of stamps evidence of non-payment of tax.

20 July, 1868, c. 186, s. 90, v. 15, p. 163.

SEC. 3399. Whenever cigars of any description are manufactured, in whole or in part, upon commission or shares, or the material is furnished by one party and manufactured by another, or the material is furnished or sold by one party with an understanding or agreement with another that the cigars are to be received in payment therefor, or for any part thereof, the stamps required by law shall be affixed by the actual maker before the cigars are removed from the place of manufacturing. And in case of fraud on the part of either of said parties in respect to said manufacture, or of any collusion on their part with intent to defraud the revenue, such material and cigars shall be forfeited to the United States; and every person engaged in such fraud or collusion shall be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned for not less than six months nor more than three years.

Cigars manufactured on shares, commission, or contract; how stamped; frauds.

Ibid., s. 91, p. 163.

SEC. 3400. Every manufacturer of cigars who removes or sells any cigars without payment of the special tax as a cigar-manufacturer, or without having given bond as such, or without the proper stamps denoting the tax thereon; or who makes false or fraudulent entries of the manufacture or sale of any cigars; or makes false or fraudulent entries of the purchase or sale of leaf-tobacco, tobacco-stems, or other material used in the manufacture of cigars; or who affixes any false, forged, spurious, fraudulent, or counterfeit stamp, or imitation of any stamp, required by law to any box containing any cigars, shall, in addition to the penalties elsewhere provided in this Title for such offenses, forfeit to the United States all raw material and manufactured or partly manufactured tobacco and cigars, and all machinery, tools, implements, apparatus, fixtures, boxes, barrels, and all other materials which shall be found in his possession, or in his manufactory, and used in his business as such manufacturer, together with his estate or interest in the building or factory, and the lot or tract of ground on which such building or factory is located, and all appurtenances thereunto belonging.

Forfeiture of property for selling, &c., contrary to law, using false stamps, &c.

Ibid., s. 92, p. 163.

SEC. 3401. Every person who sells or offers for sale any cigars, representing the same to have been manufactured and the tax paid thereon prior to July twenty, eighteen hundred and sixty-eight, when the same were not so manufactured and the tax was not so paid, shall be liable to a penalty of five hundred dollars for each offense, and shall be deemed guilty of a misdemeanor, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years.

Falsely representing cigars to have been made prior to 20 July, 1868.

Ibid., s. 95, p. 164.

SEC. 3402. All cigars imported from foreign countries shall pay, in addition to the import duties imposed thereon, the tax prescribed by law for cigars manufactured in the United States, and shall have the same stamps affixed. The stamps shall be affixed and canceled by the owner or importer of the cigars while they are in the custody of the proper custom-house officers, and the cigars shall not pass out of the custody of such officers until the stamps have been so affixed and canceled, but

Imported cigars to pay tax; stamps, when and by whom affixed.

Ibid., s. 93, p. 163.

shall be put up in boxes containing quantities as prescribed in this chapter for cigars manufactured in the United States, before the stamps are affixed. And the owner or importer of such cigars shall be liable to all the penal provisions of this Title prescribed for manufacturers of cigars manufactured in the United States. Whenever it is necessary to take any cigars so imported to any place other than the public stores of the United States, for the purpose of affixing and canceling such stamps, the collector of customs of the port where such cigars are entered shall designate a bonded warehouse to which they shall be taken, under the control of such customs officer as such collector may direct. And every officer of customs who permits any such cigars to pass out of his custody or control, without compliance by the owner or importer thereof with the provisions of this section relating thereto, shall be deemed guilty of a misdemeanor, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years. [See § 2304.]

Selling imported cigars not packed as required by law.

Ibid., a. 94, p. 164.

SEC. 3403. All cigars, of every description, on hand after the first day of April, eighteen hundred and sixty-nine, shall be taken to have been either manufactured or imported after the passage of the internal-revenue act of July twentieth, eighteen hundred and sixty-eight, and shall be stamped accordingly. Every person who sells or offers for sale any imported cigars, or cigars purporting or claimed to have been imported, not put up in packages and stamped as provided by this chapter, shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years.

Purchasing cigars not branded or stamped.

13 July, 1866, c. 184, s. 9, v. 14, p. 126. 30 June, 1864, c. 173, s. 92, v. 13, p. 263. 20 July, 1866, c. 186, s. 89, v. 15, p. 162.

Buying cigars from a manufacturer who has not paid a special tax.

13 July, 1866, c. 184, s. 9, v. 14, p. 126.

30 June, 1864, c. 173, s. 92, v. 13, p. 263.

Stamps on emptied cigar-boxes to be destroyed; penalty for neglect, &c.

6 June, 1872, c. 315, s. 33, v. 17, p. 255.

2 March, 1867, c. 169, s. 32, v. 14, p. 484.

20 July, 1868, c. 186, ss. 72, 89, v. 15, pp. 156, 162.

SEC. 3404. Every person who purchases or receives for sale any cigars which have not been branded or stamped according to law, shall be liable to a penalty of fifty dollars for each such offense.

SEC. 3405. Every person who purchases or receives for sale any cigars from any manufacturer who has not paid the special tax shall be liable for each offense to a penalty of one hundred dollars, and to a forfeiture of all the said articles so purchased or received, or of the full value thereof.

SEC. 3406. Whenever any stamped box containing cigars, cheroots, or cigarettes, is emptied, it shall be the duty of the person in whose hands the same is to destroy utterly the stamps thereon. And any person who willfully neglects or refuses so to do shall, for each such offense, be fined not exceeding fifty dollars and imprisoned not less than ten days nor more than six months. And any person who fraudulently gives away or accepts from another, or who sells, buys, or uses for packing cigars, cheroots, or cigarettes, any such stamped box, shall for each such offense be fined not exceeding one hundred dollars and be imprisoned not more than one year. Any revenue officer may destroy any emptied cigar-box upon which a cigar-stamp is found.

CHAPTER EIGHT

BANKS AND BANKERS.

<p>Sec. 3407. Definition of words "bank," "banker." 3408. Tax on deposits, capital, and circulation of banks and bankers. 3409. Taxes, when payable. 3410. Capital of banks expired or converted into national banks. 3411. Circulation when exempted from tax. 3412. Tax on notes of persons or State banks used as circulation, &c.</p>	<p>Sec. 3413. Tax on notes of town, city, or municipal corporations paid out by banks, &c. 3414. Banks' and bankers' monthly returns. 3415. In default of return, commissioner to estimate, &c., 3416. State banks converted into national banks; returns, how made. 3417. Provisions for bank-tax and returns not to apply to national banks.</p>
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SEC. 3407. Every incorporated or other bank, and every person, firm, or company having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or for sale, shall be regarded as a bank or as a banker.

Definition of words "bank," "banker."

30 June, 1864, c. 173, s. 79, v. 13, p. 251.
13 July, 1866, c. 184, s. 9, v. 14, p. 115.

SEC. 3408. There shall be levied, collected, and paid, as hereafter provided:

Tax on deposits.

First. A tax of one twenty-fourth of one per centum each month upon the average amount of the deposits of money, subject to payment by check or draft, or represented by certificates of deposit or otherwise, whether payable on demand or at some future day, with any person, bank, association, company, or corporation, engaged in the business of banking;

30 June, 1864, c. 173, s. 110, v. 13, p. 277.
13 July, 1866, c. 184, s. 9, v. 14, pp. 137, 146.
6 June, 1872, c. 315, s. 37, v. 17, p. 625.

Oulton vs. Savings Institution, 17 Wall., 109.

Second. A tax of one twenty-fourth of one per centum each month upon the capital of any bank, association, company, corporation, and on the capital employed by any person in the business of banking beyond the average amount invested in United States bonds: *Provided*, That the words "capital employed" shall not include money borrowed or received from day to day, in the usual course of business, from any person not a partner of or interested in the said bank, association, or firm;

Tax on capital employed.

Ibid.

Third. A tax of one-twelfth of one per centum each month upon the average amount of circulation issued by any bank, association, corporation, company, or person, including as circulation all certified checks and all notes and other obligations calculated or intended to circulate or to be used as money, but not including that in the vault of the bank, or redeemed and on deposit for said bank; and an additional tax of one-sixth of one per centum each month upon the average amount of such circulation, issued as aforesaid, beyond the amount of ninety per centum of the capital of any such bank, association, corporation, company, or person.

Tax on circulation.

Ibid.

In the case of banks with branches, the tax herein provided shall be assessed upon the circulation of each branch severally, and the amount of capital of each branch shall be considered to be the amount allotted to it.

On circulation of branch banks.

Ibid.

The deposits in associations or companies known as provident institutions, savings-banks, savings-funds, or savings-institutions, having no capital stock and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits, without profit or compensation to the association or company, shall be exempt from tax on so much of their deposits as they have invested in securities of the United States, and on all deposits not exceeding two thousand dollars made in the name of any one person.

Exemptions on deposits in savings-banks.

Ibid.

Taxes, when payable.

6 June, 1872, c. 315, s. 37, v. 17, p. 256.

30 June, 1864, c. 173, s. 110, v. 13, p. 277.

3 March, 1865, c. 78, s. 14, v. 13, p. 486.

13 July, 1866, c. 184, s. 9, v. 14, p. 146.

3 March, 1865, c. 78, s. 14, v. 13, p. 486.

13 July, 1866, c. 184, s. 9 *bis*, v. 14, p. 146.

Tax on notes of persons or State banks used as circulation, &c.

3 March, 1865, c. 78, s. 6, v. 13, p. 484.

13 July, 1866, c. 184, s. 9 *bis*, v. 14, p. 146.

Tax on notes of town, city, or municipal corporations, paid out by banks, &c.

30 June, 1864, c. 173, s. 110, v. 13, p. 278.

13 July, 1866, c. 184, s. 9, v. 14, p. 147.

26 March, 1867, c. 8, s. 2, v. 15, p. 6.

6 June, 1872, c. 315, s. 37, v. 17, p. 256.

24 Dec., 1872, c. 13, s. 5, v. 17, p. 403.

In default of return, commissioner to estimate, &c.

30 June, 1864, c. 173, s. 110, v. 13, p. 278.

13 July, 1866, c. 184, s. 9, v. 14, p. 146.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

State banks converted into national banks; returns, how made.

SEC. 3409. The taxes provided in the preceding section shall be paid semi-annually, on the first day of January and the first day of July; but the same shall be calculated at the rate per month as prescribed by said section, so that the tax for six months shall not be less than the aggregate would be if such taxes were collected monthly.

173, s. 110, v. 13, p. 277. 13 July, 1866, c. 184, s. 9, v. 14, p. 146.

SEC. 3410. The capital of any State bank or banking association which has ceased or shall cease to exist, or which has been or shall be converted into a national bank, shall be assumed to be the capital as it existed immediately before such bank ceased to exist or was converted as aforesaid.

184, s. 9 *bis*, v. 14, p. 146.

SEC. 3411. Whenever the outstanding circulation of any bank, association, corporation, company, or person is reduced to an amount not exceeding five per centum of the chartered or declared capital existing at the time the same was issued, said circulation shall be free from taxation; and whenever any bank which has ceased to issue notes for circulation deposits in the Treasury of the United States, in lawful money, the amount of its outstanding circulation, to be redeemed at par, under such regulations as the Secretary of the Treasury shall prescribe, it shall be exempt from any tax upon such circulation.

SEC. 3412. Every national banking association, State bank, or State banking association, shall pay a tax of ten per centum on the amount of notes of any person, or of any State bank or State banking association, used for circulation and paid out by them.

3 March, 1865, c. 78, s. 6, v. 13, p. 484. 13 July, 1866, c. 184, s. 9 *bis*, v. 14, p. 146. 26 March, 1867, c. 8, s. 2, v. 15, p. 6.—*Veasie Bank vs. Fenno*, 8 Wall., 533.

SEC. 3413. Every national banking association, State bank, or banker, or association, shall pay a tax of ten per centum on the amount of notes of any town, city, or municipal corporation, paid out by them.

SEC. 3414. A true and complete return of the monthly amount of circulation, of deposits, and of capital, as aforesaid, and of the monthly amount of notes of persons, town, city, or municipal corporation, State banks, or State banking associations paid out as aforesaid for the previous six months, shall be made and rendered in duplicate on the first day of December and the first day of June, by each of such banks, associations, corporations, companies, or persons, with a declaration annexed thereto, under the oath of such person, or of the president or cashier of such bank, association, corporation, or company, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same contains a true and faithful statement of the amounts subject to tax, as aforesaid; and one copy shall be transmitted to the collector of the district in which any such bank, association, corporation, or company is situated, or in which such person has his place of business, and one copy to the Commissioner of Internal Revenue.

SEC. 3415. In default of the returns provided in the preceding section, the amount of circulation, deposit, capital, and notes of persons, town, city, and municipal corporations, State banks, and State banking associations paid out, as aforesaid, shall be estimated by the Commissioner of Internal Revenue, upon the best information he can obtain. And for any refusal or neglect to make return and payment, any such bank, association, corporation, company, or person so in default shall pay a penalty of two hundred dollars, besides the additional penalty and forfeitures provided in other cases.

SEC. 3416. Whenever any State bank or banking association has been converted into a national banking association, and such national banking association has assumed the liabilities of such State bank or banking association, including the redemption of its bills, by any agreement or

understanding whatever with the representatives of such State bank or banking association, such national banking association shall be held to make the required return and payment on the circulation outstanding, so long as such circulation shall exceed five per centum of the capital before such conversion of such State bank or banking association.

SEC. 3417. The provisions of this chapter, relating to the tax on the deposits, capital, and circulation of banks, and to their returns, except as contained in sections thirty-four hundred and ten, thirty-four hundred and eleven, thirty-four hundred and twelve, and thirty-four hundred and sixteen, and such parts of sections thirty-four hundred and fourteen, and thirty-four hundred and fifteen as relate to the tax of ten per centum on certain notes, shall not apply to associations which are taxed under and by virtue of Title "NATIONAL BANKS."

3 March, 1865, c. 78, s. 14, v. 13, p. 486.

13 July, 1866, c. 184, s. 9 *bis*, v. 14, p. 146.

Provisions for bank tax and returns not to apply to national banks.

30 June, 1864, c. 173, s. 110, v. 13, p. 278.

13 July, 1866, c. 184, s. 9, v. 14, p. 146.

CHAPTER NINE.

STAMP-TAXES ON SPECIFIC OBJECTS.

Sec.
3418. Tax on bank-checks.
3419. Tax on medicines or preparations, perfumery, cosmetics, &c.
3420. Official checks exempt.
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3422. Omission to stamp bank-checks, &c.; penalties and remedies.
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Sec.
3430. Selling, or removing articles for sale, without affixing stamps; penalty.
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3433. Articles in schedule, intended for exportation, to be manufactured in bonded warehouses.
3434. Removal in bond to Pacific coast for exportation.
3435. Persons offering for sale articles in schedule, deemed manufacturers.
3436. Medicines compounded according to pharmacopias exempt.
3437. Assessment of unpaid taxes payable by stamps.
Schedule A.

SEC. 3418. There shall be levied, collected, and paid for and in respect of every bank-check, draft, or order for the payment of money, drawn upon any bank, banker, or trust company, at sight or on demand, by any person who makes, signs, or issues the same, or for whose use or benefit the same is made, signed, or issued, two cents.

Tax on bank-checks.

30 June, 1864, c. 173, s. 151, v. 13, pp. 291, 292.

6 June, 1872, c. 315, s. 36, v. 17, p. 256.

SEC. 3419. There shall be levied, collected, and paid on the articles mentioned in Schedule A, and in the manner hereinafter provided, and all the provisions of this chapter relating to dies, stamps, adhesive stamps, and stamped duties, shall extend to and include (except where otherwise provided for, or manifestly impracticable) all the articles or objects enumerated in schedule marked A, subject to stamp duties, and shall apply to the provisions in relation thereto.

Tax on medicines or preparations, perfumery, cosmetics, &c.

30 June, 1864, c. 173, s. 168, v. 13, pp. 296, 301.

13 July, 1866, c. 184, s. 9, v. 14, p. 146.

5 March, 1872, c. 33, v. 17, p. 36.

SEC. 3420. All bank-checks, drafts, or orders, as aforesaid, issued by the officers of the United States Government, or by officers of any State, county, town, or other municipal corporation, are exempt from taxation: *Provided*, That it is the intent hereby to exempt from liability to taxation such State, county, town, or other municipal corporations in the exercise only of functions strictly belonging to them in their ordinary governmental and municipal capacity.

Official checks exempt.

13 July, 1866, c. 184, s. 9, v. 14, p. 141.

30 June, 1864, c. 173, s. 154, v. 13, p. 292.

Unstamped checks not admitted in evidence.

13 July, 1866, c. 184, s. 9, v. 14, p. 143.

30 June, 1864, c. 173, s. 163, v. 13, p. 295.

Omission to stamp bank-checks, &c.; penalties and remedies.

13 July, 1866, c. 184, s. 9, v. 14, p. 143.

30 June, 1864, c. 173, s. 163, v. 13, p. 293.

14 July, 1870, c. 255, s. 5, v. 16, p. 257.

SEC. 3421. No bank-check, draft, or order, required by law to be stamped, which is issued without being duly stamped, nor any copy thereof, shall be admitted or used in evidence in any court until a legal stamp, denoting the amount of tax, is affixed thereto, as prescribed by law. And it shall not be lawful to record any instrument, document, or paper required by law at the time of its issue to be stamped, unless a stamp or stamps of the proper amount shall have been affixed, and canceled in the manner required by law; and the record of any such instrument, upon which the proper stamp or stamps aforesaid shall not have been duly affixed and canceled, shall be utterly void and shall not be used in evidence.

SEC. 3422. Any person or persons who shall make, sign, or issue, or who shall cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, or shall accept, negotiate, or pay, or cause to be accepted, negotiated, or paid, any draft, or order, for the payment of money, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this Title, shall, for every such offense, forfeit the sum of fifty dollars, and such instrument, document, or paper, draft, order, not being stamped according to law, shall be deemed invalid and of no effect: *Provided*, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon, at the time of making or issuing the said instrument, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or if said instrument be lost, to a copy thereof, he or they shall appear before the collector of the revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of double the amount of tax remaining unpaid, but in no case less than five dollars, and where the whole amount of the tax denoted by the stamp required shall exceed the sum of fifty dollars, on payment also of interest, at the rate of six per centum on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such instrument or copy, and note upon the margin thereof the date of his so doing, and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid, to all intents and purposes, as if stamped when made or issued. And when the original instrument, or a certified or duly proved copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument, has been corrected pursuant to law; and the original instrument, or such certified copy of the record thereof may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped. But no right acquired in good faith before the stamping of such instrument or copy thereof, and the recording thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid.

Stamps to be canceled; proprietary stamps; penalty for their fraudulent use.

30 June, 1864, c. 173, ss. 155, 156, 165, v. 13, pp. 292, 293, 296.

13 July, 1866, c. 184, s. 9, v. 14, pp. 141, 144.

SEC. 3423. In all cases where an adhesive stamp is used for denoting any tax imposed under this chapter, except as hereinafter provided, the person using or affixing the same shall write thereon the initials of his name and the date on which such stamp is attached or used, so that it may not again be used. And every person who fraudulently makes use of an adhesive stamp to denote any tax imposed by this chapter without so effectually canceling and obliterating such stamp, except as before mentioned, shall forfeit the sum of fifty dollars: *Provided*, That any proprietor of proprietary articles, or articles subject to stamp-tax under Schedule A, shall have the privilege of furnishing, without expense to

the United States, in suitable form, to be approved by the Commissioner of Internal Revenue, his own dies or designs for stamps to be used thereon, which shall be made under the direction and retained in the possession of the said Commissioner, for the separate use of such proprietor, and shall not be duplicated to any other person; and that in all cases where such stamp is used, instead of said proprietor writing the date thereon, the said stamp shall be so affixed on the box, bottle, or package, that in opening the same, or using the contents thereof, the said stamp will be effectually destroyed; and, in default thereof, such proprietor shall be liable to a penalty of fifty dollars. And every person who fraudulently obtains or uses any of the aforesaid stamps, or designs therefor, or who forges or counterfeits, or causes or procures to be forged or counterfeited, any representation or similitude, or colorable imitation of the said last-mentioned stamp, or any engraver or printer who sells or gives away said stamps, or selling the same, or, being a merchant, broker, peddler, or person dealing, in whole or in part, in similar goods, wares, merchandise, manufactures, preparations, or articles, or those designed for similar objects or purposes, has knowingly or fraudulently in his possession any such forged, counterfeited likeness, similitude, or colorable imitation of the said last-mentioned stamp, shall forfeit the said stamps and the articles upon which they are placed, shall be deemed guilty of felony, and be punished by a fine not exceeding one thousand dollars, or by imprisonment and confinement to hard labor not exceeding five years, or both, at the discretion of the court.

SEC. 3424. The Commissioner of Internal Revenue is authorized to prescribe such method for the cancellation of stamps as substitute for, or in addition to the method prescribed in this chapter, as he may deem expedient and effectual. And he is authorized, in his discretion, to make the application of such method imperative upon the manufacturers of proprietary articles, or articles included in Schedule A.

SEC. 3425. The Commissioner of Internal Revenue is authorized to sell and supply to collectors, deputy-collectors, postmasters, stationers, or any other persons, at his discretion, adhesive stamps, or stamped paper, as herein provided for, in amounts of not less than fifty dollars, upon the payment, at the time of delivery, of the amount of duties said stamps or stamped paper, so sold or supplied, represent, and may allow, upon the aggregate amount of such stamps, the sum of not exceeding five per centum as commission to such purchasers; but the cost of any paper shall be paid by the purchaser of such stamped paper. The proprietor of articles named in Schedule A, who furnishes his own die or design for stamps to be used especially for his own proprietary articles, shall be allowed the following commissions: On amounts purchased at one time of not less than fifty dollars nor more than five hundred dollars, five per centum; and on amounts over five hundred dollars, ten per centum on the whole amount purchased: *Provided*, That the Commissioner may, from time to time, deliver to any manufacturer of friction or other matches, cigar-lights, or wax-tapers, a suitable quantity of adhesive or other stamps, such as may be prescribed for use in such cases, without prepayment therefor, on a credit not exceeding sixty days, requiring, in advance, such security as he may judge necessary to secure payment therefor to the Treasurer of the United States, within the time prescribed for such payment. And upon all bonds or other securities taken by said Commissioner, under the provisions of this chapter, suits may be maintained by said Treasurer in the circuit or district court of the United States, in the several districts where any of the persons giving said bonds or other securities reside or may be found, in any appropriate form of action.

SEC. 3426. The Commissioner of Internal Revenue may, from time to time, make regulations, upon proper evidence of the facts, for the allowance of such of the stamps issued under the provisions of this chapter, or any internal revenue act, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the

14 July, 1870, c. 255, s. 4, v. 16, p. 257.

Method of cancellation.

30 June, 1864, c. 173, s. 157, v. 13, p. 293.

Stamps, how supplied.

30 June, 1864, c. 173, s. 161, v. 13, p. 294.

14 July, 1870, c. 255, s. 4, v. 16, p. 257.

Replacement of spoiled stamps, &c.

30 June, 1864, c. 173, s. 161, v. 13, p. 294.

owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been paid in error, or remitted; and such allowance shall be made either by giving other stamps in lieu of the stamps so allowed for, or by repaying the amount or value, after deducting therefrom, in case of repayment, the sum of five per centum to the owner thereof; but no allowance shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner of Internal Revenue, or until satisfactory proof has been made showing the reason why said stamps cannot be so returned.

Stamps furnished to certain officers for sale.

30 June, 1864, c. 173, s. 170, v. 13, p. 297.

SEC. 3427. In any collection-district where, in the judgment of the Commissioner of Internal Revenue, the facilities for the procurement and distribution of stamped paper and adhesive stamps, as provided in this chapter, are insufficient, the Commissioner is authorized to supply to collectors, assistant treasurers of the United States, designated depositaries, and postmasters, without prepayment therefor, suitable quantities of stamped paper, as aforesaid, and of adhesive stamps, as required by this chapter; and he may in advance require of any such person a bond, with sufficient sureties, in an amount equal to the value of any such stamped paper or stamps which may be placed in his hands and remain unaccounted for, conditioned for the faithful return of all quantities or amounts undisposed of, and for the payment, monthly, of all quantities or amounts sold or not remaining on hand. And he shall allow to such persons the highest rates of commissions allowed to any other parties purchasing such stamped paper or stamps. It shall be the duty of such collector to supply his deputies with, or to sell to other parties within his district who may apply therefor, such stamped paper and adhesive stamps, upon the same terms allowed by law, or under the regulations of the said Commissioner.

Regulations as to disposal and safe-keeping of stamps.

30 June, 1864, c. 173, s. 170, v. 13, p. 298.

SEC. 3428. The Commissioner of Internal Revenue is authorized to make such regulations, not inconsistent herewith, for the security of the United States and the better accommodation of the public, in relation to the matters provided in the preceding section, as he may deem necessary and expedient. And the Secretary of the Treasury may, from time to time, make such regulations as he may find necessary to insure the safe-keeping or to prevent the illegal use of all such stamped paper and adhesive stamps.

Forging, counterfeiting, &c., or fraudulently using or selling stamps, &c.

13 July, 1866, c. 184, s. 9, v. 14, p. 141.

30 June, 1864, c. 173, s. 155, v. 13, p. 292.

10 April, 1869, c. 118, s. 2, v. 16, p. 43.

SEC. 3429. If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any stamp, die, plate, or other instrument, or any part of any stamp, die, plate, or other instrument, which shall have been provided, or may hereafter be provided, made, or used in pursuance of the provisions of this chapter, or of any previous provisions of law on the same subjects, or shall forge, counterfeit, or resemble, or cause or procure to be forged, counterfeited, or resembled, the impression, or any part of the impression, of any such stamp, die, plate, or other instrument as aforesaid, upon any paper, or shall stamp or mark, or cause or procure to be stamped or marked, any paper, with any such forged or counterfeited stamp, die, plate, or other instrument, or part of any stamp, die, plate or other instrument, as aforesaid, with intent to defraud the United States of any of the taxes hereby imposed, or any part thereof; or if any person shall utter, or sell, or expose to sale, any paper, article, or thing, having thereupon the impression of any such counterfeited stamp, die plate, or other instrument, or any part of any stamp, die plate, or other instrument, or any such forged, counterfeited, or resembled impression, or part of impression, as aforesaid, knowing the same to be forged, counterfeited, or resembled; or if any person shall knowingly use or permit the use of any stamp, die, plate, or other instrument which shall have been so provided, made, or used, as aforesaid, with intent to defraud the United States; or if any person shall fraudulently cut, tear, or remove, or cause or procure to be cut, torn, or removed, the impression of any stamp, die, plate, or other instrument, which shall have been provided, made, or used, in pursuance

of this chapter, or of any previous provisions of law on the same subjects, from any paper, or any instrument or writing charged or chargeable with any of the taxes imposed by law; or if any person shall fraudulently use, join, fix or place, or cause to be used, joined, fixed, or placed to, with, or upon any paper, or any instrument or writing charged or chargeable with any of the taxes hereby imposed, any adhesive stamp, or the impression of any stamp, die, plate, or other instrument, which shall have been provided, made, or used in pursuance of law, and which shall have been cut, torn, or removed from any other paper, or any instrument or writing charged or chargeable with any of the taxes imposed by law; or if any person shall willfully remove or cause to be removed, alter or cause to be altered, the canceling or defacing marks on any adhesive stamp, with intent to use the same, or to cause the use of the same, after it shall have been once used, or shall knowingly or willfully sell or buy such washed or restored stamps, or offer the same for sale, or give or expose the same to any person for use, or knowingly use the same, or prepare the same with intent for the further use thereof; or if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any washed, restored, or altered stamps, which have been removed from any paper, instrument, or writing, then, and in every such case, every person so offending, and every person knowingly and willfully aiding, abetting, or assisting in committing any such offense as aforesaid, shall, on conviction thereof, forfeit the said counterfeit stamps and the articles upon which they are placed, and be punished by fine not exceeding one thousand dollars, or by imprisonment and confinement to hard labor not exceeding five years, or both, at the discretion of the court. And the fact that any adhesive stamp so bought, sold, offered for sale, used, or had in possession as aforesaid, has been washed or restored by removing or altering the canceling or defacing marks thereon, shall be prima-facie proof that such stamp has been once used and removed by the possessor thereof from some paper, instrument, or writing, charged with taxes imposed by law, in violation of the provisions of this section.

SEC. 3430. Whenever any person makes, prepares, and sells, or removes for consumption or sale, drugs, medicines, preparations, compositions, articles, or things, including perfumery, cosmetics, lucifer or friction-matches, cigar-lights, wax-tapers, and playing-cards, whether of domestic manufacture or imported, upon which a tax is imposed by law, as enumerated and mentioned in Schedule A, without affixing thereto an adhesive stamp or label denoting the tax before mentioned, he shall incur a penalty of fifty dollars for every omission to affix such stamp: *Provided*, That lucifer or friction matches and cigar-lights and wax-tapers may be removed from the place of manufacture for export to a foreign country, without payment of tax or affixing stamps thereto, under such regulations as the Commissioner of Internal Revenue may prescribe.

SEC. 3431. Every manufacturer or maker of any of the articles for sale mentioned in Schedule A, who, after the same are so made, and the particulars hereinbefore required as to stamps have been complied with, takes off, removes, or detaches, or causes, or permits, or suffers to be taken off, or removed, or detached, any stamp, or who uses any stamp, or any wrapper or cover to which any stamp is affixed, to cover any other article or commodity than that originally contained in such wrapper or cover, with such stamp when first used, with the intent to evade the stamp-duties, shall, for every such article, respectively, in respect of which any such offense is committed, be subject to a penalty of fifty dollars, to be recovered together with the costs thereupon accruing; and every such article or commodity as aforesaid shall also be forfeited.

SEC. 3432. Every maker or manufacturer of any of the articles or commodities mentioned in Schedule A, who, to evade the duty chargeable thereon, or any part thereof, sells, exposes for sale, sends out, removes, or delivers any article or commodity, manufactured as afore-

Selling or removing articles for sale without affixing stamps; penalty.

13 July, 1866, c. 184, s. 9, v. 14, p. 144.

30 June, 1864, c. 173, s. 165, v. 13, p. 296.

14 July, 1870, c. 255, s. 4, v. 16, p. 257.

14 July, 1870, c. 259, v. 16, pp. 24, 275.

Removing stamps from articles in schedule; penalty.

30 June, 1864, c. 173, s. 166, v. 13, p. 296.

Selling articles in Schedule A without affixing stamp; penalty.

30 June, 1864, c. 173, a. 167, v. 13, p. 296.

3 March, 1865, c. 78, a. 1, v. 13, p. 482.

Articles in schedule intended for exportation, to be manufactured in bonded warehouses.

30 June, 1864, c. 173, a. 168, v. 13, p. 296.

3 March, 1865, c. 78, a. 1, v. 13, p. 482.

said, before the duty thereon has been fully paid, by affixing thereon the proper stamp, as provided by law, or who to evade as aforesaid hides or conceals, or causes to be hidden or concealed, or removes or conveys away, or deposits, or causes to be removed or conveyed away from or deposited in any place, any such article or commodity, shall be subject to a penalty of one hundred dollars, together with the forfeiture of any such article or commodity.

SEC. 3433. All medicines, preparations, compositions, perfumery, cosmetics, cordials, and other liquors manufactured wholly or in part of domestic spirits, intended for exportation, as provided by law, in order to be manufactured and sold or removed, without being charged with duty, and without having a stamp affixed thereto, shall, under such regulations as the Secretary of the Treasury may prescribe, be made and manufactured in warehouses similarly constructed to those known and designated in Treasury regulations as bonded warehouses, class two: *Provided*, That such manufacturer shall first give satisfactory bonds to the collector of internal revenue for the faithful observance of all the provisions of law and the regulations as aforesaid, in amount not less than half of that required by the regulations of the Secretary of the Treasury from persons allowed bonded warehouses. Such goods, when manufactured in such warehouses, may be removed for exportation, under the direction of the proper officer having charge thereof, who shall be designated by the Secretary of the Treasury, without being charged with duty, and without having a stamp affixed thereto. Any manufacturer of the articles aforesaid, or of any of them, having such bonded warehouse as aforesaid, shall be at liberty, under such regulations as the Secretary of the Treasury may prescribe, to convey therein any materials to be used in such manufacture which are allowed by the provisions of law to be exported free from tax or duty, as well as the necessary materials, implements, packages, vessels, brands, and labels for the preparation, putting up, and export of the said manufactured articles; and every article so used shall be exempt from the payment of stamp and excise duty by such manufacturer. Articles and materials so to be used may be transferred from any bonded warehouse in which the same may be, under such regulations as the Secretary of the Treasury may prescribe, into any bonded warehouse in which such manufacture may be conducted, and may be used in such manufacture, and when so used shall be exempt from stamp and excise duty; and the receipt of the officer in charge, as aforesaid, shall be received as a voucher for the manufacture of such articles. Any materials imported into the United States may, under such rules as the Secretary of the Treasury may prescribe, and under the direction of the proper officer, be removed in original packages from on shipboard, or from the bonded warehouse in which the same may be, into the bonded warehouse in which such manufacture may be carried on, for the purpose of being used in such manufacture, without payment of duties thereon, and may there be used in such manufacture. No article so removed, nor any article manufactured in said bonded warehouse, shall be taken therefrom except for exportation, under the direction of the proper officer having charge thereof, as aforesaid, whose certificate, describing the articles by their marks, or otherwise, the quantity, the date of importation, and name of vessel, with such additional particulars as may from time to time be required, shall be received by the collector of customs in cancellation of the bonds, or return of the amount of foreign import duties. All labor performed and services rendered under these regulations shall be under the supervision of an officer of the customs, and at the expense of the manufacturer.

Removal in bond to Pacific coast for exportation.

13 July, 1866, c. 184, a. 28, v. 14, p. 155.

SEC. 3434. Any article manufactured in a bonded warehouse established under the preceding section, and situated in any of the Atlantic States, may be removed therefrom for transportation to a customs bonded warehouse at any port on the Pacific coast of the United States, for the purpose only of being exported therefrom, under such regulations and upon the execution of such bonds or other security as the Secretary of the Treasury may prescribe.

SEC. 3435. Every person who offers or exposes for sale any of the articles named in Schedule A, whether the articles so offered or exposed are of foreign manufacture and imported or are of domestic manufacture, shall be deemed the manufacturer thereof, and subject to all the duties, liabilities, and penalties imposed by law in regard to the sale of domestic articles without the use of the proper stamps denoting the tax paid thereon, and all such articles of foreign manufacture shall, in addition to the import duties imposed on the same, be subject to the stamp-tax, respectively, prescribed in said schedule.

SEC. 3436. No stamp-tax shall be imposed upon any uncompounded medicinal drug or chemical; nor upon any medicine compounded according to the United States or other national pharmacopœia, or of which the full and proper formula is published in any of the dispensaries now or hitherto in common use among physicians or apothecaries, or in any pharmaceutical journal now issued by any incorporated college of pharmacy, when not sold or offered for sale, or advertised under any other name, form, or guise than that under which they may be severally denominated and laid down in said pharmacopœias, dispensaries, or journals as aforesaid; nor upon medicines sold to or for the use of any person, which may be mixed and compounded for said person according to the written receipt or prescription of any physician or surgeon. But nothing in this section shall be construed to exempt from stamp-tax any medicinal articles, whether simple or compounded by any rule, authority, or formula, published or unpublished, which are put up in a style or manner similar to that of patent or proprietary medicines in general, or advertised in newspapers or by public handbills for popular sale and use, as having any special proprietary claim to merit, or to any peculiar advantage in mode of preparation, quality, use, or effect, whether such claim be real or pretended.

SEC. 3437. Whenever any article upon which a tax is required to be paid by means of a stamp is sold or removed for sale by the manufacturer thereof, without the use of the proper stamp, in addition to the penalties imposed by law for such sale or removal, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such removal or sale, upon such information as he can obtain, to estimate the amount of the tax which has been omitted to be paid, and to make an assessment therefor upon the manufacturer or producer of such article. He shall certify such assessment to the collector, who shall immediately demand payment of such tax, and, upon the neglect or refusal of payment by such manufacturer or producer, shall proceed to collect the same in the manner provided for the collection of other assessed taxes.

SCHEDULE A.

MEDICINES OR PREPARATIONS.

For and upon every packet, box, bottle, pot, phial, or other inclosure, containing any pills, powders, tinctures, troches, lozenges, sirups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, spirits, oils, or other medicinal preparations or compositions whatsoever, made and sold, or removed for consumption and sale, by any person or persons whatever, wherein the person making or preparing the same has or claims to have any private formula, or occult secret, or art for the making or preparing the same, or has or claims to have any exclusive right or title to the making or preparing the same, or which are prepared, uttered, vended, or exposed for sale under any letters-patent, or held out or recommended to the public by the makers, venders, or proprietors thereof as proprietary medicines, or as remedies or specifics for any disease, diseases, or affections whatever affecting the human or animal body, as follows:

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed, at retail price or value, the sum of twenty-five cents, one cent.

Persons offering for sale articles in schedule deemed manufacturers.

13 July, 1866, c. 184, s. 9, v. 14, p. 144.

30 June, 1864, c. 173, s. 169, v. 13, p. 297.

6 June, 1872, c. 315, s. 34, v. 17, p. 255.

Medicines compounded according to pharmacopœias empt.

13 July, 1866, c. 184, s. 13, v. 14, p. 151.

Assessment of unpaid taxes payable by stamps.

2 March, 1867, c. 169, s. 5, v. 14, p. 472.

6 June, 1872, c. 315, s. 31, v. 17, p. 252.

24 Dec., 1873, c. 13, s. 7, v. 17, p. 403.

Schedule A.

Medicines or preparations.

30 June, 1864, c. 173, s. 170, v. 13, pp. 301, 302.

13 July, 1866, c. 184, s. 9, v. 14, p. 145.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of twenty-five cents, and not exceed the retail price or value of fifty cents, two cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of fifty cents, and shall not exceed the retail price or value of seventy-five cents, three cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of seventy-five cents, and shall not exceed the retail price or value of one dollar, four cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of one dollar, for each and every fifty cents or fractional part thereof over and above the one dollar, as before mentioned, an additional two cents.

Perfumery, cosmetics, &c.

PERFUMERY AND COSMETICS, ETC.

For and upon every packet, box, bottle, pot, phial, or other inclosure, containing any essence, extract, toilet-water, cosmetic, hair-oil, pomade, hair-dressing, hair-restorative, hair-dye, tooth-wash, dentifrice, tooth-paste, aromatic cachous, or any similar articles, by whatsoever name the same heretofore have been, now are, or may hereafter be called, known or distinguished, used or applied, or to be used or applied as perfumes or applications to the hair, mouth, or skin, made, prepared, and sold or removed for consumption and sale in the United States, where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed, at the retail price or value, the sum of twenty-five cents, one cent.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of twenty-five cents, and shall not exceed the retail price or value of fifty cents, two cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of fifty cents, and shall not exceed the retail price or value of seventy-five cents, three cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of seventy-five cents, and shall not exceed the retail price or value of one dollar, four cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of one dollar, for each and every fifty cents or fractional part thereof over and above the one dollar, as before mentioned, an additional two cents.

Friction-matches, or lucifer-matches, or other articles made in part of wood, and used for like purposes, in parcels or packages containing one hundred matches or less, for each parcel or package, one cent.

When in parcels or packages containing more than one hundred and not more than two hundred matches, for each parcel or package, two cents.

And for every additional one hundred matches or fractional part thereof, one cent.

For wax-tapers, double the rates herein imposed upon friction or lucifer-matches; on cigar-lights, made in part of wood, wax, glass, paper, or other materials, in parcels or packages containing twenty-five lights or less in each parcel or package, one cent.

When in parcels or packages containing more than twenty-five and not more than fifty lights, two cents.

For every additional twenty-five lights or fractional part of that number, one cent additional.

Playing-cards.

PLAYING-CARDS.

For and upon every pack not exceeding fifty-two cards in number, irrespective of price or value, five cents.

CHAPTER TEN.

LEGACIES AND SUCCESSIONS.

Sec.

3438. Tax on legacies, &c.

3439. Tax on successions.

Sec.

3440. Assessment and collection of legacy and succession taxes.

SEC. 3438. There shall be paid to the United States, in respect of every legacy or distributive share arising from personal property, and of any personal property or interest therein, which is now subject to tax or duty under the provisions of acts in force prior to the first day of October, eighteen hundred and seventy, a duty or tax as follows, that is to say :

First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother or sister, to the person who died possessed of such property as aforesaid, at the rate of one dollar for each and every hundred dollars of the clear value of such interest in such property.

Second. Where the person or persons entitled to any beneficial interest in such property shall be a descendant of a brother or sister of the person who died possessed, as aforesaid, at the rate of two dollars for each and every hundred dollars of the clear value of such interest.

Third. Where the person or persons entitled to any beneficial interest in such property shall be a brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother, of the person who died possessed, as aforesaid, at the rate of four dollars for each and every hundred dollars of the clear value of such interest.

Fourth. Where the person or persons entitled to any beneficial interest in such property shall be a brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother, of the person who died possessed, as aforesaid, at the rate of five dollars for each and every hundred dollars of the clear value of such interest.

Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, at the rate of six dollars for each and every hundred dollars of the clear value of such interest: *Provided*, That all legacies or property passing by will, or by the laws of any State or Territory, to husband or wife of the person who died possessed, as aforesaid, shall be exempt from tax or duty: *And provided further*, That any legacy or share of personal property passing, as aforesaid, to a minor child of the person who died possessed, as aforesaid, shall be exempt from taxation under this section, unless such legacy or share exceeds the sum of one thousand dollars, in which case the excess only above that sum shall be liable to such taxation.

SEC. 3439. There shall be levied and paid to the United States in respect of every succession which is now subject to tax under the provisions of acts in force, prior to the first day of October, eighteen hundred and seventy, according to the value thereof, the following duties, that is to say :

Where the successor shall be the lineal issue or lineal ancestor of the predecessor, a duty at the rate of one dollar per centum upon such value.

Where the successor shall be a brother or sister, or a descendant of a brother or sister of the predecessor, a duty at the rate of two dollars per centum upon such value.

Tax on legacies,
&c.30 June, 1864, c.
173, s. 124, v. 13, p.
285.13 July, 1866, c.
184, s. 9, v. 14, p.
140.14 July, 1870, c.
255, ss. 3, 27, v. 16,
pp. 256, 269.24 Dec., 1872, c.
13, s. 2, v. 17, p. 402.Tax on succes-
sions.30 June, 1864, c.
173, s. 133, v. 13, pp.
288, 269.14 July, 1870, c.
255, ss. 3, 27, v. 16,
pp. 261, 269.24 Dec., 1872, c.
13, s. 2, v. 17, p. 402.

Where the successor shall be a brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother of the predecessor, a duty at the rate of four dollars per centum upon such value.

Where the successor shall be a brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother of the predecessor, a duty at the rate of five dollars per centum upon such value.

Where the successor shall be in any other degree of collateral consanguinity to the predecessor than is hereinbefore described, or shall be a stranger in blood to him, a duty at the rate of six dollars per centum upon such value.

Assessment and collection of legacy and succession taxes.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

SEC. 3440. The Commissioner of Internal Revenue is required to make the inquiries, determinations, and assessments, provided by acts in force, prior to the first day of October, eighteen hundred and seventy, of all taxes upon legacies and successions liable to be assessed or accruing thereon under the provisions of such acts; and he shall certify such assessments, when made, to the proper collectors, respectively, who shall proceed to collect and account for taxes so certified in the same manner as is provided for the collection of the same by such acts.

CHAPTER ELEVEN.

PROVISIONS COMMON TO SEVERAL OBJECTS OF TAXATION.

<p>Sec. 3441. Drawback on articles in Schedule A. 3442. Certificates of drawback receivable for taxes. 3443. Fraudulent claims of drawback. 3444. Collector's monthly account of articles in bonded warehouses, and articles exported. 3445. Changes of stamps, instruments for attaching and canceling. 3446. Power to alter form and device of spirit, tobacco, and cigar stamps. 3447. Where mode of assessing or collecting any tax is not provided for, regulations. 3448. Internal-revenue laws, when co-extensive with jurisdiction of United States. 3449. Removing any liquors or wines under other than trade names; penalty. 3450. Removing or concealing articles with intent to defraud United States of tax; forfeiture and penalty. 3451. Fraudulently executing documents required by internal-revenue law; penalty.</p>	<p>Sec. 3452. Having property in possession with intent to sell in fraud of law, or to evade taxes; penalty. 3453. Seizure of property found in possession in fraud of revenue laws. 3454. Sales to evade tax; forfeiture. 3455. Disposing of or receiving empty stamped packages, &c.; penalties. 3456. Penalty and forfeiture by distillers, rectifiers, wholesale liquor-dealers, and manufacturers of tobacco or cigars, for omitting things required, and for doing things forbidden. 3457. Package included in forfeiture of goods. 3458. Goods seized may be delivered to marshal before process issues. 3459. Bailing of goods seized; sale for want of bail. 3460. Proceedings on seizure of goods valued at \$500 or less. 3461. Application for remission, and return of proceeds; distribution. 3462. Search-warrants. 3463. Detection and punishment of frauds. 3464. Purchasing from the Government goods subject to tax. 3465. Construction of certain revenue acts.</p>
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Drawback on articles in Schedule A.

30 June, 1864, c. 173, s. 171, v. 13, p. 302.

3 March, 1865, c. 78, s. 1, v. 13, p. 482.

SEC. 3441. There shall be an allowance of drawback on fermented liquors and on all articles mentioned in Schedule A, on which any internal tax shall have been paid, except lucifer or friction matches, cigar-lights, and wax-tapers, equal in amount to the tax paid thereon and no more, when exported; to be paid by the warrant of the Secretary of the Treasury on the Treasurer of the United States, out of any money arising from internal duties not otherwise appropriated: *Provided*, That no allowance of drawback shall be made for any amount, claimed or due,

less than ten dollars, nor for any such articles exported prior to March thirty-first, eighteen hundred and sixty-eight. The evidence that any such tax has been paid as aforesaid shall be furnished to the satisfaction of the Commissioner of Internal Revenue by the person claiming the allowance of drawback, and the amount shall be ascertained under such regulations as shall be prescribed from time to time by the Commissioner, under the direction of the Secretary of the Treasury. And the said Secretary may make such regulations with regard to the form of certificates of drawback and the issuing thereof as he may deem necessary.

SEC. 3442. Certificates of drawback, issued in pursuance of the preceding section, may, under such regulations as may be prescribed by the Secretary of the Treasury, be received by the collector or his deputy in payment of taxes imposed by this Title.

SEC. 3443. Whenever any person fraudulently claims or seeks to obtain an allowance of drawback on goods, wares, or merchandise on which no internal duty shall have been paid, or fraudulently claims any greater allowance of drawback than the tax actually paid as aforesaid, he shall forfeit triple the amount wrongfully or fraudulently claimed or sought to be obtained, or the sum of five hundred dollars, at the election of the Secretary of the Treasury.

SEC. 3444. Every collector who has charge of any warehouse in which distilled spirits, or other articles, are stored in bond, shall render a monthly account of all such articles to the Commissioner of Internal Revenue, by whom such account shall be examined and adjusted monthly, so as to exhibit a true statement of the responsibility of such collector thereon. In adjusting such account, the collector shall be charged with all the articles which may have been deposited or received under the provisions of law, in any warehouse in his district and under his control, and shall be credited with all such articles shown to have been removed therefrom according to law, including transfers to other collectors and to his successor in office, and also whatever allowances may have been made in accordance with law to any owner of such goods or articles for leakage or other losses. And every collector from whose district any distilled spirits, tobacco, snuff, or cigars are shipped in bond, under the provisions of this Title, shall render a monthly account of the same to the Commissioner of Internal Revenue, showing the amount of each article produced and shipped in bond, the amounts of which the exportation is completed according to law, and the amount remaining unaccounted for at the end of each month; also any excesses or deficiencies on the amounts originally reported as shipped.

SEC. 3445. The Commissioner of Internal Revenue may make such change in stamps, and may prescribe such instruments or other means for attaching, protecting, and canceling stamps, for tobacco, snuff, cigars, distilled spirits, and fermented liquors, or either of them, as he and the Secretary of the Treasury shall approve; such instruments to be furnished by the United States to the persons using the stamps to be affixed therewith, under such regulations as the Commissioner of Internal Revenue may prescribe. [See §§ 5433, 5453.]

SEC. 3446. The Secretary of the Treasury and the Commissioner of Internal Revenue may alter, renew, or change the form, style, and device of any stamp, mark, or label used under any provision of the laws relating to distilled spirits, tobacco, snuff, and cigars, when in their judgment necessary for the collection of revenue tax, or the prevention or detection of frauds thereon; and may make and publish such regulations for the use of such mark, stamp, or label as they find requisite. But in no case shall such renewal or change extend to an abandonment of the general character of the stamps above mentioned, nor to the dispensing with any provisions requiring that such stamps shall be kept in book form and have thereon the signatures of revenue officers.

Certificates of drawback receivable for taxes.

30 June, 1864, c. 173, s. 171, v. 13, p. 302.

Fraudulent claims of drawback.

30 June, 1864, c. 173, s. 172, v. 13, p. 303.

Collector's monthly account of articles in bonded warehouses, and articles exported.

20 July, 1868, c. 186, s. 100, v. 15, p. 165.

6 June, 1872, c. 315, s. 31, v. 17, p. 255.

Changes of stamps, instruments for attaching and canceling.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

20 July, 1868, c. 186, s. 43, v. 15, p. 142.

Power to alter form and device of spirit, tobacco, and cigar stamps.

20 July, 1868, c. 186, s. 101, v. 15, p. 165.

Where mode of assessing or collecting any tax is not provided for; regulations.

SEC. 3447. Whenever the mode or time of assessing or collecting any tax which is imposed is not provided for, the Commissioner of Internal Revenue may establish the same by regulation. He may also make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

Ibid., a. 103, v. 15, p. 166.

Internal-revenue laws, when co-extensive with jurisdiction of United States.

SEC. 3448. The internal-revenue laws imposing taxes on distilled spirits, fermented liquors, tobacco, snuff, and cigars shall be held to extend to such articles produced anywhere within the exterior boundaries of the United States, whether the same be within a collection-district or not.

20 July, 1868, c. 186, a. 107, v. 15, p. 167.—The Cherokee Tobacco, 11 Wall., 616; U. S. vs. Tobacco Factory, 1 Dill., 264.

Removing any liquors or wines under other than trade-names; penalty.

SEC. 3449. Whenever any person ships, transports, or removes any spirituous or fermented liquors or wines, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines, and casks or packages, and be subject to pay a fine of five hundred dollars.

13 July, 1866, c. 184, a. 29, v. 14, p. 156.

Removing or concealing articles with intent to defraud United States of tax; forfeiture and penalty.

SEC. 3450. Whenever any goods or commodities for or in respect whereof any tax is or shall be imposed, or any materials, utensils, or vessels proper or intended to be made use of for or in the making of such goods or commodities are removed, or are deposited or concealed in any place, with intent to defraud the United States of such tax, or any part thereof, all such goods and commodities, and all such materials, utensils, and vessels, respectively, shall be forfeited; and in every such case all the casks, vessels, cases, or other packages whatsoever, containing, or which shall have contained, such goods or commodities, respectively, and every vessel, boat, cart, carriage, or other conveyance whatsoever, and all horses or other animals, and all things used in the removal or for the deposit or concealment thereof, respectively, shall be forfeited. And every person who removes, deposits, or conceals, or is concerned in removing, depositing, or concealing any goods or commodities for or in respect whereof any tax is or shall be imposed, with intent to defraud the United States of such tax or any part thereof, shall be liable to a fine or penalty of not more than five hundred dollars. And all boilers, stills, or other vessels, tools and implements, used in distilling or rectifying, and forfeited under any of the provisions of this Title, and all condemned material, together with any engine or other machinery connected therewith, and all empty barrels, and all grain or other material suitable for distillation, shall, under the direction of the court in which the forfeiture is recovered, be sold at public auction, and the proceeds thereof, after deducting the expenses of sale, shall be disposed of according to law. And all spirits or spirituous liquors which may be forfeited under the provisions of this Title, unless herein otherwise provided, shall be disposed of by the Commissioner of Internal Revenue as the Secretary of the Treasury may direct.

Ibid., a. 14, p. 151.

U. S. vs. One hundred Barrels of Spirits, 2 Abb. U. S., 306.

Fraudulently executing documents required by internal-revenue laws; penalty.

SEC. 3451. Every person who simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of the internal-revenue laws, or by any regulation made in pursuance thereof, or who procures the same to be falsely or fraudulently executed, or who advises, aids in, or connives at such execution thereof, shall be imprisoned for a term not less than one year nor more than five years; and the property to which such false or fraudulent instrument relates shall be forfeited.

20 July, 1868, c. 186, a. 99, v. 15, p. 165.

Having property in possession with intent to sell in fraud of law, or to evade taxes; penalty.

SEC. 3452. Every person who shall have in his custody or possession any goods, wares, merchandise, articles, or objects on which taxes are imposed by law, for the purpose of selling the same in fraud of the internal-revenue laws, or with design to avoid payment of the taxes imposed thereon, shall be liable to a penalty of five hundred dollars or

not less than double the amount of taxes fraudulently attempted to be evaded.

c. 173, s. 48, v. 13, p. 240.—The Distilled Spirits, 11 Wall., 356.

SEC. 3453. All goods, wares, merchandise, articles, or objects, on which taxes are imposed, which shall be found in the possession, or custody, or within the control of any person, for the purpose of being sold or removed by him in fraud of the internal-revenue laws, or with design to avoid payment of said taxes, may be seized by the collector or deputy collector of the proper district, or by such other collector or deputy collector as may be specially authorized by the Commissioner of Internal Revenue for that purpose, and shall be forfeited to the United States. And all raw materials found in the possession of any person intending to manufacture the same into articles of a kind subject to tax for the purpose of fraudulently selling such manufactured articles, or with design to evade the payment of said tax; and all tools, implements, instruments, and personal property whatsoever, in the place or building, or within any yard or inclosure where such articles or raw materials are found, may also be seized by any collector or deputy collector, as aforesaid, and shall be forfeited as aforesaid. The proceedings to enforce such forfeitures shall be in the nature of a proceeding in rem in the circuit court or district court of the United States for the district where such seizure is made.

SEC. 3454. Whenever any person who is liable to pay any tax upon any goods, wares, or merchandise, sells or causes or allows the same to be sold before the tax is paid to which said property is liable, with intent to avoid such tax, or in fraud of the internal-revenue laws, any debt contracted in such sale, and any security given therefor, unless the same shall have been bona fide transferred to an innocent holder, shall be void, and the collection thereof shall not be enforced in any court. And if such goods, wares, or merchandise have been paid for, in whole or in part, the sum so paid shall be deemed forfeited, and any person who shall sue for the same in an action of debt shall recover from the seller the amount so paid, one half to his own use and the other half to the use of the United States.

SEC. 3455. Whenever any person sells, gives, purchases, or receives any box, barrel, bag, vessel, package, wrapper, cover, or envelope of any kind, stamped, branded, or marked in any way so as to show that the contents or intended contents thereof have been duly inspected, or that the tax thereon has been paid, or that any provision of the internal-revenue laws has been complied with, whether such stamping, branding, or marking may have been a duly authorized act or may be false and counterfeit, or otherwise without authority of law, said box, barrel, bag, vessel, package, wrapper, cover, or envelope being empty, or containing anything else than the contents which were therein when said articles had been so lawfully stamped, branded, or marked by an officer of the revenue, he shall be liable to a penalty of not less than fifty nor more than five hundred dollars. And every person who makes, manufactures, or produces any box, barrel, bag, vessel, package, wrapper, cover, or envelope, stamped, branded, or marked, as above described, or stamps, brands, or marks the same, as hereinbefore recited, shall be liable to penalty as before provided in this section. And every person who violates the foregoing provisions of this section, with intent to defraud the revenue, or to defraud any person, shall be liable to a fine of not less than one thousand nor more than five thousand dollars, or to imprisonment for not less than six months nor more than five years, or to both, at the discretion of the court. And all articles sold, given, purchased, received, made, manufactured, produced, branded, stamped, or marked in violation of the provisions of this section, and all their contents, shall be forfeited to the United States.

13 July, 1866, c. 184, s. 9, v. 14, p. 112. 30 June, 1864, c. 173, s. 48, v. 13, p. 240.

Seizure of property found in possession in fraud of revenue laws.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

30 June, 1864, c. 173, s. 48, v. 13, p. 240.

U. S. vs. One Still, 5 Blatch., 403; U. S. vs. Thirty-six Barrels of Highwines, 7 Blatch., 468; U. S. vs. Ninety-two Barrels of Rectified Spirits, 8 Blatch., 460; U. S. vs. Thirty-three Barrels of Spirits, 1 Abb. U. S., 311; The Distilled Spirits, 11 Wall., 356.

Sales to evade tax; forfeiture.

30 June, 1864, c. 173, s. 180, v. 13, pp. 305, 306.

Disposing of or receiving empty stamped packages, &c.; penalties.

13 July, 1866, c. 184, s. 16, v. 14, p. 152.

Penalty and forfeiture by distillers, rectifiers, wholesale liquor-dealers, and manufacturers of tobacco or cigars, for omitting things required, and for doing things forbidden.

20 July, 1866, c. 186, s. 96, v. 15, p. 164.

U. S. vs. McKim & Co., 2 Am. L., T. U. S., 153. U. S. vs. Certain Distilled

SEC. 3456. If any distiller, rectifier, wholesale liquor-dealer, or manufacturer of tobacco or cigars, shall knowingly or willfully omit, neglect or refuse to do or cause to be done any of the things required by law in the carrying on or conducting of his business, or shall do anything by this Title prohibited, if there be no specific penalty or punishment imposed by any other section of this Title for the neglecting, omitting or refusing to do, or for the doing or causing to be done the thing required or prohibited, he shall pay a penalty of one thousand dollars; and if the person so offending be a distiller, rectifier, or wholesale dealer, all distilled spirits or liquors owned by him or in which he has any interest as owner, and if he be a manufacturer of tobacco or cigars, all tobacco or cigars found in his manufactory shall be forfeited to the United States.

Spirits, 3 Am. L., T. U. S., 10.

Package included in forfeiture of goods.

13 July, 1866, c. 184, s. 14, v. 14, p. 151.

Goods seized may be delivered to marshal before process issued.

13 July, 1866, c. 184, s. 9, v. 14, p. 112.

30 June, 1864, c. 173, s. 48, v. 13, p. 240.

SEC. 3457. In every case where any goods or commodities are forfeited under any internal-revenue law, all casks, vessels, cases, or other packages whatsoever, containing, or which shall have contained such goods or commodities, respectively, shall be forfeited.

SEC. 3458. Any goods, wares, merchandise, articles, or objects which may be seized, under the provisions of section thirty-four hundred and fifty-three, by any collector or deputy collector, may, at the option of the collector, be delivered to the marshal of the district, and remain in the care and custody and under the control of said marshal, until he shall obtain possession by process of law. And the cost of seizure made before process issues shall be taxable by the court. And where any whisky or tobacco, or other article of manufacture or produce, requiring brands, stamps or marks of whatever kind to be placed thereon, shall be sold upon distraint, forfeiture, or other process provided by law, the same not having been branded, stamped, or marked, as required by law, the officer selling the same shall, upon sale thereof, fix or cause to be affixed the brands, stamps, or marks, so required, and deduct the expense thereof from the proceeds of such sale.

Bailing of goods seized; sale for want of bail.

13 July, 1866, c. 184, s. 9, v. 14, p. 112.

30 June, 1864, c. 173, s. 48, v. 13, p. 241.

SEC. 3459. When any property which is seized under the foregoing provisions of section thirty-four hundred and fifty-three is liable to perish or become greatly reduced in price or value by keeping, or when it cannot be kept without great expense, the owner thereof, or the marshal of the district, may apply to the collector of the district to examine it; and if, in the opinion of said collector, it shall be necessary that the said property should be sold to prevent such waste or expense, he shall appraise the same; and thereupon the owner shall have said property returned to him upon giving bond in such form as may be prescribed by the Commissioner of Internal Revenue, and in an amount equal to the appraised value, with such sureties as the collector shall deem good and sufficient, to abide the final order, decree, or judgment of the court having cognizance of the case, and to pay the amount of said appraised value to the collector, marshal, or otherwise, as he may be ordered and directed by the court, which bond shall be filed by said collector with the United States district attorney for the district in which said proceedings in rem may be commenced: *Provided*, That in case said bond shall have been executed and the property returned before seizure thereof by virtue of the process aforesaid, the marshal shall give notice of pendency of proceedings in court to the parties executing said bond, by personal service or publication, and in such manner and form as the court may direct, and the court shall thereupon have jurisdiction of said matter and parties in the same manner as if such property had been seized by virtue of the process aforesaid. But if said owner shall neglect or refuse to give said bond, the collector shall issue to a deputy collector or to the marshal aforesaid an order to sell the same; and the deputy collector or marshal shall thereupon advertise and sell the said property at public auction in the same manner as

goods may be sold on final execution in said district; and the proceeds of the sale, after deducting the reasonable costs of the seizure and sale, shall be paid to the court aforesaid, to abide its final order, decree, or judgment.

SEC. 3460. In all cases of seizure of any goods, wares, or merchandise, as being subject to forfeiture under any provision of the internal-revenue laws, which, in the opinion of the collector or deputy collector making the seizure, are of the appraised value of five hundred dollars or less, the said collector or deputy collector shall, except in cases otherwise provided, proceed as follows:

First. He shall cause a list containing a particular description of the goods, wares, or merchandise seized to be prepared in duplicate, and an appraisement thereof to be made by three sworn appraisers, to be selected by him, who shall be respectable and disinterested citizens of the United States residing within the collection-district wherein the seizure was made. Said list and appraisement shall be properly attested by the said collector or deputy collector and the said appraisers, for which service each of the said appraisers shall be allowed the sum of one dollar and fifty cents a day, to be paid in the manner provided by law for other necessary charges of collectors. [Sec § 570.]

Second. If the said goods are found by the said appraisers to be of the value of five hundred dollars or less, the said collector or deputy collector shall publish a notice, for three weeks, in some newspaper of the district where the seizure was made, describing the articles, and stating the time, place, and cause of their seizure, and requiring any person claiming them to appear and make such claim within thirty days from the date of the first publication of such notice.

Third. Any person claiming the goods, wares, or merchandise so seized, within the time specified in the notice, may file with the said collector or deputy collector a claim, stating his interest in the articles seized, and may execute a bond to the United States in the penal sum of two hundred and fifty dollars, with sureties to be approved by the said collector or deputy collector, conditioned that, in case of condemnation of the articles so seized, the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation; and upon the delivery of such bond to the collector or deputy collector, he shall transmit the same, with the duplicate list or description of the goods seized, to the United States district attorney for the district, and said attorney shall proceed thereon in the ordinary manner prescribed by law.

Fourth. If no claim is interposed and no bond is given within the time above specified, the collector or deputy collector, as the case may be, shall give ten days' notice of the sale of the goods, wares, or merchandise by publication, and, at the time and place specified in the notice, shall sell the articles so seized at public auction, and, after deducting the expense of appraisement and sale, he shall deposit the proceeds to the credit of the Secretary of the Treasury.

SEC. 3461. Within one year after the sale of any goods, wares, or merchandise, as provided in the preceding section, any person claiming to be interested in the property sold may apply to the Secretary of the Treasury for a remission of the forfeiture thereof, or of any part thereof, and a restoration of the proceeds of the sale; and the said Secretary may grant the same upon satisfactory proof, to be furnished in such manner as he shall prescribe: *Provided*, That it shall be satisfactorily shown that the applicant, at the time of the seizure and sale of the said property, and during the intervening time, was absent, out of the United States, or in such circumstances as prevented him from knowing of the seizure, and that he did not know of the same; and also that the said forfeiture was incurred without willful negligence or any intention of fraud on the part of the owner of said property. If no application for such restoration is made within one year, as hereinbefore prescribed, the Secretary of the Treasury shall, at the expiration of the said time, cause the proceeds of the sale of the said property to be distributed

Proceedings on seizure of goods valued at \$500 or less.

13 July, 1866, c. 184, s. 63, v. 14, p. 169.

6 June, 1872, c. 315, s. 40, v. 17, p. 257.

List and appraisement.

Notice of seizure.

Claims to be filed.

Bond of claimant.

Sale of goods and disposal of proceeds.

Application for remission, and return of proceeds; distribution.

13 July, 1866, c. 184, s. 63, v. 14, p. 169.

6 June, 1872, c. 315, s. 40, v. 17, p. 257.

according to law, as in the case of goods, wares, or merchandise condemned and sold pursuant to the decree of a competent court.

Search-warrants.

13 July, 1866, c. 184, a. 15, v. 14, p. 152.

SEC. 3462. The several judges of the circuit and district courts of the United States, and commissioners of the circuit courts, may, within their respective jurisdictions, issue a search-warrant, authorizing any internal-revenue officer to search any premises within the same, if such officer makes oath in writing that he has reason to believe, and does believe, that a fraud upon the revenue has been or is being committed upon or by the use of the said premises.

Detection and punishment of frauds.

2 March, 1867, c. 169, a. 7, v. 14, p. 473.

SEC. 3463. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to pay such sums, not exceeding in the aggregate the sum appropriated therefor, as he may deem necessary for detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, in cases where such expenses are not otherwise provided for by law.

Purchasing from the Government goods subject to tax.

SEC. 3464. The privilege of purchasing supplies of goods imported from foreign countries for the use of the United States, duty free, which now does or hereafter shall exist by provision of law, shall be extended, under such regulations as the Secretary of the Treasury may prescribe, to all articles of domestic production which are subject to tax by the provisions of this Title.

Construction of certain revenue acts.

2 March, 1833, c. 57, v. 4, pp. 632-636.
30 June, 1864, c. 173, v. 13, pp. 223-306.

SEC. 3465. An act entitled "An act further to provide for the collection of duties on imports," passed March second, eighteen hundred and thirty-three, shall not be so construed as to apply to cases arising under an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," passed June thirtieth, eighteen hundred and sixty-four, or any act in addition thereto or in amendment thereof, nor to any case in which the validity or interpretation of said act or acts shall be in issue.

TITLE XXXVI

DEBTS DUE BY OR TO THE UNITED STATES.

Sec.	Sec.
3466. Priority established.	3483. Payment for property lost while in military service.
3467. Liability of executors.	3484. Payment for horses lost by capture.
3468. Priority of sureties.	3485. Payment for condemned horses and equipage.
3469. Compromises.	3486. Payment to guardian, &c., for horse lost by minor in military service.
3470. Purchase on execution.	3487. Payment to owner for horse furnished and lost in military service.
3471. Discharge of poor debtor by Secretary of the Treasury.	3488. Third Auditor may take testimony as to steamboats, &c.
3472. Discharge by the President.	3489. Claims for collecting, &c., volunteers for the war of the rebellion, and for horses, to be presented prior to June 30, 1874.
3473. Duties and other debts to United States; in what to be paid.	3490. Liability of persons making false claims against United States.
3474. What coin receivable.	3491. Suits for same.
3475. National-bank notes receivable for debts of United States, except.	3492. Duty of district attorney as to such cases.
3476. Treasury-notes payable for debts of United States.	3493. Rights of persons presenting such suits.
3477. Assignment of claims void unless, &c.	3494. Limitation of suit.
3478. Oath by persons prosecuting claims.	
3479. Who may administer oath.	
3480. Claims of disloyalists.	
3481. Retention of moneys due States in default.	
3482. Payment to officers for horses lost in battle, &c.	

SEC. 3466. Whenever any person indebted to the United States is insolvent, or whenever the estate of any deceased debtor, in the hands of the executors or administrators, is insufficient to pay all the debts due from the deceased, the debts due to the United States shall be first satisfied; and the priority hereby established shall extend as well to cases in which a debtor, not having sufficient property to pay all his debts, makes a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor are attached by process of law, as to cases in which an act of bankruptcy is committed.

5 Cr., 229; *Prince vs. Bartlett*, 8 Cr., 431; *U. S. vs. Bryan*, 9 Cr., 374; *Thelsson vs. Smith*, 2 Wh., 396; *U. S. vs. Howland*, 4 Wh., 108; *Conard vs. Insurance Co.*, 1 Pet., 386; *Hunter vs. U. S.*, 5 Pet., 173; *U. S. vs. State Bank*, 6 Pet., 29; *U. S. vs. Hack*, 8 Pet., 271; *Brent vs. Bank of Washington*, 10 Pet., 596; *Beaton vs. Farmers' Bank*, 12 Pet., 102.

SEC. 3467. Every executor, administrator, or assignee, or other person, who pays any debt due by the person or estate from whom or for which he acts, before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate for the debts so due to the United States, or for so much thereof as may remain due and unpaid. (See § 5101.)

Priority established.

3 March, 1797, c. 20, s. 5, v. 1, p. 515.
2 March, 1799, c. 22, s. 65, v. 1, p. 676.

U. S. vs. Fisher, 2 Cr., 358; *U. S. vs. Hooe*, 3 Cr., 73; *Harrison vs. Slerry*,

Liability of executors, &c.

2 March, 1799, c. 22, s. 65, v. 1, p. 676.

Field vs. U. S., 9 Pet., 152; *Brent vs.*

Bank of Washington, 10 Pet., 596.

SEC. 3468. Whenever the principal in any bond given to the United States is insolvent, or whenever, such principal being deceased, his estate and effects which come to the hands of his executor, administrator, or assignee, are insufficient for the payment of his debts, and, in either of such cases, any surety on the bond, or the executor, administrator, or assignee of such surety pays to the United States the money due upon such bond, such surety, his executor, administrator, or assignee, shall have the like priority for the recovery and receipt of the moneys out of the estate and effects of such insolvent or deceased principal as is secured to the United States; and may bring and maintain a suit upon the bond, in law or equity, in his own name, for the recovery of all moneys paid thereon.

Priority of sureties.

2 March, 1799, c. 22, s. 65, v. 1, p. 676.

U. S. vs. Fisher, 2 Cr., 358; *U. S. vs. Hooe*, 3 Cr., 73; *Prince vs. Bartlett*, 6 Cr., 431; *U. S. vs. Bryan*, 9 Cr., 374; *Thelsson vs. Smith*, 2 Wh., 396; *U. S. vs. Howland*, 4 Wh., 108; *Conard*

vs. Ins. Co., 1 Pet., 433; *Hunter vs. U. S.*, 5 Pet., 173; *Child vs. Shoemaker*, 1 Wash., 434; *U. S. vs. King*, Wall. C. C., 12; *Johns vs. Brodhag*, 1 Cr. C. C., 235.

Compromise.

3 March, 1863, c. 76, s. 10, v. 12, p. 740.

U. S. vs. George,
6 Blatch., 406.

Purchase on execution.

26 May, 1824, c. 172, s. 2, v. 4, p. 51.

Discharge of poor debtor by Secretary of the Treasury.

6 June, 1798, c. 49, ss. 1, 3, v. 1, pp. 561, 562.

U. S. vs. Stansbury, 1 Pet., 573;
U. S. vs. Ringgold,
5 Pet., 150; *Hunter vs. U. S.*, 5 Pet., 173;
U. S. vs. Sturges, 1 Paine, 525.

Discharge by the President.

3 March, 1817, c. 114, v. 3, p. 339.

U. S. vs. Ringgold,
8 Pet., 150.

Duties and other debts to United States, in what currency to be paid.

6 Aug., 1846, c. 90, s. 18, v. 9, p. 64.

SEC. 3469. Upon a report by a district attorney, or any special attorney or agent having charge of any claim in favor of the United States, showing in detail the condition of such claim, and the terms upon which the same may be compromised, and recommending that it be compromised upon the terms so offered, and upon the recommendation of the Solicitor of the Treasury, the Secretary of the Treasury is authorized to compromise such claim accordingly. But the provisions of this section shall not apply to any claim arising under the postal laws.

SEC. 3470. At every sale, on execution, at the suit of the United States, of lands or tenements of a debtor, the United States may, by such agent as the Solicitor of the Treasury shall appoint, become the purchaser thereof; but in no case shall the agent bid in behalf of the United States a greater amount than that of the judgment for which such estate may be exposed to sale, and the costs. Whenever such purchase is made, the marshal of the district in which the sale is held shall make all needful conveyances, assignments, or transfers to the United States.

SEC. 3471. Any person imprisoned upon execution issuing from any court of the United States, for a debt due to the United States, which he is unable to pay, may, at any time after commitment, make application, in writing, to the Secretary of the Treasury, stating the circumstances of his case, and his inability to discharge the debt; and thereupon the Secretary may make, or require to be made, an examination and inquiry into the circumstances of the debtor, by the oath of the debtor, which the Secretary, or any other person by him specially appointed, is authorized to administer, or otherwise, as the Secretary shall deem necessary and expedient, to ascertain the truth; and upon proof made to his satisfaction, that the debtor is unable to pay the debt for which he is imprisoned, and that he has not concealed or made any conveyance of his estate, in trust, for himself, or with an intent to defraud the United States, or to deprive them of their legal priority, the Secretary is authorized to receive from such debtor any deed, assignment, or conveyance of his real or personal estate, or any collateral security, to the use of the United States. Upon a compliance by the debtor with such terms and conditions as the Secretary may judge reasonable and proper, the Secretary must issue his order, under his hand, to the keeper of the prison, directing him to discharge the debtor from his imprisonment under such execution. The debtor shall not be liable to be imprisoned again for the debt; but the judgment shall remain in force, and may be satisfied out of any estate which may then, or at any time afterward, belong to the debtor. The benefit of this section shall not be extended to any person imprisoned for any fine, forfeiture, or penalty, incurred by a breach of any law of the United States, or for moneys had and received by any officer, agent, or other person, for their use; nor shall its provisions extend to any claim arising under the postal laws.

SEC. 3472. Whenever any person is imprisoned upon execution for a debt due to the United States, which he is unable to pay, and his case is such as does not authorize his discharge by the Secretary of the Treasury, under the preceding section, he may make application to the President, who, upon proof made to his satisfaction that the debtor is unable to pay the debt, and upon a compliance by the debtor with such terms and conditions as the President shall deem proper, may order the discharge of such debtor from his imprisonment. The debtor shall not be liable to be imprisoned again for the same debt; but the judgment shall remain in force, and may be satisfied out of any estate which may then, or at any time afterward, belong to the debtor.

SEC. 3473. All duties on imports shall be paid in gold and silver coin only, or in demand Treasury notes, issued under the authority of the acts of July seventeen, eighteen hundred and sixty-one, chapter five; and February twelve, eighteen hundred and sixty-two, chapter twenty; and all taxes and all other debts and demands than duties on imports, accruing or becoming due to the United States, shall be paid in gold

and silver coin, Treasury notes, United States notes, or notes of national banks; and upon every such payment credit shall be given for the amount of principal and interest due on any Treasury note not received in payment on the day when the same are received. (See §§ 254 and 3009.)

23 Dec., 1857, c. 1, s. 6, v. 11, p. 258.
17 July, 1861, c. 5, s. 1, v. 12, p. 259.
5 Aug., 1861, c. 46, s. 5, v. 12, p. 313.
11 July, 1862, c. 33, ss. 1, 5, v. 12, pp. 345, 346.
11 July, 1862, c. 142, s. 1, v. 12, p. 532.
3 March, 1863, c. 73, ss. 3, 5, v. 12, pp. 710, 711.
3 June, 1864, c. 106, s. 23, v. 13, p. 106.
30 June, 1864, c. 172, s. 2, v. 13, p. 218.

SEC. 3474. No gold or silver other than coin of standard fineness of the United States, shall be receivable in payment of dues to the United States, except as provided in section twenty-three hundred and sixty-six, Title "PUBLIC LANDS," and in section thirty-five hundred and sixty-seven, Title "COINAGE, WEIGHTS, AND MEASURES."

What coin receivable.
31 Aug., 1852, c. 108, s. 2, v. 10, pp. 97, 98.
ss. 2, 3, v. 11, p. 163.

SEC. 3475. The notes of national banks shall be received at par for all debts and demands owing by the United States to any person within the United States, except interest on the public debt, or in redemption of the national currency. (See § 5182.)

National bank notes receivable for debts of United States, except.

SEC. 3476. Treasury notes bearing interest may be paid to any creditor of the United States at their face value, excluding interest, or to any creditor willing to receive them at par, including interest.

3 June, 1864, c. 106, s. 23, v. 13, p. 106.
Treasury notes payable for debts of United States.

SEC. 3477. All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

3 March, 1863, c. 73, s. 2, v. 12, p. 710.
30 June, 1864, c. 172, s. 2, v. 13, p. 218.
Assignments of claims void, unless, &c.
26 Feb., 1853, c. 81, s. 1, v. 10, p. 170.
29 July, 1846, c. 66, v. 9, p. 41.
Sines vs. U. S., 1 Cr. Clms., 12;
Cooper vs. U. S., 1 Cr. Clms., 85; Coté vs. U. S., 3 Cr. Clms., 64.

SEC. 3478. Any person prosecuting claims, either as attorney or on his own account, before any of the Departments or Bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution of the United States, as required of persons in the civil service. (See §§ 1756, 1757.)

Oath by persons prosecuting claims.
17 July, 1862, c. 205, s. 1, v. 12, p. 610.

SEC. 3479. The oath provided for in the preceding section may be taken before any justice of the peace, notary public, or other person who is legally authorized to administer an oath in the State or district where the same may be administered.

Who may administer the oath.
17 July, 1862, c. 205, s. 2, v. 12, p. 610.

SEC. 3480. It shall be unlawful for any officer to pay any account, claim, or demand against the United States which accrued or existed prior to the thirteenth day of April, eighteen hundred and sixty-one, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during such rebellion was not known to be opposed thereto, and distinctly in favor of its suppression; and no pardon heretofore granted, or hereafter to be granted, shall authorize the payment of such account, claim, or demand, until this section is modified or repealed. But this section shall not be construed to prohibit the payment of claims founded upon contracts made by any of the Departments, where such claims were assigned or contracted to be assigned prior to the first day of April, eighteen hundred and sixty-one, to the creditors of such contractors, loyal citizens of loyal States, in payment of debts incurred prior to the first day of March, eighteen hundred and sixty-one.

Claims of disloyalists.
2 March, 1867, Res. 46, v. 14, p. 571.

Retention of money due States in default.

25 March, 1870, c. 30, v. 16, p. 77.

Payment to officers for horses lost in battle, &c.

3 March, 1849, c. 129, s. 1, v. 9, p. 414.

SEC. 3481. Whenever any State is in default in the payment of interest or principal on investments in stocks or bonds issued or guaranteed by such State and held by the United States in trust, the Secretary of the Treasury shall retain the whole, or so much thereof as may be necessary, of any moneys due on any account from the United States to such State, and apply the same to the payment of such principal and interest, or either, or to the re-imbusement, with interest thereon, of moneys advanced by the United States on account of interest due on such stocks or bonds.

SEC. 3482. Any field, or staff, or other officer, mounted militiaman, volunteer, ranger, or cavalryman, engaged in the military service of the United States, who sustains damage without any fault or negligence on his part, while in the service, by the loss of a horse in battle, or by the loss of a horse wounded in battle, which dies of the wound, or which, being so wounded, is abandoned by order of his officer and lost, or who sustains damage by the loss of any horse by death or abandonment because of the unavoidable dangers of the sea, when on board a United States transport vessel, or because the United States fails to supply transportation for the horse, and the owner is compelled by the order of his commanding officer to embark and leave him, or in consequence of the United States failing to supply sufficient forage, or because the rider is dismounted and separated from his horse and ordered to do duty on foot at a station detached from his horse, or when the officer in the immediate command orders the horse turned out to graze in the woods, prairies, or commons, because the United States fails to supply sufficient forage, and the loss is consequent thereon, or for the loss of necessary equipage, in consequence of the loss of his horse, shall be allowed and paid the value thereof, not to exceed two hundred dollars. But any payment which is made to any one for the use and risk, or for forage, after the death, loss, or abandonment of his horse, shall be deducted from the value thereof, unless he satisfies the paymaster at the time he makes the payment, or thereafter shows, by proof, that he was remounted, in which case the deduction shall only extend to the time he was on foot. And any payment made to any person above mentioned, on account of clothing to which he is not entitled by law, shall be deducted from the value of his horse or accouterments. (See § 277.)

Payment for property lost while in military service.

3 March, 1849, c. 129, s. 2, v. 9, p. 415.

3 March, 1863, c. 78, s. 5, v. 12, p. 743.

Stuart vs. U. S., 18 Wall., 84.

SEC. 3483. Every person who sustains damage by the capture or destruction by an enemy, or by the abandonment or destruction by the order of the commanding general, the commanding officer, or quartermaster, of any horse, mule, ox, wagon, cart, sleigh, harness, steamboat or other vessel, railroad-engine or railroad-car, while such property is in the military service, either by impressment or contract; or who sustains damage by the death or abandonment and loss of any horse, mule, or ox, while in the service, in consequence of the failure on the part of the United States to furnish the same with sufficient forage, or whose horse, mule, ox, wagon, cart, boat, sleigh, harness, vessel, railroad-engine, or railroad-car is lost or destroyed by unavoidable accident while such property is in the service, shall be allowed and paid the value thereof at the time when such property was taken into the service, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner: *Provided*, It appears that such loss, capture, abandonment, destruction, or death was without any fault or negligence on the part of the owner of the property, and while the property was actually employed in the service of the United States.

Payment for horses lost by capture.

25 June, 1864, c. 150, v. 13, p. 182.

SEC. 3484. The two preceding sections shall extend to all cases of the loss of horses by any officer, non-commissioned officer, or private in the military service of the United States, while in the line of his duty in such service, by capture by the enemy, whenever it shall appear that such officer, non-commissioned officer, or private was ordered by his superior officer to surrender to the enemy, and such capture was made in pursuance of such surrender.

SEC. 3485. Whenever any horse is condemned by a board of officers, on account of his unfitness for service, in consequence of the Government failing to supply forage, such horse and his equipage shall be allowed and paid for: *Provided*, It shall be proven, by satisfactory evidence, whether oral or written, that the condemned horse and the equipage were turned over to a quartermaster of the Army, whether any receipt therefor was given and produced, or not.

SEC. 3486. When any minor, engaged in the military service of the United States, and provided with a horse or equipments, or with military accouterments, by his parent or guardian, dies, without paying for the property, and the same is lost, captured, destroyed, or abandoned in the manner before mentioned, such parent or guardian shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto by having furnished the same.

SEC. 3487. When any person other than a minor, engaged in the military service, is provided with a horse or equipments, or with military accouterments, by any person, being the owner thereof, who takes the risk of such horse, equipments, or military accouterments, on himself, and the same is lost, captured, destroyed, or abandoned, in the manner before mentioned, such owner shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto, by having furnished the same, and having taken the risk on himself.

SEC. 3488. In executing so much of the preceding sections as provides for payment for steamboats and other vessels, and railroad engines or cars, lost or destroyed while in the military service of the United States, the Third Auditor of the Treasury is authorized, in person, or in such manner as he may deem most compatible with the public interests, to take testimony, and make such investigations as he may deem necessary in adjudicating claims; and for such necessary expenses incurred therein, payment may be made upon proper vouchers, certified and approved by the Third Auditor.

SEC. 3489. No claims against the United States, for collecting, drilling, or organizing volunteers for the war of the rebellion, shall be audited or paid unless presented before the thirtieth day of June, eighteen hundred and seventy-four. No claims for horses lost prior to the first day of January, eighteen hundred and seventy-two, shall be audited or paid unless presented before the thirtieth day of June, eighteen hundred and seventy-four.

SEC. 3490. Any person not in the military or naval forces of the United States, or in the militia called into or actually employed in the service of the United States, who shall do or commit any of the acts prohibited by any of the provisions of section fifty-four hundred and thirty-eight, Title "CRIMES," shall forfeit and pay to the United States the sum of two thousand dollars, and, in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit.

SEC. 3491. The several district courts of the United States, the supreme court of the District of Columbia, the several district courts of the Territories of the United States, within whose jurisdictional limits the person doing or committing such act shall be found, shall, wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit. Such suit may be brought and carried on by any person, as well for himself as for the United States; the same shall be at the sole cost and charge of such person, and shall be in the name of the United States, but shall not be withdrawn or discontinued without the consent, in writing, of the judge of the court and the district attorney, first filed in the case, setting forth their reasons for such consent.

Payment for condemned horses and equipage.

3 March, 1849, c. 129, s. 7, v. 9, p. 416.

Payment to guardian for horse lost by minor in military service.

3 March, 1849, c. 129, s. 5, v. 9, p. 415.

Payment to owner for horse furnished and lost in military service.

3 March, 1849, c. 129, s. 6, v. 9, p. 416.

Third Auditor may take testimony as to steamboats, &c.

25 June, 1864, c. 147, s. 6, v. 13, p. 160.

Claims for collecting, &c., volunteers for the war of the rebellion, and for horses, to be presented prior to June 30, 1874.

3 March, 1873, c. 226, s. 1, v. 17, p. 500.

Liability of persons making false claims against United States.

2 March, 1863, c. 67, s. 3, v. 12, p. 698.

Suits for same.

2 March, 1863, c. 67, s. 4, v. 12, p. 698.

Duty of district attorney as to such cases.

2 March, 1863, c. 67, a. 5, v. 12, p. 698.

SEC. 3492. It shall be the duty of the several district attorneys of the United States for the respective districts, for the District of Columbia, and for the several Territories, to be diligent in inquiring into any violation of the provisions of section thirty-four hundred and ninety by persons liable to such suit, and found within their respective districts or Territories, and to cause them to be proceeded against in due form of law for the recovery of such forfeiture and damages. And such person may be arrested and held to bail in such sum as the district judge may order, not exceeding the sum of two thousand dollars, and twice the amount of the damages sworn to in the affidavit of the person bringing the suit.

Rights of persons presenting such suits.

2 March, 1863, c. 67, a. 6, v. 12, p. 698.

SEC. 3493. The person bringing said suit and prosecuting it to final judgment shall be entitled to receive one-half the amount of such forfeiture, as well as one-half the amount of the damages he shall recover and collect; and the other half thereof shall belong to and be paid over to the United States; and such person shall be entitled to receive to his own use all costs the court may award against the defendant, to be allowed and taxed according to any provision of law or rule of court in force, or that shall be in force in suits between private parties in said court: *Provided*, That such person shall be liable for all costs incurred by himself in the case, and shall have no claim therefor on the United States.

Limitation of suit.

Ibid., a. 7.

SEC. 3494. Every such suit shall be commenced within six years from the commission of the act, and not afterward.

TITLE XXXVII.

COINAGE, WEIGHTS, AND MEASURES.

- | Sec. | Sec. |
|--|---|
| 3495. Enumeration of mints and assay-offices. | 3535. Deviations allowed in adjusting weights of gold coins. |
| 3496. Officers of mints. | 3536. Of silver coins. |
| 3497. Superintendents of certain mints to perform duties of treasurer. | 3537. Of minor coins. |
| 3498. Salaries of officers of mints. | 3538. Delivery of coins by coiner and trial of pieces. |
| 3499. Salaries of assistants, clerks, and laborers employed in the mints. | 3539. Trial-pieces to be sealed up and transmitted quarterly to the Mint at Philadelphia. |
| 3500. Oath of office, of officers, clerks, &c. | 3540. Disposal of clippings, &c. |
| 3501. Bonds of officers, clerks, &c. | 3541. Yearly settlement of coiner, melter and refiner. |
| 3502. Who to act in absence of director, superintendent, &c. | 3542. Allowance for wastage. |
| 3503. General duties of superintendents. | 3543. Statement of balance-sheet to be sent by superintendent to Director of Mints. |
| 3504. Ibid. | 3544. Delivery of coin or bars to depositor. |
| 3505. Coins reduced in weight by abrasion. | 3545. Payment in money to depositors, when. |
| 3506. Duties of superintendents respecting coin and bullion. | 3546. Exchange of unparted bullion for fine bars. |
| 3507. Duties of assayers. | 3547. Appointment and meetings of assay commissioners. |
| 3508. Duties of melters and refiners. | 3548. Standard troy pound for regulation of coinage. |
| 3509. Duties of coiners. | 3549. Standard weights for mints and assay-offices. |
| 3510. Duties of engravers. | 3550. Yearly destruction of obverse working dies. |
| 3511. Gold coins of the United States and their weight. | 3551. National and other medals may be struck at Philadelphia. |
| 3512. Recoinage of gold coins. | 3552. Moneys arising from charges and deductions to be covered into Treasury. |
| 3513. Silver coins and their weight. | 3553. Business of assay-office at New York. |
| 3514. Standard for gold and silver coins. | 3554. Appointment of officers at New York. |
| 3515. Minor coins; their weight and alloy. | 3555. Duties, &c., of officers at New York. |
| 3516. Issue of other coins prohibited. | 3556. Salaries of officers at New York. |
| 3517. Inscriptions upon coins. | 3557. Appointment and salaries of assistants and employes at New York. |
| 3518. Gold and silver bars. | 3558. Business of mint at Denver and of assay-offices at Boise City and Charlotte. |
| 3519. Coining gold bullion; when deposits may be refused. | 3559. Appointment of officers at Denver, Boise City, &c. |
| 3520. Silver bullion may be received for forming into bars or trade-dollars. | 3560. Powers and duties of assayers at assay-offices. |
| 3521. Weighing bullion and ascertaining its value. | Compensation of employes. |
| 3522. Assay of bullion. | 3561. Bond and oath of officers and clerks. |
| 3523. Assayers to report to superintendent quality of bullion assayed. | 3562. Laws relating to mints extended to assay-offices. |
| 3524. Charges for converting bullion, &c., into coin. | 3563. Decimal system established. |
| 3525. Assayer to verify calculations of value of deposits and countersign certificate. | 3564. Value of foreign coins, how ascertained. |
| 3526. Purchase of bullion for silver coinage; the silver profit fund. | 3565. Value of the sovereign or pound sterling. |
| 3527. Paying out silver coin for gold coin authorized. | 3566. Recoinage of foreign coins. |
| 3528. Purchase of metals for minor coins; the minor coinage profit fund. | 3567. Spanish and Mexican coins. |
| 3529. Delivery of minor coins; redemption. | 3568. Their transmission for recoinage. |
| 3530. Transfer of bullion for formation into ingots. | 3569. Use of the metric system authorized. |
| 3531. Ingots to be assayed and receipted for. | 3570. Authorized tables of weights and measures. |
| 3532. Delivery of ingots to coiner for coinage. | |
| 3533. Standard of ingots used for coinage. | |
| 3534. Preparation and stamping of fineness of bars for payment of deposits. | |

SEC. 3495. The different mints and assay-offices shall be known as—
 First. The mint of the United States at Philadelphia.
 Second. The mint of the United States at San Francisco.
 Third. The mint of the United States at New Orleans.
 Fourth. The mint of the United States at Carson.
 Fifth. The mint of the United States at Denver.

Enumeration of mints and assay-offices.

12 Feb., 1873, c. 131, s. 66, v. 17, p. 435.

	Sixth. The United States assay-office at New York.
	Seventh. The United States assay-office at Boise City, Idaho.
	Eighth. The United States assay-office at Charlotte, North Carolina.
Officers of mints.	SEC. 3496. The officers of each mint shall be a superintendent, an
Ibid., s. 3, p. 424.	assayer, a melter and refiner, and a coiner; and, for the Mint at Philadelphia, an engraver; all to be appointed by the President, by and with the advice and consent of the Senate.
Superintendents of certain mints to perform duties of treasurer.	SEC. 3497. The superintendents of the mints at Philadelphia, San Francisco, and New Orleans shall be, and perform the duties of, treasurers of said mints respectively.
Ibid., s. 65.	
Salaries of officers of mints.	SEC. 3498. The officers of the several mints shall be entitled to the following salaries, to be paid monthly:
Ibid., s. 12, p. 426.	First. The superintendents of the mints at Philadelphia and San Francisco, to four thousand five hundred dollars a year each.
	Second. The assayers, melters and refiners, and the coiners of those mints, to three thousand dollars a year each.
	Third. The engraver of the Mint at Philadelphia, to three thousand dollars a year.
	Fourth. The superintendent of the mint at Carson City to three thousand dollars a year.
	Fifth. The assayer, the melter and refiner, and the coiner of the mint at Carson City, to two thousand five hundred dollars a year each.
Salaries of assistants, clerks, and laborers employed in the mints.	SEC. 3499. There shall be allowed to the assistants and clerks of the several mints such annual salaries as the Director of the Mint may, with the approbation of the Secretary of the Treasury, determine, and to the workmen employed therein such wages as may be customary and reasonable according to their respective stations and occupations, to be determined by the superintendent, and approved by the Director of the Mint. The salaries provided for in this and the preceding section, and the wages of workmen permanently engaged, shall be payable in monthly installments.
Ibid.	
Oath of office of officers, assistants, and clerks.	SEC. 3500. Every officer, assistant, and clerk appointed for any mint shall, before he enters upon the execution of his office, take an oath before some judge of the United States, or judge of some court of record of the State in which such mint is located, faithfully and diligently to perform the duties thereof; in addition to other official oaths prescribed by law, such oath, duly certified, shall be transmitted to the Secretary of the Treasury. The superintendent of each mint may require such oath from any of the employés of the mint. (See §§ 1756, 1757.)
Ibid., s. 10, p. 425.	
Bonds of officers, assistants, and clerks.	SEC. 3501. The superintendent, the assayer, the melter and refiner, and the coiner of each mint, before entering upon the execution of their respective offices, shall become bound to the United States, with one or more sureties, approved by the Secretary of the Treasury, in the sum of not less than ten nor more than fifty thousand dollars, with condition for the faithful and diligent performance of the duties of his office. Similar bonds may be required of the assistants and clerks, in such sums as the superintendent shall determine, with the approbation of the Director of the Mint; but the same shall not be construed to relieve the superintendent or other officers from liability to the United States for acts, omissions, or negligence of their subordinates or employés; and the Secretary of the Treasury may, at his discretion, increase the bonds of the superintendents.
Ibid., s. 11, p. 425.	
Who to act in absence of director, superintendent, or other officer.	SEC. 3502. Whenever any officer of a mint or assay-office shall be temporarily absent, on account of sickness or any other cause, it shall be lawful for the superintendent, with the consent of such officer, to appoint some person attached to the mint to act in the place of such officer during his absence; but all such appointments shall be forthwith reported to the Director of the Mint for his approval; and in all cases whatsoever the principal shall be responsible for the acts of his representative. In case of the temporary absence of the superintendent, the chief clerk shall act in his place; in case of the temporary absence of
Ibid., s. 9, p. 425.	

the Director of the Mint the Secretary of the Treasury may designate some one to act in his place.

SEC. 3503. The superintendent of each mint shall have the control thereof, the superintendence of the officers and persons employed therein, and the supervision of the business thereof, subject to the approval of the Director of the Mint. He shall make reports to the Director of the Mint at such times and according to such forms as the Director may prescribe; which shall exhibit in detail, and under appropriate heads, the deposits of bullion, the amount of gold, silver, and minor coinage, and the amount of unparted, standard, and refined bars issued, and such other statistics and information as may be required.

General duties
of superintendents
of mints.

Ibid., s. 4, p. 424.

SEC. 3504. He shall keep and render, quarter-yearly, to the Director of the Mint, for the purpose of adjustment according to such forms as may be prescribed by the Secretary of the Treasury, regular and faithful accounts of his transactions with the other officers of the mint and the depositors; and shall also render to him a monthly statement of the ordinary expenses of the mint or assay-office under his charge. He shall also appoint all assistants, clerks, one of whom shall be designated "chief clerk," and workmen employed under his superintendence; but no person shall be appointed to employment in the offices of the assayer, melter and refiner, coiner, or engraver, except on the recommendation and nomination in writing of those officers, respectively. He shall forthwith report to the Director of the Mint the names of all persons appointed by him, the duties to be performed, the rate of compensation, the appropriation from which compensation is to be made, and the grounds of the appointment; and if the Director of the Mint shall disapprove the same, the appointment shall be vacated.

Ibid.

SEC. 3505. Any gold coins of the United States, if reduced in weight by natural abrasion not more than one-half of one per centum below the standard weight prescribed by law, after a circulation of twenty years, as shown by the date of coinage, and at a ratable proportion for any period less than twenty years, shall be received at their nominal value by the United States Treasury and its offices, under such regulations as the Secretary of the Treasury may prescribe for the protection of the Government against fraudulent abrasion or other practices.

Coins reduced in
weight by abra-
sion.

Ibid., s. 14, p. 426.

SEC. 3506. The superintendent of each mint shall receive and safely keep, until legally withdrawn, all moneys or bullion which shall be for the use or the expenses of the mint. He shall receive all bullion brought to the mint for assay or coinage; shall be the keeper of all bullion or coin in the mint, except while the same is legally in the hands of other officers; and shall deliver all coins struck at the mint to the persons to whom they shall be legally payable. From the report of the assayer and the weight of the bullion, he shall compute the value of each deposit, and also the amount of the charges or deductions, if any, of all which he shall give a detailed memorandum to the depositor; and he shall also give at the same time, under his hand, a certificate of the net amount of the deposit, to be paid in coins or bars of the same species of bullion as that deposited, the correctness of which certificate shall be verified by the assayer, who shall countersign the same, and in all cases of transfer of coin or bullion, shall give and receive vouchers, stating the amount and character of such coin or bullion.

Duties of super-
intendents in
respect to coin and
bullion.

Ibid., s. 4, p. 424.

SEC. 3507. The assayer shall assay all metals and bullion, whenever such assays are required in the operations of the mint; and shall make assays of coin or samples of bullion whenever required by the superintendent.

Duties of assay-
ers.

Ibid., s. 5, p. 425.

SEC. 3508. The melter and refiner shall execute all the operations which are necessary in order to form ingots of standard silver or gold, and alloys for minor coinage, suitable for the coiner, from the metals legally delivered to him for that purpose; and shall also execute all the operations which are necessary in order to form bars conformable in all respects to the law, from the gold and silver bullion delivered to him for that purpose. He shall keep a careful record of all transactions with

Duties of melt-
ers and refiners.

Ibid., s. 6, p. 425.

- the superintendent, noting the weight and character of the bullion, and shall be responsible for all bullion delivered to him until the same is returned to the superintendent and the proper vouchers obtained.
- Duties of coiners.** SEC. 3509. The coiner shall execute all the operations which are necessary in order to form coins, conformable in all respects to the law, from the standard gold and silver ingots, and alloys for minor coinage, legally delivered to him for that purpose; and shall be responsible for all bullion delivered to him, until the same is returned to the superintendent and the proper vouchers obtained.
- Ibid.*, s. 7, p. 425.
- Duties of engravers.** SEC. 3510. The engraver shall prepare from the original dies already authorized all the working-dies required for use in the coinage of the several mints, and, when new coins or devices are authorized, shall, if required by the Director of the Mint, prepare the devices, models, molds, and matrices, or original dies, for the same; but the Director of the Mint shall nevertheless have power, with the approval of the Secretary of the Treasury, to engage temporarily for this purpose the services of one or more artists, distinguished in their respective departments of art, who shall be paid for such service from the contingent appropriation for the Mint at Philadelphia.
- Ibid.*, s. 8, p. 425.
- Gold coins of the United States and their weight.** SEC. 3511. The gold coins of the United States shall be a one-dollar piece, which, at the standard weight of twenty-five and eight-tenths grains, shall be the unit of value; a quarter-eagle, or two and a half dollar piece; a three-dollar piece; a half-eagle, or five-dollar piece; an eagle, or ten-dollar piece; and a double-eagle, or twenty-dollar piece. And the standard weight of the gold dollar shall be twenty-five and eight-tenths grains; of the quarter-eagle, or two and a half dollar piece, sixty-four and a half grains; of the three-dollar piece, seventy-seven and four-tenths grains; of the half-eagle, or five-dollar piece, one hundred and twenty-nine grains; of the eagle, or ten-dollar piece, two hundred and fifty-eight grains; of the double-eagle, or twenty-dollar piece, five hundred and sixteen grains.
- Ibid.*, s. 14, p. 426.
- Recoinage of gold coins.** SEC. 3512. Any gold coins in the Treasury of the United States, when reduced in weight by natural abrasion more than one-half of one per centum below the standard weight prescribed by law, shall be recoinced.
- Ibid.*, s. 14, p. 426.
- Silver coins and their weight.** SEC. 3513. The silver coins of the United States shall be a trade-dollar, a half-dollar, or fifty-cent piece, a quarter-dollar, or twenty-five-cent piece, a dime, or ten-cent piece; and the weight of the trade-dollar shall be four hundred and twenty grains troy; the weight of the half-dollar shall be twelve grams and one-half of a gram; the quarter-dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half-dollar.
- Ibid.*, s. 15, p. 427.
- Standard for gold and silver coins.** SEC. 3514. The standard for both gold and silver coins of the United States shall be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy. The alloy of the silver coins shall be of copper. The alloy of the gold coins shall be of copper, or of copper and silver; but the silver shall in no case exceed one-tenth of the whole alloy. [See § 5460.]
- Ibid.*, s. 13, p. 426.
- Minor coins; their weight and alloy.** SEC. 3515. The minor coins of the United States shall be a five-cent piece, a three-cent piece, and a one-cent piece. The alloy for the five and three cent pieces shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the one-cent piece shall be ninety-five per centum of copper and five per centum of tin and zinc, in such proportions as shall be determined by the Director of the Mint. The weight of the piece of five cents shall be seventy-seven and sixteen-hundredths grains troy; of the three-cent piece, thirty grains; and of the one-cent piece, forty-eight grains.
- Ibid.*, s. 16, p. 427.
- Issue of other coins prohibited.** SEC. 3516. No coins, either of gold, silver, or minor coinage, shall hereafter be issued from the Mint other than those of the denominations, standards, and weights set forth in this Title. [See §§ 5457-5462.]
- Ibid.*, s. 17, p. 427.
- Inscriptions upon coins.** SEC. 3517. Upon the coins there shall be the following devices and legends: Upon one side there shall be an impression emblematic of liberty, with an inscription of the word "Liberty" and the year of the
- Ibid.*, s. 18, p. 427.

coinage, and upon the reverse shall be the figure or representation of an eagle, with the inscriptions "United States of America" and "E Pluribus Unum," and a designation of the value of the coin; but on the gold dollar and three-dollar piece, the dime, five, three, and one cent piece, the figure of the eagle shall be omitted; and on the reverse of the silver trade-dollar the weight and the fineness of the coin shall be inscribed.

SEC. 3518. At the option of the owner gold or silver may be cast into bars of fine metal, or of standard fineness, or unparted, as he may prefer, with a stamp upon the same designating the weight and fineness, and with such devices impressed thereon as may be deemed expedient to prevent fraudulent imitation, and no such bars shall be issued of a less weight than five ounces.

SEC. 3519. Any owner of gold bullion may deposit the same at any mint, to be formed into coin or bars for his benefit. It shall be lawful, however, to refuse any deposit of less value than one hundred dollars, or any bullion so base as to be unsuitable for the operations of the Mint. In cases where gold and silver are combined, if either metal be in such small proportion that it cannot be separated advantageously, no allowance shall be made to the depositor for its value.

SEC. 3520. Any owner of silver bullion may deposit the same at any mint, to be formed into bars, or into dollars of the weight of four hundred and twenty grains troy, designated in this Title as trade-dollars, and no deposit of silver for other coinage shall be received. Silver bullion contained in gold deposits, and separated therefrom, may, however, be paid for in silver coin, at such valuation as may be, from time to time, established by the Director of the Mint.

SEC. 3521. When bullion is deposited in any of the mints, it shall be weighed by the superintendent, and, when practicable, in the presence of the depositor, to whom a receipt shall be given, which shall state the description and weight of the bullion. When, however, the bullion is in such a state as to require melting, or the removal of base metals, before its value can be ascertained, the weight, after such operation, shall be considered as the true weight of the bullion deposited. The fitness of the bullion to be received shall be determined by the assayer, and the mode of melting by the melter and refiner.

SEC. 3522. From every parcel of bullion deposited for coinage or bars, the superintendent shall deliver to the assayer a sufficient portion for the purpose of being assayed. The bullion remaining from the operations of the assay shall be returned to the superintendent by the assayer.

SEC. 3523. The assayer shall report to the superintendent the quality or fineness of the bullion assayed by him, and such information as will enable him to compute the amount of the charges hereinafter provided for, to be made to the depositor.

SEC. 3524. The charge for converting standard gold bullion into coin shall be one-fifth of one per centum. The charges for converting standard silver into trade-dollars for melting and refining when bullion is below standard, for toughening when metals are contained in it which render it unfit for coinage, for copper used for alloy when the bullion is above standard, for separating the gold and silver when these metals exist together in the bullion, and for the preparation of bars, shall be fixed, from time to time, by the Director, with the concurrence of the Secretary of the Treasury, so as to equal but not exceed, in their judgment, the actual average cost to each mint and assay-office of the material, labor, wastage, and use of machinery employed in each of the cases aforementioned.

SEC. 3525. The assayer shall verify all calculations made by the superintendent of the value of deposits, and, if satisfied of the correctness thereof, shall countersign the certificate required to be given by the superintendent to the depositor.

Gold and silver bars.

Ibid., s. 19, p. 427.

Coining gold bullion; when deposits may be refused.

Ibid., s. 20, p. 427.

Silver bullion may be received for forming into bars or trade-dollars.

Ibid., s. 21, p. 427.

Weighing bullion and ascertaining its value.

Ibid., s. 22, p. 428.

Assay of bullion.

Ibid., s. 23, p. 428.

Assayer to report to superintendent quality of bullion assayed.

Ibid., s. 24, p. 428.

Charges for converting bullion, &c., into coin.

Ibid., s. 25, p. 428.

Assayer to verify calculations of the value of deposits and countersign certificate.

Ibid., s. 26, p. 428.

Purchase of bullion for silver coinage, the silver-profit fund.

Ibid., a. 27, p. 423.

Paying out silver coins for gold coin authorized.

Ibid., a. 28, p. 423.

Purchase of metal for minor coinage; the minor-coinage profit-fund.

Ibid., a. 29, p. 423.

Delivery of minor coins; redemption.

Ibid., a. 30, p. 423.

SEC. 3526. In order to procure bullion for the silver coinage authorized by this Title, the superintendents, with the approval of the Director of the Mint, as to price, terms, and quantity, shall purchase such bullion with the bullion-fund. The gain arising from the coinage of such silver bullion into coin of a nominal value exceeding the cost thereof shall be credited to a special fund denominated the silver-profit fund. This fund shall be charged with the wastage incurred in the silver coinage, and with the expense of distributing such silver coins as hereinafter provided. The balance to the credit of this fund shall be from time to time, and at least twice a year, paid into the Treasury of the United States.

SEC. 3527. Silver coins other than the trade-dollar shall be paid out at the several mints, and at the assay-office in New York City, in exchange for gold coins at par, in sums not less than one hundred dollars. It shall be lawful, also, to transmit parcels of the same, from time to time, to the assistant treasurers, depositaries, and other officers of the United States, under general regulations proposed by the Director of the Mint, and approved by the Secretary of the Treasury. Nothing herein contained shall, however, prevent the payment of silver coins, at their nominal value, for silver parted from gold, as provided in this Title, or for change less than one dollar in settlement for gold deposits. But for two years after the twelfth day of February, eighteen hundred and seventy-three, silver coins shall be paid at the Mint in Philadelphia and the assay-office in New York City, for silver bullion purchased for coinage, under such regulations as may be prescribed by the Director of the Mint and approved by the Secretary of the Treasury.

SEC. 3528. For the purchase of metal for the minor coinage authorized by this Title, a sum not exceeding fifty thousand dollars in lawful money of the United States shall be transferred by the Secretary of the Treasury to the credit of the superintendent of the Mint at Philadelphia, at which establishment only, until otherwise provided by law, such coinage shall be carried on. The superintendent, with the approval of the Director of the Mint as to price, terms, and quantity, shall purchase the metal required for such coinage by public advertisement, and the lowest and best bid shall be accepted, the fineness of the metals to be determined on the Mint assay. The gain arising from the coinage of such metals into coin of a nominal value, exceeding the cost thereof, shall be credited to the special fund denominated the minor-coinage profit fund; and this fund shall be charged with the wastage incurred in such coinage, and with the cost of distributing said coins as hereinafter provided. The balance remaining to the credit of this fund, and any balance of profits accrued from minor coinage under former acts, shall be, from time to time, and at least twice a year, covered into the Treasury.

SEC. 3529. The minor coins authorized by this Title may, at the discretion of the Director of the Mint, be delivered in any of the principal cities and towns of the United States, at the cost of the Mint, for transportation, and shall be exchangeable at par at the Mint in Philadelphia, at the discretion of the superintendent, for any other coins of copper, bronze, or copper-nickel heretofore authorized by law. It shall be lawful for the Treasurer and the several assistant treasurers and depositaries of the United States to redeem, in lawful money, under such rules as may be prescribed by the Secretary of the Treasury, all copper, bronze, and copper-nickel coins authorized by law when presented in sums of not less than twenty dollars. Whenever, under this authority, these coins are presented for redemption in such quantity as to show the amount outstanding to be redundant, the Secretary of the Treasury is authorized and required to direct that such coinage shall cease until otherwise ordered by him.

SEC. 3530. Parcels of bullion shall be, from time to time, transferred to the superintendent to the melter and refiner. A careful record of the transfers, noting the weight and character of the bullion, shall be kept, and vouchers shall be taken for the delivery of the same, duly receipted by the melter and refiner. The bullion thus placed in the hands of the melter and refiner shall be subjected to the several processes which may be necessary to form it into ingots of the legal standard, and of quality suitable for coinage.

Transfer of bullion for formation into ingots.

Ibid., s. 31, p. 429.

SEC. 3531. The ingots so prepared shall be assayed. If they prove to be within the limits allowed for deviation from the standard, the assayer shall certify the fact to the superintendent, who shall thereupon receipt the same, and transfer them to the coiner.

Ingots to be assayed, and receipted for.

Ibid., s. 32, p. 429.

SEC. 3532. The superintendent shall, from time to time, deliver to the coiner ingots for the purpose of coinage. A careful record of these deliveries, noting the weight and character of the bullion, shall be kept, and vouchers shall be taken for the delivery of the same, duly receipted by the coiner. The ingots thus placed in the hands of the coiner shall be subjected to the several processes necessary to make from them coins of all respects conformable to law.

Delivery of ingots to coiner for coinage.

Ibid., s. 35, p. 429.

SEC. 3533. No ingots shall be used for coinage which differ from the legal standard more than the following proportions, namely: In gold ingots, one thousandth; in silver ingots, three-thousandths; in minor alloy alloys, twenty-five thousandths, in the proportion of nickel.

Standard of ingots used for coinage.

Ibid., s. 33, p. 429.

SEC. 3534. The melter and refiner shall prepare all bars required for the payment of deposits; but the fineness thereof shall be ascertained and stamped thereon by the assayer. The melter and refiner shall deliver such bars to the superintendent, who shall receipt for the same.

Preparation and stamping of bars for payment of deposits.

Ibid., s. 34, p. 429.

SEC. 3535. In adjusting the weights of the gold coins, the following deviations shall not be exceeded in any single piece: In the double-eagle and the eagle, one-half of a grain; in the half-eagle, the three-dollar piece, the quarter-eagle, and the one-dollar piece, one-fourth of a grain. And in weighing a number of pieces together, when delivered to the coiner, the deviation from the standard weight shall not exceed one hundredth of an ounce in five thousand dollars in double-eagles, eagles, half-eagles, or quarter-eagles, in one thousand three-dollar pieces, and one thousand one-dollar pieces.

Deviations allowed in adjusting weights of gold coins.

Ibid., s. 36, p. 430.

SEC. 3536. In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, the half-dollar and quarter dollar, and in the dime, one and one-half grains. And in weighing a large number of pieces together, when delivered by the coiner to the superintendent, and by the superintendent to the depositor, the deviations from the standard weight shall not exceed two-hundredths of an ounce in one thousand dollars, half-dollars, or quarter-dollars, and one-hundredth of an ounce in one thousand dimes.

Of silver coins.

Ibid., s. 37, p. 430.

SEC. 3537. In adjusting the weight of the minor coins provided by this Title, there shall be no greater deviation allowed than three grains in the five-cent piece and two grains for the three and one-cent pieces.

Of minor coins.

Ibid., s. 38, p. 430.

SEC. 3538. The coiner shall, from time to time, as coins are prepared, deliver them to the superintendent, who shall receipt for the same, and he shall keep a careful record of their kind, number, and actual weight.

Delivery of coins by coiner, and trial of pieces.

Ibid., s. 39, p. 430.

When receiving coins it shall be the duty of the superintendent to ascertain, by the trial of a number of single pieces separately, whether the coins that are delivered are within the legal limits of the standard weight; and if his trials for this purpose shall not prove satisfactory, he shall cause the coins of such delivery to be weighed separately, and such as are not of legal weight shall be defaced and delivered to the melter and refiner as standard bullion, to be again formed into ingots and recoined; the whole delivery may, if more convenient, be remelted.

Trial-pieces to be sealed up and transmitted quarterly to the Mint at Philadelphia.

Ibid., s. 40, p. 430.

SEC. 3539. At every delivery of coins made by the coiner to a superintendent, it shall be the duty of such superintendent, in the presence of the assayer, to take indiscriminately a certain number of pieces of each variety for the annual trial of coins, the number for gold coins being not less than one piece for each one thousand pieces or any fractional part of one thousand pieces delivered; and for silver coins one piece for each two thousand pieces or any fractional part of two thousand pieces delivered. The pieces so taken shall be carefully sealed up in an envelope, properly labeled, stating the date of the delivery, the number and denomination of the pieces inclosed, and the amount of the delivery from which they were taken. These sealed parcels containing the reserved pieces shall be deposited in a pyx, designated for the purpose at each mint, which shall be kept under the joint care of the superintendent and assayer, and be so secured that neither can have access to its contents without the presence of the other, and the reserved pieces in their sealed envelopes from the coinage of each mint shall be transmitted quarterly to the Mint at Philadelphia. A record shall also be kept at the same time of the number and denomination of the pieces so taken for the annual trial of coins, and of the number and denomination of the pieces represented by them and so delivered, a copy of which record shall be transmitted quarterly to the Director of the Mint. Other pieces may, at any time, be taken for such tests as the Director of the Mint shall prescribe.

Disposal of clippings, &c.

Ibid., s. 41, p. 430.

SEC. 3540. The coiner shall, from time to time, deliver to the superintendent the clippings and other portions of bullion remaining after the process of coining; and the superintendent shall receipt for the same and keep a careful record of their weight and character.

Yearly settlement of accounts of coiner, melter and refiner.

Ibid., s. 42, p. 431.

SEC. 3541. The superintendent shall debit the coiner with the amount in weight of standard metal of all the bullion placed in his hands, and credit him with the amount in weight of all the coins, clippings, and other bullion returned by him to the superintendent. Once at least in every year, and at such time as the Director of the Mint shall appoint, there shall be an accurate and full settlement of the accounts of the coiner, and the melter and refiner, at which time those officers shall deliver up to the superintendent all the coins, clippings, and other bullion in their possession, respectively, accompanied by statements of all the bullion delivered to them since the last annual settlement, and all the bullion returned by them during the same period, including the amount returned for the purpose of settlement.

Allowance for wastage.

Ibid., s. 43, p. 431.

SEC. 3542. When all the coins, clippings, and other bullion have been delivered to the superintendent, it shall be his duty to examine the accounts and statements rendered by the coiner and the melter and refiner. The difference between the amount charged, and credited to each officer shall be allowed as necessary wastage, if the superintendent shall be satisfied that there has been a bona-fide waste of the precious metals, and if the amount shall not exceed, in the case of the melter and refiner, one-thousandth of the whole amount of gold, and one and one-half thousandths of the whole amount of silver delivered to him since the last annual settlement, and in the case of the coiner, one-thousandth of the whole amount of silver, and one-half thousandth of the whole amount of gold that has been delivered to him by the superintendent. All copper used in the alloy of gold and silver bullion shall be separately charged to the melter and refiner, and accounted for by him.

Statement of balance-sheet to be forwarded by superintendent to Director of Mints.

Ibid., s. 44, p. 431.

SEC. 3543. It shall also be the duty of the superintendent to forward a correct statement of his balance-sheet, at the close of such settlement, to the Director of the Mint; who shall compare the total amount of gold and silver bullion and coin on hand with the total liabilities of the mint. At the same time a statement of the ordinary expense account, and the moneys therein, shall also be made by the superintendent.

Delivery of coin or bars to depositor.

Ibid., s. 45, p. 431.

SEC. 3544. When the coins or bars which are the equivalent to any deposit of bullion are ready for delivery, they shall be paid to the depositor, or his order, by the superintendent; and the payments shall

be made, if demanded, in the order in which the bullion shall have been brought to the mint. In cases, however, where there is delay in manipulating a refractory deposit, or for any other unavoidable cause, the payment of subsequent deposits, the value of which is known, shall not be delayed thereby. In the denominations of coin delivered, the superintendent shall comply with the wishes of the depositor, except when impracticable or inconvenient to do so.

SEC. 3545. For the purpose of enabling the mints and the assay-office in New York to make returns to depositors with as little delay as possible, it shall be the duty of the Secretary of the Treasury to keep in such mints and assay-office, when the state of the Treasury will admit thereof, such an amount of public money, or bullion procured for the purpose, as he shall judge convenient and necessary, out of which those who bring bullion to the said mints and assay-office may be paid the value thereof, in coin or bars, as soon as practicable after the value has been ascertained. On payment thereof being made, the bullion so deposited shall become the property of the United States. The Secretary of the Treasury may, however, at any time withdraw the fund, or any portion thereof.

SEC. 3546. Unparted bullion may be exchanged at any of the mints for fine bars, on such terms and conditions as may be prescribed by the Director of the Mint, with the approval of the Secretary of the Treasury. The fineness, weight, and value of the bullion received and given in exchange shall in all cases be determined by the mint assay. The charge to the depositor for refining or parting shall not exceed that allowed and deducted for the same operation in the exchange of unrefined for refined bullion.

SEC. 3547. To secure a due conformity in the gold and silver coins to their respective standards of fineness and weight, the judge of the district court for the eastern district of Pennsylvania, the Comptroller of the Currency, the assayer of the assay-office at New York, and such other persons as the President shall, from time to time, designate, shall meet as assay-commissioners, at the Mint in Philadelphia, to examine and test, in the presence of the Director of the Mint, the fineness and weight of the coins reserved by the several mints for this purpose, on the second Wednesday in February, annually, and may continue their meetings by adjournment, if necessary. If a majority of the commissioners fail to attend at any time appointed for their meeting, the Director of the Mint shall call a meeting of the commissioners at such other time as he may deem convenient. If it appears by such examination and test that these coins do not differ from the standard fineness and weight by a greater quantity than is allowed by law, the trial shall be considered and reported as satisfactory. If, however, any greater deviation from the legal standard or weight appears, this fact shall be certified to the President; and if, on a view of the circumstances of the case, he shall so decide, the officers implicated in the error shall be thenceforward disqualified from holding their respective offices.

SEC. 3548. For the purpose of securing a due conformity in weight of the coins of the United States to the provisions of this Title, the brass troy-pound weight procured by the minister of the United States at London, in the year eighteen hundred and twenty-seven, for the use of the Mint and now in the custody of the Mint at Philadelphia, shall be the standard troy pound of the Mint of the United States, conformably to which the coinage thereof shall be regulated.

SEC. 3549. It shall be the duty of the Director of the Mint to procure for each mint and assay-office, to be kept safely thereat, a series of standard weights corresponding to the standard troy pound of the Mint of the United States, consisting of a one-pound weight and the requisite subdivisions and multiples thereof, from the hundredth part of a grain to twenty-five pounds. The troy weights ordinarily employed in the transactions of such mints and assay-offices shall be regulated according to the above standards at least once in every year, under the inspection

Payment in money to depositors when value ascertained.

Ibid., s. 47, p. 431.

Exchange of unparted bullion for fine bars.

Ibid., s. 46, p. 431.

Appointment and meeting of assay-commissioners.

Ibid., s. 48, p. 432.

Standard troy pound for the regulation of coinage.

Ibid., s. 49, p. 432.

Standard weights for mints and assay offices.

Ibid., s. 50, p. 432.

of the superintendent and assayer; and the accuracy of those used at the Mint at Philadelphia shall be tested annually, in the presence of the assay-commissioners, at the time of the annual examination and test of coins.

Yearly destruction of obverse working-dies.

SEC. 3550. The obverse working-dies at each mint shall, at the end of each calendar year, be defaced and destroyed by the coiner in the presence of the superintendent and assayer.

Ibid., s. 51, p. 432.

National and other medals may be struck at Mint at Philadelphia.

SEC. 3551. Dies of a national character may be executed by the engraver, and national and other medals struck by the coiner of the Mint at Philadelphia, under such regulations as the superintendent, with the approval of the Director of the Mint, may prescribe. Such work shall not, however, interfere with the regular coinage operations, and no private medal dies shall be prepared at any mint, or the machinery or apparatus thereof be used for that purpose.

Ibid., s. 52, p. 432.

Money arising from charges and deductions to be covered into Treasury.

SEC. 3552. The moneys arising from all charges and deductions on and from gold and silver bullion and the manufacture of medals, and from all other sources, except as provided by this Title, shall, from time to time, be covered into the Treasury, and no part of such deductions or medal charges, or profit on silver or minor coinage, shall be expended in salaries or wages. All expenditures of the mints and assay-offices, not herein otherwise provided for, shall be paid from appropriations made by law on estimates furnished by the Secretary of the Treasury.

Ibid., s. 53, p. 432.

Business of assay-office at New York.

SEC. 3553. The business of the United States assay-office at New York shall be in all respects similar to that of the mints, except that bars only, and not coin, shall be manufactured therein; and no metals shall be purchased for minor coinage. All bullion intended by the depositor to be converted into coins, of the United States, and silver bullion purchased for coinage, when assayed, parted, and refined, and its net value certified, shall be transferred to the Mint at Philadelphia, under such directions as shall be made by the Secretary of the Treasury, at the expense of the contingent fund of the Mint, and shall be there coined, and the proceeds returned to the assay-office. And the Secretary of the Treasury is hereby authorized to make the necessary arrangements for the adjustment of the accounts upon such transfers between the respective offices.

Ibid., s. 54, p. 433.

Appointment of officers at New York.

SEC. 3554. The officers of the assay-office at New York shall be a superintendent, an assayer, and a melter and refiner; each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

Ibid.

Duties, &c., of officers at New York.

SEC. 3555. The duties of the superintendent, the assayer, and the melter and refiner of the assay-office at New York shall correspond to those of superintendents, assayers, and melters and refiners of mints; and all the provisions of this Title relating to mints and their officers, the duties and responsibilities of such officers, and others employed therein, the oaths to be taken, and the bonds and sureties to be given by them, shall extend, as far as the same may be applicable, to the assay-office at New York, and to its officers, clerks, and employes.

Ibid., s. 55, p. 433.

Salaries of officers at New York.

SEC. 3556. The officers of the assay-office at New York shall be entitled to the following salaries:

Ibid., s. 56, p. 433.

First. The superintendent, to four thousand five hundred dollars a year.

Second. The assayer, to three thousand dollars a year.

Third. The melter and refiner, to three thousand dollars.

Appointment and salaries of assistants and employes at New York.

SEC. 3557. The appointment and compensation of assistants, clerks, and workmen in the assay-office at New York shall be regulated in the same manner as is prescribed in regard to mints.

Ibid.

Business of mint at Denver and of assay-offices at

SEC. 3558. The business of the mint of the United States at Denver, while conducted as an assay-office, that of the United States assay-office at Boise City, and that of any other assay-offices hereafter established,

shall be confined to the receipt of gold and silver bullion, for melting and assaying, to be returned to depositors of the same, in bars, with the weight and fineness stamped thereon.

SEC. 3559. The officers of the assay-offices embraced by the preceding section shall be, when their respective services are required, an assayer and a melter; each of whom shall be appointed by the President, by and with the advice and consent of the Senate. Their salaries shall not exceed two thousand five hundred dollars a year each.

SEC. 3560. The assayer at each of the assay-offices embraced by section thirty-five hundred and fifty-eight, shall have general charge of the office; and may employ, under the direction of the Director of the Mint, such clerks, workmen, and laborers as may be authorized therefor by law; and shall discharge the duties of disbursing agent for the expenses of the office under his charge. The salaries paid to clerks shall not exceed one thousand eight hundred dollars a year each. Workmen and laborers shall receive such wages as are customary according to their respective stations and occupations.

SEC. 3561. Each officer and clerk appointed at either of the assay-offices embraced by section thirty-five hundred and fifty-eight shall, before entering upon the duties of his office, take an oath pursuant to the provisions of Title XIX, "PROVISIONS APPLYING TO SEVERAL CLASSES OF OFFICERS," and shall give a bond to the United States, with one or more sureties, satisfactory to the Director of the Mint or to one of the judges of the supreme court of the State or Territory in which the office to which he is appointed is located, conditioned for the faithful performance of his duties. [Sec §§ 1756, 1757.]

SEC. 3562. All provisions of law for the regulation of mints, the government of officers and persons employed therein, and for the punishment of all offenses connected with mints or coinage, shall extend to all assay-offices, as far as applicable. [Sec § 5400.]

SEC. 3563. The money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents, or hundredths, and mills or thousandths, a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mill the thousandth part of a dollar; and all accounts in the public offices and all proceedings in the courts shall be kept and had in conformity to this regulation.

SEC. 3564. The value of foreign coin as expressed in the money of account of the United States shall be that of the pure metal of such coin of standard value; and the values of the standard coins in circulation of the various nations of the world shall be estimated annually by the Director of the Mint, and be proclaimed on the first day of January by the Secretary of the Treasury.

SEC. 3565. In all payments by or to the Treasury, whether made here or in foreign countries, where it becomes necessary to compute the value of the sovereign or pound sterling, it shall be deemed equal to four dollars eighty-six cents and six and one-half mills, and the same rule shall be applied in appraising merchandise imported where the value is, by the invoice, in sovereigns or pounds sterling, and in the construction of contracts payable in sovereigns or pounds sterling; and this valuation shall be the par of exchange between Great Britain and the United States; and all contracts made after the first day of January, eighteen hundred and seventy-four, based on an assumed par of exchange with Great Britain of fifty-four pence to the dollar, or four dollars forty-four and four-ninths cents to the sovereign or pound sterling, shall be null and void.

SEC. 3566. All foreign gold and silver coins received in payment for moneys due to the United States shall, before being issued in circulation, be coined anew.

SEC. 3567. The pieces commonly known as the quarter, eighth, and sixteenth of the Spanish pillar-dollar, and of the Mexican dollar, shall be receivable at the Treasury of the United States, and its several offices, and at the several post-offices and land-offices, at the rates of valua-

Boise City and Charlotte.

Ibid., s. 57.

Appointment of officer at Denver, Boise City, and Charlotte.

Ibid., s. 57, p. 433.

Powers and duties of assayers at assay-offices.

Ibid., ss. 57, 58, p. 433.

Compensation of employes.

Bond and oath of officers and clerks.

Ibid., s. 58, p. 433.

Laws relating to mints extended to assay-offices.

Ibid., s. 60, p. 434.

Decimal system established.

2 April, 1792, c. 16, s. 20, v. 1, p. 250.

Value of foreign coins, how ascertained.

3 March, 1873, c. 268, v. 17, s. 1, p. 602.

Value of the sovereign or pound sterling.

Ibid., s. 2, p. 603.

Recoinage of foreign coins.

9 Feb., 1793, c. 5, s. 3, v. 1, p. 301. 21 Feb., 1857, c. 56, s. 2, v. 11, p. 163.

Spanish and Mexican coins.

21 Feb., 1857, c. 56, s. 1, v. 11, p. 16

tion following: the fourth of a dollar, or piece of two reals, at twenty cents; the eighth of a dollar, or piece of one real, at ten cents; and the sixteenth of a dollar, or half-real, at five cents.

Their transmission for re-coinage.

21 Feb., 1857, c. 56, s. 2, v. 11, p. 163.

SEC. 3568. The Director of the Mint, with the approval of the Secretary of the Treasury, may prescribe such regulations as are necessary and proper, to secure the transmission of the coins mentioned in the preceding section to the Mint for recoinage, and the turn or distribution of the proceeds thereof, when deemed expedient, and may prescribe such forms of account as are appropriate and applicable to the circumstances. The expenses incident to such transmission or distribution, and of recoinage, shall be charged against the account of silver profit and loss, and the net profits, if any, shall be paid, from time to time, into the Treasury.

Use of the metric system authorized.

28 July, 1866, c. 301, s. 1, v. 14, p. 339.

Authorized tables of weights and measures.

28 July, 1866, c. 301, s. 2, v. 14, pp. 339, 340.

SEC. 3569. It shall be lawful throughout the United States of America to employ the weights and measures of the metric system; and no contract or dealing, or pleading in any court, shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system.

SEC. 3570. The tables in the schedule hereto annexed shall be recognized in the construction of contracts, and in all legal proceedings, as establishing, in terms of the weights and measures now in use in the United States, the equivalents of the weights and measures expressed therein in terms of the metric system; and the tables may lawfully be used for computing, determining, and expressing in customary weights and measures the weights and measures of the metric system.

MEASURES OF LENGTH.

Metric denominations and values.		Equivalents in denominations in use.
Myriameter	10, 000 meters.	6, 2137 miles.
Kilometer	1, 000 meters.	0. 62137 miles, or 3,280 feet and 10 inches.
Hectometer	100 meters.	328 feet and 1 inch.
Dekameter	10 meters.	39. 7 inches.
Meter	1 meter.	39. 37 inches.
Decimeter	$\frac{1}{10}$ of a meter.	3. 937 inches.
Centimeter	$\frac{1}{100}$ of a meter.	0. 3937 inches.
Millimeter	$\frac{1}{1000}$ of a meter.	0. 0394 inches.

MEASURES OF CAPACITY.

Metric denominations and values.			Equivalents in denominations in use.	
Names.	Num. of liters.	Cubic measure.	Dry measure.	Liquor or wine measure.
Kiloliter, or stera.	1, 000	1 cubic meter.	1. 308 cub. yards. ...	264. 17 gallons.
Hectoliter ..	100	$\frac{1}{10}$ of a cubic meter..	2 bushels and 3.35 pecks.	26. 417 gallons.
Dekaliter ...	10	10 cubic decimeters ..	9. 08 quarts	2. 6417 gallons.
Liter	1	1 cubic decimeter ..	0. 908 quarts.....	1. 0567 quarts.
Deciliter ...	$\frac{1}{10}$	$\frac{1}{10}$ of a cub. decimeter.	6. 1022 cub. inch ...	0. 845 gills.
Centiliter ..	$\frac{1}{100}$	10 cubic centimeters.	0. 6102 cub. inch ...	0. 338 fluid ounces.
Milliliter ...	$\frac{1}{1000}$	1 cubic centimeter..	0. 061 cub. inch ...	0. 27 fluid drams.

MEASURES OF SURFACE.

Metric denominations and values.		Equivalents in denominations in use.
Hectare	10, 000 square meters.	2. 471 acres.
Are	100 square meters.	119. 6 square yards.
Centare	1 square meter.	1550 square inches.

WEIGHTS.

Metric denominations and values.			Equivalents in denominations in use.
Names.	Number of grams.	Weight of what quantity of water at maximum density.	Avoirdupois weight.
Millier or tonneau.....	1,000,000	1 cubic meter.....	2204.6 pounds.
Quintal.....	100,000	1 hectoliter.....	220.46 pounds.
Myriagram.....	10,000	10 liters.....	22.046 pounds.
Kilogram or kilo.....	1,000	1 liter.....	2.2046 pounds.
Hectogram.....	100	1 deciliter.....	3.5274 ounces.
Dekagram.....	10	10 cubic centimeters.....	0.3527 ounces.
Gram.....	1	1 cubic centimeter.....	15.432 grains.
Decigram.....	$\frac{1}{10}$	$\frac{1}{10}$ of a cubic centimeter.....	1.5432 grains.
Centigram.....	$\frac{1}{100}$	10 cubic millimeters.....	0.1543 grains.
Milligram.....	$\frac{1}{1000}$	1 cubic millimeter.....	0.0154 grains.

TITLE XXXVIII.

THE CURRENCY.

Sec.	Sec.
3571. United States notes.	3577. Engraving and printing notes.
3572. Amount of fractional currency authorized.	3578. Expenses of issuing notes.
3573. No issue less than ten cents.	3579. Re-issue of United States notes.
3574. Form and redemption of fractional notes.	3580. Replacing mutilated notes.
3575. Preparation of fractional and other notes.	3581. Destruction of notes.
3576. Portraits of living persons not to be placed on bonds or notes.	3582. Reduction of the currency suspended.
	3583. Restriction on notes less than one dollar.

United States notes.

3 March, 1863, c. 73, s. 3, v. 12, p. 710.
17 Jan., 1863, Res. c. 33, s. 1, v. 12, p. 345.

Amount of fractional currency authorized.

30 June, 1864, c. 172, s. 5, v. 13, p. 220.

No issue less than ten cents.

16 March, 1866, c. 81, s. 3, v. 14, p. 47.

Form and redemption of fractional notes.

3 March, 1863, c. 73, s. 4, v. 12, p. 711.
30 June, 1864, c. 172, s. 5, v. 13, p. 220.

Preparation of notes.

30 June, 1864, c. 172, s. 5, v. 13, p. 220.
3 March, 1863, c. 73, s. 4, v. 12, p. 711.

Portraits of living persons not to be placed on bonds or notes.

7 April, 1866, c. 28, s. 12, v. 14, p. 25.

Engraving and printing notes.

11 July, 1862, c. 142, s. 2, v. 12, p. 532.

[See §§ 5430, 5453.]

SEC. 3571. United States notes shall be of such denominations, not less than one dollar, as the Secretary of the Treasury may prescribe, shall not bear interest, shall be payable to bearer, and shall be in such form as the Secretary may deem best. [See §§ 5413, 5414, 5430-5434.]

SEC. 3572. The whole amount of notes or stamps for the fractions of a dollar, issued as currency, shall not, at any time, exceed fifty millions of dollars.

SEC. 3573. No issue of fractional notes of the United States shall be of a less denomination than ten cents; and all issues of a less denomination shall, when paid into the Treasury or any designated depository of the United States, or redeemed or exchanged as now provided by law, be retained and canceled.

SEC. 3574. The notes of the fractional currency shall be in such form, with such inscriptions, and with such safeguards against counterfeiting as the Secretary of the Treasury may deem best. They shall be exchangeable by the assistant treasurers and designated depositories for United States notes in sums of not less than three dollars; and shall be receivable for postage and revenue stamps, and for all dues to the United States, except customs, in sums not over five dollars, and shall be redeemed on presentation at the Treasury of the United States in such sums and under such regulations as the Secretary of the Treasury shall prescribe.

SEC. 3575. The Secretary of the Treasury may provide for the engraving and preparation, and for the issue of fractional and other notes, and shall make such regulations for the redemption of such notes when mutilated or defaced, and for the receipt of fractional notes in payment of debts to the United States, except for customs, in such sums, not over five dollars, as may appear to him expedient.

SEC. 3576. No portrait shall be placed upon any of the bonds, securities, notes, fractional or postal currency of the United States, while the original of such portrait is living.

SEC. 3577. The Secretary of the Treasury may cause notes to be engraved, printed, and executed, at the Department of the Treasury in Washington, and under his direction, if he deems it inexpedient to procure them to be engraved and printed by contract; and he may purchase and provide all the machinery and materials, and employ such persons and appoint such officers as are necessary for this purpose.

SEC. 3578. The necessary expenses of engraving, printing, preparing, and issuing the United States notes, Treasury notes, and fractional notes shall be paid out of any money in the Treasury not otherwise appropriated; but no extra compensation for preparing, signing, or issuing such notes shall be allowed to any officer whose salary is fixed by law.

Expenses of issuing notes.

30 June, 1864, c. 172, s. 9, v. 13, p. 221.

23 Dec., 1857, c.

1, s. 11, v. 11, p. 259. 3 March, 1803, c. 73, s. 6, v. 12, p. 711.

SEC. 3579. When any United States notes are returned to the Treasury, they may be re-issued, from time to time, as the exigencies of the public interest may require.

Re-issue of United States notes.

3 March, 1863, c. 73, s. 3, v. 12, p. 710. 11 July, 1862, c. 142, s. 1, v. 12, p. 532. 25 Feb. 1862, c. 33, s. 1, v. 12, p. 345.

SEC. 3580. When any United States notes returned to the Treasury are so mutilated or otherwise injured as to be unfit for use, the Secretary of the Treasury is authorized to replace the same with others of the same character and amounts.

Replacing mutilated notes.

17 March, 1862, c. 45, s. 4, v. 12, p. 370.

SEC. 3581. Mutilated United States notes, when replaced according to law, and all other notes which by law are required to be taken up, and not re-issued, when taken up, shall be destroyed in such manner and under such regulations as the Secretary of the Treasury may prescribe.

Destruction of notes.

17 March, 1862, c. 45, s. 4, v. 12, p. 370.

SEC. 3582. The authority given to the Secretary of the Treasury to make any reduction of the currency, by retiring and canceling United States notes, is suspended.

Reduction of the currency suspended.

4 Feb., 1868, c. 6, v. 15, p. 34. 12 April, 1866, c. 39, s. 1, v. 14, p. 31.

SEC. 3583. No person shall make, issue, circulate, or pay out any note, check, memorandum, token, or other obligation for a less sum than one dollar, intended to circulate as money or to be received or used in lieu of lawful money of the United States; and every person so offending shall be fined not more than five hundred dollars or imprisoned not more than six months, or both, at the discretion of the court.

Restriction on notes less than one dollar.

17 July, 1862, c. 196, s. 2, v. 12, p. 592.

TITLE XXXIX.

LEGAL TENDER.

Sec.

3584. Foreign coins.
 3585. Gold coins of the United States.
 3586. Silver coins of the United States.
 3587. Minor coins.

Sec.

3588. United States notes.
 3589. Demand Treasury-notes.
 3590. Interest-bearing notes.

Foreign coins.

21 Feb., 1857, c. 66, s. 3, v. 11, p. 163.

Gold coins of the United States.

12 Feb., 1873, c. 131, s. 14, v. 17, p. 426.

Silver coins of the United States.

12 Feb., 1873, c. 131, s. 15, v. 17, p. 427.

Minor coins.

12 Feb., 1873, c. 131, s. 16, v. 17, p. 427.

United States notes.

3 March, 1863, c. 73, s. 3, v. 12, p. 711.
 25 Feb., 1862, c. 33, s. 1, v. 12, p. 345.—*Bank vs. Supervisors*, 7 Wall., 26; *Lane County vs. Oregon*, 7 Wall., 71; *Bronson vs. Rhodes*, 7 Wall., 229; *Butler vs. Horwitz*, 7 Wall., 258; *Hepburn vs. Griswold*, 8 Wall., 603; *Knox vs. Lee*, 11 Wall., 682; *Legal Tender Cases*, *Knox vs. Lee*, 12 Wall., 457; *Dooley vs. Smith*, 13 Wall., 604; *Railroad Co. vs. Johnson*, 15 Wall., 195.

Demand Treasury notes.

17 March, 1862, c. 45, s. 2, v. 12, p. 370.
 17 July, 1861, c. 5, s. 1, v. 12, p. 259.

Interest-bearing notes.

3 March, 1863, c. 73, s. 2, v. 12, p. 710.
 30 June, 1864, c. 172, s. 2, v. 13, p. 218.

SEC. 3584. No foreign gold or silver coins shall be a legal tender in payment of debts.

SEC. 3585. The gold coins of the United States shall be a legal tender in all payments at their nominal value when not below the standard weight and limit of tolerance provided by law for the single piece, and, when reduced in weight below such standard and tolerance, shall be a legal tender at valuation in proportion to their actual weight.

SEC. 3586. The silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding five dollars in any one payment.

SEC. 3587. The minor coins of the United States shall be a legal tender, at their nominal value for any amount not exceeding twenty-five cents in any one payment.

SEC. 3588. United States notes shall be lawful money, and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt.

SEC. 3589. Demand Treasury notes authorized by the act of July seventeen, eighteen hundred and sixty-one, chapter five, and the act of February twelve, eighteen hundred and sixty-two, chapter twenty, shall be lawful money and a legal tender in like manner as United States notes.

SEC. 3590. Treasury notes issued under the authority of the acts of March three, eighteen hundred and sixty-three, chapter seventy-three, and June thirty, eighteen hundred and sixty-four, chapter one hundred and seventy-two, shall be legal tender to the same extent as United States notes, for their face value, excluding interest: *Provided*, That Treasury notes issued under the act last named shall not be a legal tender in payment or redemption of any notes issued by any bank, banking association, or banker, calculated and intended to circulate as money.





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