

be lawful for the court to make an order directing such absent defendant or defendants to appear, plead, answer, or demur, by a day certain to be designated, which order shall be served on such absent defendant or defendants, if practicable, wherever found, and also upon the person or persons in possession or charge of said property, if any there be; or where such personal service upon such absent defendant or defendants is not practicable, such order shall be published in such manner as the court may direct, not less than once a week for six consecutive weeks; and in case such absent defendant shall 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, and upon proof of the service or publication of said order, and of the performance of the directions contained in the same, it shall be lawful for the court 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 said adjudication shall, as regards said absent defendant or defendants without appearance, affect only the property which shall have been the subject of the suit and under the jurisdiction of the court therein, within such district. And when a part of the said real or personal property against which such proceeding shall be taken shall be within another district, but within the same State, said suit may be brought in either district in said State; *Provided, however,* That any defendant or defendants not actually personally notified as above provided may, at any time within one year after final judgment in any suit mentioned in this section, enter his appearance in said suit in said circuit court, and thereupon the said court shall make an order setting aside the judgment therein, and permitting said defendant or defendants to plead therein on payment by him or them of such costs as the court shall deem just; and thereupon said suit shall be proceeded with to final judgment according to law.

Proceedings after publication, &c.

Effect of judgment, &c., against absent defendant.

Where property, partly in one and partly in another district of same State.

Judgment to be set aside within one year when defendant not actually notified.

Death of party to final judgment, &c., before time for appeal or writ of error expired.

SEC. 9. That whenever either party to a final judgment or decree which has been or shall be rendered in any circuit court has died or shall die before the time allowed for taking an appeal or bringing a writ of error has expired, it shall not be necessary to revive the suit by any formal proceedings aforesaid. The representative of such deceased party may file in the office of the clerk of such circuit court a duly certified copy of his appointment and thereupon may enter an appeal or bring writ of error as the party he represents might have done. If the party in whose favor such judgment or decree is rendered has died before appeal taken or writ of error brought, notice to his representatives shall be given from the Supreme court, as provided in case of the death of a party after appeal taken or writ of error brought.

Repeal of conflicting acts.

SEC. 10. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved, March 3, 1875.

CHAP. 138.—An act relating to the punishment of the crime of manslaughter.

March 3, 1875.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whoever shall hereafter be convicted of the crime of manslaughter, in any court of the United States, in any State or Territory, including the District of Columbia, shall be imprisoned not exceeding ten years, and fined not exceeding one thousand dollars: *Provided,* That this act shall not affect or apply to any prosecution now pending, or the prosecution of any offence already committed.

Manslaughter, punishment for.

SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed: *Provided,* That said acts shall remain in force for the punishment of all persons who have heretofore committed the crime of manslaughter.

Repeal of inconsistent acts.

Approved, March 3, 1875.