

compel him to make the returns and perform the duties in this act required.

Clerk of district or circuit court failing to make report, &c., required by law, to be removed by President.

SEC. 5. That if any clerk of any district or circuit court of the United States shall willfully refuse or neglect to make any report, certificate, statement, or other document required by law to be by him made, or shall willfully refuse or neglect to forward any such report, certificate, statement, or document to the department, officer, or person to whom, by law, the same should be forwarded, the President of the United States is empowered, and it is hereby made his duty, in every such case, to remove such clerk so offending from office by an order in writing for that purpose. And upon the presentation of such order, or a copy thereof, authenticated by the Attorney-General of the United States, to the judge of the court whereof such offender is clerk, such clerk shall thereupon be deemed to be out of office, and shall not exercise the functions thereof. And such district judge, in the case of the clerk of a district court, shall appoint a successor; and in the case of the clerk of a circuit court, the circuit judge shall appoint a successor. And such person so removed shall not be eligible to any appointment as clerk or deputy clerk for the period of two years next after such removal.

Appointment of successor.

Disqualification of clerk removed.

Clerk of district or circuit court willfully refusing to make reports, &c.

SEC. 6. That if any clerk mentioned in the preceding section shall willfully refuse or neglect to make or to forward any such report, certificate, statement, or document therein mentioned, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, in the discretion of the court; but a conviction under this section shall not be necessary as a condition precedent to the removal from office provided for in this act.

Mileage and expenses of attorneys, marshals, and clerks.  
1874, c. 285; ante, p. 72.

SEC. 7. That the proviso in the sixth paragraph of the act entitled "An act making appropriations for the support of the army for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes," approved June sixteenth, eighteen hundred and seventy-four, shall not be construed to apply or to have applied to attorneys, marshals, or clerks of courts of the United States, their assistants or deputies. And all accounts of said attorneys, marshals, and clerks, for mileage and for expenses incurred subsequent to the first day of July, eighteen hundred and seventy-four, and prior to the first day of January, eighteen hundred and seventy-five, shall and may be audited, allowed, and paid at the Treasury Department of the United States in the same manner as if said act had not been passed. And from and after the first day of January, eighteen hundred and seventy-five, no such officer or person shall become entitled to any allowance for mileage or travel not actually and necessarily performed under the provisions of existing law.

Repeals.

SEC. 8. That all acts inconsistent with the provisions of this act are hereby repealed.

Approved, February 22, 1875.

Feb. 23, 1875.

CHAP. 99.—An act for the relief of actual settlers on lands claimed to be swamp and overflowed lands in the State of Missouri.

Purchasers of lands in Missouri, as swamp lands, to have priority to pre-empt or homestead, if lands not in fact swamp.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases in the State of Missouri where lands have heretofore been selected and claimed as swamp and overflowed lands by said State, and the various counties therein, by virtue of any act of Congress, and said lands have been withheld from market in consequence thereof by the General Government, and the said State and counties have sold said lands to actual settlers, and said settlers have improved the same to the value of one hundred dollars; said settlers, their heirs, assigns, and legal representatives, who have continued to reside thereon, shall have priority of right to pre-empt or homestead all such lands as may be rejected by the

United States as not being in fact swamp and overflowed lands; and it shall be the duty of the Secretary of the Interior to make such rules and regulations as may be necessary to carry into effect the provisions of this act: *Provided*, That nothing herein contained shall prejudice the rights of any person who may have made actual settlement upon such lands under the preemption or homestead laws prior to the passage of this act.

Approved, February 23, 1875.

**CHAP. 103.**—An act to provide for settlements with certain railway companies.

Feb. 27, 1875.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War and Attorney-General are hereby authorized and empowered jointly to adjust and settle the claims of the United States against

Adjustment and settlement of claims of United States against certain railroads.

The Alexandria, Loudon and Hampshire,  
 The Edgefield and Kentucky,  
 The Knoxville and Kentucky,  
 The McMinnville and Manchester,  
 The Mobile and Ohio,  
 The Memphis, Clarksville and Louisville,  
 The Memphis and Little Rock,  
 The Nashville and Northwestern,  
 The Southwestern Branch Railroad of Missouri, and  
 The Selma, Rome and Dalton Railroad Companies, and all persons and corporations having any interest in the subject growing out of the sale and transfer by the United States of any rights or property to said railway companies above named, respectively, in the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, or both, by making such abatement in the amount of such claims, respectively, as shall be deemed just, in respect of an overvaluation, if any, of the property sold, not exceeding twenty-five per centum of the valuation of the property in each case, as made under the authority of the War Department on the occasion of such sales: *Provided*, That such settlements shall be made within one year next after the passage of this act; and that good and sufficient security be given to the United States by or on behalf of the parties in interest, respectively, who do not pay in cash at the time of settlement, for the payment, with interest, of such sums as shall, on such settlements, be so found due, at such times within ten years as may be agreed upon.

Limit of time for settlement.

Security for payments.

**SEC. 2.** That this act shall not be construed so as to produce or authorize any delay in the prosecution of said claims respectively other than as aforesaid; and each of said claims not so settled and disposed of as aforesaid shall be prosecuted and enforced according to existing obligations. In such settlements no allowance shall be made in respect of any matter occurring prior to such sales and transfers, nor otherwise, except such payments as may have been made in cash, and such credits for transportation as the general course of the business regulations of the Departments authorizes. And in any such settlements, the said Secretary and Attorney-General shall, as a condition thereof, take a full release from the other parties, respectively, of all claims and demands of every name and nature theretofore existing, if any such there be, against the United States.

Prosecution of claims not to be delayed.

What allowances to be made.

Release of claims against United States.

Approved, February 27, 1875.

**CHAP. 114.**—An act to protect all citizens in their civil and legal rights.

March 1, 1875.

Whereas, it is essential to just government we recognize the equality of all men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the appropriate object of legislation to enact great fundamental principles into law: Therefore,