

Discharge not to affect right to pay due. Report.

origin of such disability ; and that such discharge shall be without prejudice to the right of such soldier or enlisted man to the pay due him at the date thereof, and report the same to the adjutant-general and the surgeon-general.

APPROVED, May 14, 1862.

May 15, 1862. CHAP. LXXI. — *An Act to regulate the Time of holding the Courts of the United States for the District of Kentucky, and for other Purposes.*

Terms of circuit and district courts in Kentucky.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the circuit and district courts of the United States for the district of Kentucky shall hereafter commence and be held as follows : At Covington on the third Monday of April and on the first Monday of December ; at Louisville on the third Monday of February and first Monday of October ; at Frankfort on the third Monday of May and first Monday of January ; and at Paducah on the third Monday of March and first Monday of November.*

Power and duty of clerk in absence of judge.

SEC. 2. *And be it further enacted, That if neither of the judges of said courts be present at the time for opening 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 P. M. of the fourth day, the clerk shall adjourn the court to the next stated term. But either the circuit or district judge, by written order to the clerk within the first three days of his term; may adjourn court to a future day within thirty days of the first day, of which adjournment the clerk shall give notice by posting a copy of said order on the front door of the court-house where the court is to be held ; and the district judge, and, in his absence, the circuit judge, may order a special term of the circuit court, designated in a similar order, to be published in a similar manner, and in one or more newspapers in the place where the court is held ; and by said order the judge may prescribe the duties of the officers of 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.*

Adjournments.

Special terms of circuit court.

Duties of officers of court at such terms.

Jurors.

SEC. 3. *And be it further enacted, That 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 deemed 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 court. The marshal may summon juries and talesmen in case of a deficiency, pursuant to an order of court made during the term ; and they shall serve for such time as the court may direct.*

Grand jury.

Talesmen.

Special terms of district court.

SEC. 4. *And be it further enacted, That a special term of any district court may be held at any time that the district judge may order by giving notice thereof on the front door of the court-house where the court is to be held, and in some respectable newspaper, if there be any, at the place.*

Adjournments of district court.

SEC. 5. *And be it further enacted, That the district judge may adjourn the court from time to time to suit the convenience of litigants and to meet the necessities of the business ; and the intervention of a term of a district or circuit court at another place shall not preclude the power to adjourn over to a future day.*

Terms of either court not limited.

SEC. 6. *And be it further enacted, That the terms of the circuit and 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 business of the courts at two places may*

proceed, there being a judge present at each place, or the court intervening may be adjourned over, as herein provided, till the business of the court in session is concluded.

SEC. 7. *And be it further enacted*, That a clerk shall be appointed at every place of holding circuit and district courts for the district of Kentucky, in like manner and subject to the same duties and responsibilities that other clerks are subject to in other independent districts; the deputy clerks at Covington, Louisville, and Paducah shall perform the duties of the offices, respectively, till clerks are duly appointed and qualified. Clerk of circuit and district courts.  
Deputies at Covington, &c.

SEC. 8. *And be it further enacted*, That commissioners appointed by the courts of the United States to take bail, affidavits, and so forth, shall have like powers to take surety of the peace and for good behavior, according to the act of July sixteen, seventeen hundred and ninety-eight, that other officers designated by said act now have. Commissioners to take bail, &c.  
1798, ch. 83.  
Vol. i. p. 609.

SEC. 9. *And be it further enacted*, That all process which shall not have been returned when this act takes effect shall be returnable to the terms, respectively, herein fixed; and the clerk, 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 the 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, the defendant or defendants 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 or defendants when the action was brought. Provision for pending process not returned.

SEC. 10. *And be it further enacted*, That in case of the existence of bail bonds for the appearance of persons to answer, it shall be the duty of the clerk to call the parties at the time they are bound to appear, and, if they fail, to enter the same on his minutes, on which entry a judgment may afterwards be made of record by the court; and 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 fail to give bond and surety, then he shall stand committed by order of the clerk till he does comply. Bail bonds.  
Default  
New bond.

SEC. 11. *And be it further enacted*, That all laws and parts of laws inconsistent herewith are hereby repealed, and this act shall be in force from and after its passage. Repeal of inconsistent laws.

APPROVED, May 15, 1862.

CHAP. LXXII. — *An Act to establish a Department of Agriculture.*

May 15, 1862.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby established at the seat of Government of the United States a Department of Agriculture, the general designs 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. Department of Agriculture established.

SEC. 2. *And be it further enacted*, That there shall be appointed by the President, by and with the advice and consent of the Senate, a "Commissioner of Agriculture," who shall be the chief executive officer of the Department of Agriculture, who shall hold his office by a tenure similar to that of other civil officers appointed by the President, and who shall receive for his compensation a salary of three thousand dollars per annum. Commissioner of Agriculture.  
Term of office.  
Salary.

SEC. 3. *And be it further enacted*, That it shall be the duty of the