

or had, shall be deemed judgments, decrees, sentences, orders, proceedings, and acts of said supreme court: *Provided*, That nothing herein contained shall affect the right of appeal as provided by law.

Right of appeal not affected.

SEC. 2. *And be it further enacted*, That the supreme court of the District of Columbia shall hereafter consist of a chief justice and four associate justices; and for this purpose there shall be appointed by the President, by and with the advice and consent of the Senate, an additional justice of said court, with the like powers, to take the same oaths, to perform the same duties, and to receive the same salary, as the other associate justices of the court.

Supreme court of the District of Columbia to consist of a chief justice and four associates.

Salary, &c.

SEC. 3. *And be it further enacted*, That whenever, at a session of the court in general term held by four of the justices, the court shall be equally divided in opinion upon the question involved in any cause argued or submitted to the court, such division of opinion shall be noted upon the minutes of the court; and thereupon, and within four days thereafter, either party in such cause may file with the clerk of the court a motion in writing to have such cause reargued before the five justices; and such reargument or rehearing shall be had as soon thereafter as conveniently may be.

When the court held by four justices is equally divided, either party may have the cause reargued before the five justices.

SEC. 4. *And be it further enacted*, That all the powers and jurisdiction by law now held and exercised by the orphans' court of Washington county, in the District of Columbia, shall hereafter be held and exercised by the justice holding the special term of the said supreme court for that purpose, subject always to the same provisions as are contained in the fifth section of the act of Congress, entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March third, eighteen hundred and sixty-three.

Powers, &c. of orphans' court of Washington county may be exercised by a justice at a special term of the supreme court.

SEC. 5. *And be it further enacted*, That the orphans' court of Washington county, District of Columbia, be, and the same is hereby, abolished; and all laws and parts of laws relating to said orphans' court, so far as the same are applicable to said supreme court, are hereby continued in force in respect to said supreme court; and all other laws and parts of laws relating to said orphans' court are hereby repealed: *Provided, however*, That nothing herein contained shall be construed to abolish the office of register of wills for said county.

Orphans' court of Washington county abolished.

Laws relating thereto continued in force.

Office of register of wills not abolished.

APPROVED, June 21, 1870.

CHAP. CXLII — *An Act supplementary to an Act entitled "An Act to authorize the Construction, Extension [Extension, Construction] and Use of a lateral Branch of the Baltimore and Potomac Railroad Company into and within the District of Columbia," approved February five, eighteen hundred and seventy [sixty-seven].*

June 21, 1870.  
1867, ch. 29.  
Vol. xiv. p. 387.  
1869, ch. 2.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Baltimore and Potomac Railroad Company be, and they are hereby, authorized and empowered to extend their lateral branch, authorized by the act to which this is a supplement, and by former supplements to said acts, by the way of Maryland Avenue, conforming to its grade, to the viaduct over the Potomac river, at the city of Washington, known as the Long Bridge, and to extend their tracks over said bridge, and connect with any railroads constructed, or that may hereafter be constructed, in the State of Virginia. To effect these purposes the said Baltimore and Potomac Railroad Company are hereby authorized and empowered to take possession of, hold, change, and use the said bridge, and the draws connected therewith, in perpetuity free of cost: *Provided*, That the said Baltimore and Potomac Railroad Company will maintain in good condition the said bridge for railway and ordinary travel; and the bridge shall at all times be and remain a free bridge for public use for ordinary travel: *And provided further*, That the said Baltimore and Potomac Railroad Company shall erect and maintain the drawbridges, so as not to impede the free navi-

*Ante*, p. 1.

1870, ch. 32.

*Ante*, p. 78.

Lateral branch of Baltimore and Potomac Railroad may be extended, and connect, &c.;

may use Long Bridge.

Long Bridge to be kept in repair, and free for ordinary travel.

Drawbridges.

Repairs, &c.  
without cost to  
the United  
States.

Other railroad  
companies may  
pass over bridge.

United States  
may take possession  
of bridge if  
not kept in re-  
pair, free, &c.  
This act may  
be amended.

gation of the Potomac river, in efficient working condition at all times; and that, until such time as the needful changes are made to accommodate railroad and other traffic, as contemplated by this supplement, it shall be the duty of the said Baltimore and Potomac Railroad Company to repair without delay all damages to the present bridge, and maintain it without cost to the United States: *Provided*, [That] said railroad company shall give other railroad companies the right to pass over said bridge upon such reasonable terms as may be agreed upon, or Congress prescribe.

SEC. 2. *And be it further enacted*, That if the said Baltimore and Potomac Railroad Company shall at any time neglect to keep said bridge in good repair, and free for public use for ordinary travel, the government of the United States may enter into possession of the said bridge; and Congress reserves the right to alter or amend this law.

APPROVED, June 21, 1870.

June 22, 1870.

CHAP. CL. — *An Act to establish the Department of Justice.*

Department of  
justice estab-  
lished.  
Attorney-Gen-  
eral to be the  
head.

Office of so-  
licitor-general  
established;

of assistants  
of the Attorney-  
General.  
1871, ch. 72.  
*Post*, p. 432.

Law officers of  
other depart-  
ments, their  
clerks, &c. to be  
transferred to  
Department of  
Justice and con-  
tinue under its  
control.

Questions of  
law submitted to  
the Attorney-  
General, except,  
&c. may be re-  
ferred to subor-  
dinates, &c.  
Effect of their  
opinions in-  
dorsed by Attor-  
ney-General.

Cases in the  
court of claims  
and Supreme  
Court of the  
United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be, and is hereby, established an executive department of the government of the United States, to be called the Department of Justice, of which the Attorney-General shall be the head. His duties, salary, and tenure of office shall remain as now fixed by law, except so far as they may be modified by this act.

SEC. 2. *And be it further enacted*, That there shall be in said Department an officer learned in the law, to assist the Attorney-General in the performance of his duties, to be called the solicitor-general, and who, in case of a vacancy in the office of Attorney-General, or in his absence or disability, shall have power to exercise all the duties of that office. There shall also be continued in said Department the two other officers, learned in the law, called the assistants of the Attorney-General, whose duty it shall be to assist the Attorney-General and solicitor-general in the performance of their duties, as now required by law.

SEC. 3. *And be it further enacted*, That from and after the time when this act takes effect, the solicitor of the treasury and his assistants, the solicitor of internal revenue, the solicitor and naval judge advocate general, who shall hereafter be known as the naval solicitor, and the clerks, messengers, and laborers employed in the office of the Attorney-General, and in the offices of the solicitor of the treasury, naval solicitor, and solicitor of internal revenue, and the law officer in the Department of State, now designated as the examiner of claims in said Department, shall be transferred from the Departments with which they are now associated to the Department of Justice; and said officers shall exercise their functions under the supervision and control of the head of the Department of Justice.

SEC. 4. *And be it further enacted*, That questions 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; and if the opinion given by such officer shall be approved by the Attorney-General, such approval so indorsed thereon shall give the opinion the same force and effect as belong to the opinions of the Attorney-General.

SEC. 5. *And be it further enacted*, That whenever the Attorney-General deems it necessary, he may require the solicitor-general to argue any case in which the government is interested before the court of claims; and as to cases coming by appeal from the court of claims to